

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

August 15, 2019

ACTION SHEET

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice-Chair; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Jody Record; Jeffrey Kisiel and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I

MEMBERS ABSENT: Rebecca Perkins, City Council Representative; John Bohenko, City Manager and Jay Leduc.

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the July 18, 2019 Planning Board Meeting.

The minutes from the July 18, 2019 Planning Board meeting were unanimously approved.

II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of **Noele Clews, Owner** and **Ambit Engineering, Inc., Applicant** for property located at **799 South Street** requesting Preliminary and Final Subdivision approval.

Voted to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration.

2. The application of **Haven Properties, LLC, Owner** and **Jeff Demers, Applicant** for property located at **187 McDonough Street** requesting Preliminary and Final Subdivision approval.

Voted to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration.

B. SITE PLAN REVIEW

1. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting Amended Site Plan Review approval.

Voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance for 500 square feet of impact in the inland wetland buffer zone to replace an existing 18" corrugated metal pipe with a 15" HDPE culvert pipe. Said property is shown on Assessor Map 287 as Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District

The Board voted to **grant** the Wetland Conditional Use Permit as submitted with the following stipulations:

- 1) Adequate erosion control shall be put in place during and following construction until the site is stabilized.
- 2) The owner shall monitor the outfall location one year after the new culvert is installed and provide results to the Planning Department to insure there is no erosion occurring at the new pipe outlet.
- 3) The owner shall remove the debris pile near the new pipe and stabilize the site.
- 4) A note shall be added to the recorded site plan that snow shall not be plowed on unpaved areas in the buffer.

B. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of 367 parking spaces where a maximum of 336 are allowed by Section 10.1112.51 of the Zoning Ordinance. Said property is shown on Assessor Map 287 as Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District.

The Board voted to **grant** the Conditional Use Permit for parking as follows:

- 1) Vote to accept the findings of the applicant's parking demand analysis and to find that the provision of 367 parking spaces on site will be adequate and appropriate for the proposed 186-unit apartment complex.
- 2) Vote to grant a conditional use permit pursuant to Section 10.112.14 of the Portsmouth Zoning Ordinance to permit 367 parking spaces where a maximum of 336 is permitted.

C. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting Amended Site Plan Review approval to construct two (2) three-story multi-family buildings and associated site improvements, grading, utilities, stormwater management and landscape improvements. Said property is shown on Assessor Map 287 as Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District. LU #19-100.

The Board voted to **grant** the Amended Site Plan as submitted with the following stipulations: Conditions precedent (to be completed prior to the issuance of a building permit)

- 1) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department.

2) A written plan shall be submitted to and approved by the Portsmouth Fire Department prior to the demolition, alteration, and/or construction identifying a qualified person as the project's Fire Prevention Program Manager and detailing the project's fire prevention program in accordance with NFPA 241 – 2013 edition.

3) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

Conditions subsequent (to be completed prior to completion of the project)

4) The pump station design shall be reviewed and approved by the Department of Public Works prior to construction.

5) After construction, the Engineer of Record shall submit a written report to the City (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed according to the approved plans and specifications and will meet the design performance.

6) A status report on the maintenance of the permeable pavers shall be provided to the Planning Department annually for a period of 5-years after final construction to confirm regular cleaning is occurring.

D. The application of **Noele Clews, Owner** and **Ambit Engineering, Inc., Applicant** for property located at **799 South Street** requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 76,889 s.f. and 395' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 9,004 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 58,885 s.f. and 95' of continuous street frontage; and proposed Lot 3 with an area of 9,000 s.f. and 100' of continuous street frontage. Said property is located on Assessor Map 132 as Lot 24 and lies within the General Residence A (GRA) District. LU 19-32

The Board voted to **grant** the requests as follows:

1. To find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Subdivision Regulations, and to waive the following regulations for lot 3 only:
 - a) Section 9.A – underground electrical lines
2. Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:
 - 1) An easement shall be provided to benefit the City wherever the sidewalk crosses private property including a 2' paralleling the sidewalk to allow for snow storage.
 - 2) Easement Plans and deeds shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.
 - 3) Lot numbers as determined by the Assessor shall be added to the final plat.
 - 4) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
 - 5) GIS data shall be provided to the Department of Public Works in the form as required by the City.
 - 6) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

IV. PUBLIC HEARINGS - NEW BUSINESS

A. The application of **Matthew Reichl and Beth Richmond, Owners** and **Timothy Hron, Applicant**, for property located at **5 Sylvester Street** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017.50 of the Zoning Ordinance to construct an addition to a single family home, 200 square feet of which falls in the 100' Inland Wetland Buffer zone. Said property is located on Assessor Map 232 as Lot 41 and lies within the Single Residence B (SRB) District. LU #19-149.

The Board voted to **grant** the Wetland Conditional Use Permit as submitted with the following stipulations:

- 1) The applicant shall provide a detail of the stormwater infiltration design for the roof runoff.
- 2) The applicant shall provide a detail of the stormwater infiltration design for the porous pavement.

B. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Preliminary and Final Subdivision approval to reconfigure six (6) lots comprised of 10.37 acres and a city right-of-way to three (3) lots with a new city right-of-way as follows: Assessor Map 163, Lots 33 and 34, Assessor Map 165, Lot 2, Assessor Map 172, Lot 1 and Assessor Map 173, Lot 2 to become Proposed Parcel A consisting of 260,789 s.f. and 940.14 ft. of frontage on a new proposed right-of-way, Proposed Parcel B consisting of 126,500 s.f. and 226.72 ft. of frontage on U.S. Route 1 Bypass, Proposed Parcel C consisting of 52,813 s.f. and 441.89 ft. of frontage on a new proposed right-of-way consisting of 139,622 s.f. Said properties are shown on Assessor Map 172 as Lot 1, Map 173 as Lot 2, Map 165 as Lot 2, Map 163 as Lot 33 and Map 163 as Lot 34 and lie within the Gateway Corridor (G1) District. LU #19-18.

The Board voted to **postpone** this item until the September 19, 2019 Planning Board meeting.

C. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting an Amended Conditional Use Permit pursuant to Section 10.5B71.20 of the Zoning Ordinance to allow a density of 28 dwelling units per acre. Said property is shown on Assessor Map 172 as Lot 1, Assessor Map 173 as Lot 2, Assessor Map 165 as Lot 2 and Assessor Map 163 as Lots 33 & 34 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

The Board voted to **postpone** this item until the September 19, 2019 Planning Board meeting.

D. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Site Plan Review approval for the redevelopment of the properties into a mixed use development, including 22,000 s.f. +/- retail space, 22,000 s.f. +/- office space, 250 residential apartment units; Proposed Residential Building A: 4-stories, 132 units, 24,850 s.f. footprint and 141,885 Gross Floor Area; Proposed Residential Building B: 4-stories, 118 units, 21,350 s.f. footprint and 110,170 Gross Floor Area, and 23 townhouses; Proposed Townhome Buildings A: 8,640 s.f. total footprint and 25,920 Gross Floor Area; Proposed Townhome Buildings B: 11,440 total footprint and 34,320 Gross Floor Area, and 510 parking spaces with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 172 as Lot 1, Map 173 as

Lot 2, Map 165 as Lot 2, Map 163 as Lot 33 and Map 163 as Lot 34 and lie within the Gateway Corridor. LU #19-18.

The Board voted to **postpone** this item until the September 19, 2019 Planning Board meeting.

E. The application of **Foundry Place, LLC, Owner**, for property located on **Hanover Street**, requesting a second 1-year extension of the Site Plan Review approval that was originally granted on November 16, 2017 and granted a 1-year extension on August 23, 2018 which will expire on November 15, 2019. Said property is shown on Assessor Map 138 as Lot 62 and lies within the Character District 5 (CD5) District. LU #19-154.

The Board voted to **postpone** this item until the September 19, 2019 Planning Board meeting.

F. The application of **Dagny Taggart, LLC, Owner** and **Ambit Engineering, Inc., Applicant**, for property located at **3 Pleasant Street** requesting Site Plan approval for a proposed addition and renovation to the existing bank and office building with a 4,816 s.f. +/- footprint, 21,397 s.f. +/- gross floor area and associated site improvements. Said property is shown on Assessor Map 107 as Lot 31 and lies within the Character District 5 (CD5) District. LU #19-161.

The Board voted to **postpone** this item until the September 19, 2019 Planning Board meeting.

G. The application of **2422 Lafayette Road Associates, LLC, Owner** and **Tighe & Bond, Applicant**, for property located at **2454 Lafayette Road** requesting a Conditional Use Permit in accordance with Section 10.112.14 of the Zoning Ordinance to provide less than the required minimum number of off-street parking spaces. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District. LU #19-91.

The Board voted to **grant** the Conditional Use Permit as follows:

- 1) To accept the findings of the applicant's parking demand analysis and to find that the provision of 760 off-street parking spaces provided will be adequate and appropriate for the proposed uses of the property.
- 2) To **grant** a conditional use permit pursuant to Section 10.112.14 of the Portsmouth Zoning Ordinance to provide less than the required minimum number of off-street parking spaces with the following stipulation:
 - 1) The owner shall coordinate with new tenant, Pinz, to advertise COAST bus schedules and bus stop location.

H. The application of **Haven Properties, LLC, Owner** and **Jeff Demers, Applicant** for property located at **187 McDonough Street** requesting Preliminary and Final Subdivision approval (Lot Line Revision) between two lots as follows: Lot 43 as shown on Assessor Map 144 increasing in area from 1,868 s.f. to 2,537 s.f. with 47 feet of continuous street frontage on McDonough Street; and Lot 4 as shown on Assessor Map 164 decreasing in area from 130,680 s.f. to 130,011 s.f. Said property is shown on Assessor Map 144 as Lot 43 and lies within the General Residence C (GRC) District. LU #19-167.

The Board voted to **grant** Preliminary and Final Subdivision approval as submitted with the following stipulations:

- 1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3) 3) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

I. The application of the **City of Portsmouth, Owner** and **GZA Geoenvironmental, Inc., Applicant** for property located at **680 Peverly Hill Road** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance to construct three multi-purpose recreational fields and associated parking and a solid waste / recycling transfer station on the site of a reclaimed quarry with 489,592 sq. ft. of disturbance in the wetland buffer and 57,512 sq. ft. of direct disturbance to the wetland. Said property is shown on Assessor Map 254 as Lot 8-1 and lies within the Municipal (M) District. LU #19-169.

The Board voted to **postpone** this item until the September 19, 2019 Planning Board meeting.

V. CITY COUNCIL REFERRALS

A. Review sewer easement on Market Street, Assessor Map 119 as Lot 4 for recommendation to the City Council.

The Board voted to recommend approval to the City Council.

B. Review utility easement on 260 Myrtle Street, Assessor Map 220 as Lot 100 for recommendation to the City Council.

The Board voted to recommend approval to the City Council.

VI. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 7:59 p.m.

Respectfully Submitted,
Tracy Gora,
Acting Secretary for the Planning Board