

PLANNING BOARD PORTSMOUTH, NEW HAMPSHIRE

Remote Meeting Via Zoom Conference Call

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Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-5, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 PM

APRIL 30, 2020 (continued from 4/23/2020)

MINUTES

MEMBERS PRESENT: Dexter Legg, Chairman; Colby Gamester; Jay Leduc; Karen Conard, City Manager; Peter Whelan, City Council Representative; Jeffrey Kisiel; Jody Record; Ray Pezzullo, Assistant City Engineer; Corey Clark, Alternate; and Polly Henkel, Alternate

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

MEMBERS ABSENT: Elizabeth Moreau, Vice-Chairman ;

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I. PUBLIC HEARINGS – OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The application of **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval to demolition

an existing building and upgrade the existing shopping center with new and additional signage, a new driveway entrance off of Woodbury Avenue, and repurposing of the former supermarket space to separate retail space and new grocery space with accessory cafe/food court. Said property is shown on Assessor Map 238 Lot 16 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

PUBLIC HEARING

Attorney John Bosen spoke on behalf of the applicant and was present to respond to any questions or concerns.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

Mr. Pezzullo commented that a stipulation to add a grease trap for the café and coordinate with DPW on the requirements.

Mr. Kisiel moved to **grant** Amended Site Plan Review Approval, seconded by Ms. Record with the following stipulations to be completed prior to building permit issuance:

- 1) Plans shall be updated to include the required notes per Section 2.5.4.2E, 2.13.3 and 2.13.4 of the Site Plan Regulations.
- 2) Easement plans and deeds shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.
- 3) The site plan and easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department.
- 4) Coordinate requirements for the installation of any grease trap(s) with the Department of Public Works.

The motion passed unanimously.

- B. The application of **4Amigos,LLC,Owner**,for properties located at **1400 Lafayette Road, Peverly Hill Road and 721 Peverly Hill Road** requesting Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 s.f. and 122,000 GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community

space Said properties are shown on Assessor Map 252 Lots 7, 4 & 5 and lie within the Gateway Neighborhood Mixed Use Center (G2) District.

PUBLIC HEARING

Chris Temula spoke on behalf of the applicant and was present to respond to any questions or comments from the public.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

City Manager Conard moved to find that the application meets the requirements of Section 10.5B43.10 and to **grant** the Conditional Use Permit for a Development Site, seconded by Mr. Gamester. The motion passed unanimously.

Ms. Henkel expressed concern about the safety of the pedestrian crossings, and noted that it would be much safer to have the crosswalk.

Mr. Kisiel commented that the developer should to work with COAST to set up a bus station in that area. There should also be a “No Trucks” added at the entrance to Peverly Hill Rd. to prevent trucks from coming into the neighborhood to park behind the Quality Inn. Chairman Legg agreed that they should add those to the stipulations.

Mr. Pezzullo commented that they should add a stipulation about the private sewer system this is discharging to. The plans weren't clear on where sewer enters the City's sewer system. There should be an operations and maintenance agreement that includes who is responsible financially responsible if something is required. Chairman Legg added that they would be asking the applicant to document that to the satisfaction of DPW and City Staff. Ms. Walker added that they would also need to produce any private easements.

City Council Representative Whelan agreed to the stipulation and questioned why the sewer went back to Merona Road. Mr. Pezzullo responded that was how the original development that is there now was set up and they just connected when everything was built. It would be a good time to find out the condition of the pipes and create an operations and maintenance plan.

City Council Representative Whelan moved to **grant** Site Plan Review Approval, seconded by Mr. Gamester with the following stipulations:

- 2.1) Conditions precedent (to be completed prior to building permit issuance):
 - a) Water service design shall be reviewed and approved by the Portsmouth Water Department;
 - b) Applicant shall confirm with Eversource that both poles proposed to have service drops are able to provide them. Plan revisions shall be reviewed and approved by Portsmouth DPW, as required;

- c) Applicant shall coordinate addressing and numbering of the buildings with Portsmouth DPW and Fire Department. Proposed sign locations shall be added to the plan set and separate sign permits may be required;
- d) 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;
- e) Owner shall provide a sidewalk public access easement to the City subject to review and approval by the Planning and Legal Departments prior to acceptance by City Council;
- f) The site plan and any easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department;
- g) Plans shall be updated to include signage prohibiting truck traffic from entering the development from Peverly Hill Road;
- h) The applicant shall document the condition, verify ownership, and provide or produce any easements and agreements pertaining to the access and maintenance of sewer lines that cross the property to the satisfaction of the Department of Public Works;
- i) Applicant shall coordinate with COAST to determine if an additional bus stop can be located along Route 1 or Peverly Hill Road to serve the development.

2.2) Conditions subsequent (to be completed subsequent to building permit issuance):

- a) The applicant shall design and construct a pedestrian crossing of Peverly Hill Road at the West Road intersection, along with a pedestrian activated signal. Plans shall be reviewed and approved by DPW;
- b) The applicant shall provide engineered plans for a sidewalk along Peverly Hill Road between West Road and the Market Basket driveway for future construction by the City. Plans shall be reviewed and approved by DPW;
- c) The applicant shall replace the water main in Peverly Hill Road as required per Portsmouth DPW requirements;
- d) The Engineer of Record shall submit a written report (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;
- e) All utilities being installed shall be witnessed by a third party inspection company to be determined by the City.

The motion passed unanimously.

Chairman Legg noted that this was the third development this Board has approved in a Gateway District. The ordinance change has made a difference. When that was discussed the number one issue in Portsmouth was lack of housing. The Council, this Board and Staff changed the ordinance to create mixed use development in those traditionally commercial spaces. Chairman Legg applauded the City's foresight to make that happen because it has added to the housing stock.

- C. The application of **Perley Lane, LLC, Owner**, for properties located at **95 Brewster and 49 Sudbury Streets** requesting Site Plan Review approval to demolish the existing structures and construct 3 dwelling units in two structures, with related grading, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor's Map 138 Lots 57 and 58 and lie within the General Residence C (GRC) District.

PUBLIC HEARING

John Chagnon from Ambit Engineering spoke on behalf of the applicant. There were some comments posted on the web site that Mr. Chagnon addressed. There were comments about how the driveway on the Brewster St. side of the project does not line up with the driveway across the street. The commenter thought it would work better if they were aligned. Mr. Chagnon responded that it's a connected duplex, but the units are not similar in size and shape. This allows Unit 1 to have a more open indoor space to look out over the park. Unit 2 would be looking at the other home if they were shaped the same. The building cannot be flipped to line up the driveway perfectly, but it's only 4 feet out of alignment and should work fine. The second comment was about the lack of a proposed sidewalk on the east side of Brewster St. Mr. Chagnon responded that this was discussed in TAC. There is a sidewalk on the west side and parking on that side. TAC felt that it was better to have the open space and add a street tree too it. The existing street tree would need to be removed if a sidewalk was added.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

Mr. Gamester moved to grant Site Plan Review Approval, seconded by Ms. Record with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit)

- 1.) Plans shall be updated to show curbing for the proposed sidewalk and to add a note to "refer to DPW for actual field placement of the tile;"
- 2.) A drainage easement for the swale behind unit 1 to drain onto public property shall be reviewed and approved by the DPW and Legal Departments prior to acceptance by the City Council;
- 3.) If required, a sidewalk easement for any portions of the public sidewalk that cross private property shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council;
- 4.) Proposed street trees along Brewster Street frontage shall be reviewed and approved by the Trees and Greenery Committee;
- 5.) The site plan and easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed after the issuance of a building permit)

6.) A stormwater maintenance and inspection report shall be conducted annually and provided to the City's Planning and Public Works Departments.

7.) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.

The applicant is also be required to complete a voluntary lot merger of the two lots, subject to final approval by the Planning Director, prior to completing the Site Plan Review Agreement.

Mr. Kisiel commented that he would not be supporting the motion because the curb cut on Sudbury St. is too much. Both driveways could be on Brewster St.

The motion passed by an 8-1 vote.

- D. The application of **Millport Inc., Owner** and **Thomas Bath, Applicant**, for property located at **1001 Islington Street** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an outdoor Dining and Drinking Area as an accessory use. Said property is shown on Assessor Map 172 Lot 4 and lies within the Character District 4-W (CD4W) District.

Mr. Gamester recused himself from the application.

PUBLIC HEARING

Owner Thomas Bath spoke to the application and was present to answer any questions from the public.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

City Council Representative Whelan moved to find that the proposal meets the conditional use permit criteria as listed in Section 10.243.20 of the Zoning Ordinance, seconded by Mr. Kisiel. The motion passed unanimously.

City Council Representative Whelan moved to **grant** the Conditional Use Permit Approval as presented, seconded by Mr. Kisiel. The motion passed unanimously.

- E. The request of **Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC and Iron Horse Properties, LLC, Owners**, for properties located on **105 Bartlett Street**

and Bartlett Street for Design Review for the construction of 174 dwelling units in two (2) multi-family apartment buildings and one (1) mixed-use building with first floor office, amenity space and upper story apartments. The project will designate 25% of the proposed property as Community Space. Said properties are shown on Assessor Map 157 Lots 1 and 2, Map 164 Lots 1, 2 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

PUBLIC HEARING

Liza Hewitt of McDonough St. commented that she was confused about what was being voted on this evening and why this was going to the Planning Board. Ms. Hewitt noted that there has been a lot of issues and concerns brought up by various Boards and the public for the previous plans. This appears to be a new plan, but the concerns and issues have not been addressed. Ms. Hewitt was concerned about the wetland encroachment, potential soil contamination, and the increase in traffic on Bartlett St. that will impact the entire area. There should be another access out to Maplewood Ave. TAC has voiced concerns about fire access. The neighbors and Planning Board have voiced concerns about the architecture and designs of the project. Ms. Hewitt was concerned about the final height of the buildings. Most of the parking will be above ground with additional 4 stories on top. It's too dense for the area. These ongoing concerns and issues need to be addressed.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

Chairman Legg commented that this initial stage is the design review and the purpose of it is to let the developer present a less detailed plan before the detailed application is presented. It is an opportunity to get directional feedback on what the Board likes, doesn't like, and if there are any concerns. At the end of the design review process the applicant should take the input into consideration when creating the more detailed plan. The Planning Board is not approving a plan tonight. This vote is just to complete the design review phase.

Mr. Kisiel moved to determine that the Design Review phase was complete, seconded by Ms. Record. The motion passed unanimously.

II. ADJOURNMENT

Mr. Gamester moved to adjourn the meeting at 7:53 p.m., seconded by City Manager Conard. The motion passed unanimously.

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Respectfully submitted,

Becky Frey,
Acting Secretary for the Planning Board