

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

August 19, 2021

ACTION SHEET

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair; Karen Conard, City Manager; Peter Whelan, Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT:

I. APPROVAL OF MINUTES

A. Approval of the Planning Board minutes from the July 15, 2021 meeting.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The application of **Hampshire Development Corp. (Applicant)** and **64 Vaughan Mall, LLC (Owner)** for property located at **64 Vaughan Street** requesting **Site Plan Review** approval.
- B. The application of **Green & Company (Applicant)** and **Philip J. Stokel and Stella B. Stokel (Owners)** for property located at **83 Peverly Hill Road** requesting Site Plan Review approval.
- C. The application of **Warner House Association, (Owner)**, for property located at **150 Daniel Street** requesting **Site Plan Review** approval.
- D. The application of **Spaulding LLC, (Owner)**, for property located at **180 Spaulding Turnpike**, requesting **Site Plan Review** approval.

The Board voted to determine that the applications for items A, C and D were **complete** according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III or V of the agenda), and to **accept** the applications for consideration. Item B was left for consideration during section V. Public Hearings – New Business.

III. PUBLIC HEARINGS – OLD BUSINESS

- A. REQUEST TO POSTPONE** The request of **Brora, LLC, Owner, and 210 Commerce Way LLC, Applicant**, for property located at **Shearwater Drive (at intersection of Portsmouth Boulevard and Market Street)** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for an after the fact approval for cutting of vegetation on 88,700 square feet in the wetland and vegetated buffer areas. Said property is shown on Assessor Map 217 Lot 2-1975 and lies within the Office Research (OR) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** to the September meeting.

- B. REQUEST TO POSTPONE** The request of **Banfield Realty, LLC, Owner**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** to the September meeting.

- C. REQUEST TO POSTPONE** The request of **Banfield Realty, LLC, Owner**, for property located at **375 Banfield Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for work related to the construction of an industrial building that will require the removal of pavement in the 100' wetland buffer to create a vegetated area which will receive some of the stormwater runoff from the property. Said property is shown on Assessor Map 266, Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** to the September meeting.

- D. REQUEST TO POSTPONE** Request of **The Fritz Family Revocable Living Trust, Owner**, for property located at **0 Patricia Drive** for amended subdivision approval to revise the roadway design and stormwater treatment for a previously approved subdivision that proposes to subdivide a lot with an area of 137,549 s.f. and 414.15 of continuous street frontage on a private road into two (2) lots as follows: Proposed lot 1 with an area of 92,908 s.f. and 150 ft. of continuous street frontage on a private road; and Proposed Lot 2 with an area of 44,641 s.f. and 264.15 ft. of continuous street frontage on a private road. Said property is shown on Assessor Map

283 Lot 11 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** to the September meeting.

- E. REQUEST TO POSTPONE** Request of **The Fritz Family Revocable Living Trust, Owner**, for property located at **0 Patricia Drive** for amended wetland conditional use permit approval under Section 10.1017 of the Zoning Ordinance to revise the roadway design and stormwater treatment for a previously approved subdivision which will result in 5,718 square feet of temporary wetland buffer impact. Said property is shown on Assessor Map 283 Lot 11 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** to the September meeting.

IV. PUBLIC HEARINGS – CITY COUNCIL REFERRALS (OLD BUSINESS)

- A. REQUEST TO POSTPONE** The request of **David Higgins and Julia Higgins, Owners**, for the restoration of involuntarily merged lots at **344 Aldrich Road** to their pre-merger status pursuant to NH RSA 674:39-aa. Said property is shown on Assessor Map 166 Lot 50 and lies within the Single Residence B (SRB) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** to September meeting.

- B. Request of Vincent Zingariello and Monica Abruzzese, Owners**, for the restoration of involuntarily merged lots at **135 Thaxter Road** to their pre-merger status pursuant to NH RSA 674:39-aa. Said property is shown on Assessor Map 166 Lot 15 and lies within the Single Residence B District.

The board voted to recommend that the City Council **grant** the request to unmerge the lots.

V. PUBLIC HEARINGS – NEW BUSINESS

- A. The request of Hampshire Development Corp. (Applicant) and 64 Vaughan Mall, LLC (Owner)** for property located at **64 Vaughan Street** requesting Site Plan Review approval for the renovation of an existing building including a 2,475 sq. ft. expansion to the building footprint, a fourth-story addition to a portion of the existing building with retail space on the first floor and 14 residential units on the upper stories and an underground parking garage with related utilities, landscaping, and associated site improvements. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD5) District, the Historic District, and the Downtown Overlay District.

- 1) Voted to find that the requested waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following requirements: 1) Provision of an Outdoor Lighting Plan as required by Section 2.5.4.3(j) and 2) Provision of a Landscaping Plan as required by Section 2.5.4.3(k);
- 2) Voted to **grant** the site plan review approval with the following stipulations:

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

- 2.1) The application requires a Certificate of Approval to be granted by the Historic District Commission;
- 2.2) The application requires Subdivision Approval (Lot Line Revision) to be granted by the Planning Board;
- 2.3) Construction of the proposed sidewalk on the land currently occupied by the City parking lot will require City Council approval;
- 2.4) The sidewalk and landscaped area in front of the building on the Hanover Street side shall be deeded to the City as community space (as a wide pedestrian sidewalk) in order to meet the setback and front lot-line buildout requirements;
- 2.5) Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council;
- 2.6) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments;
- 2.7) The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;

Conditions Subsequent:

- 2.8) The applicant will be responsible for milling and repaving of ½ the Worth Lot as shown on the plans.

B. REQUEST TO POSTPONE The request of **Green & Company (Applicant) and Philip J. Stokel and Stella B. Stokel (Owners)** for property located at **83 Peverly Hill Road** requesting Conditional Use Permit approval for an Open Space Planned Unit Development according to the requirements of Section 10.725 of the Zoning Ordinance and Site Plan Review approval for the construction of 56 single-family homes and a new 2,950-foot public road with related utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 242 Lot 4 and lie within the Single Residence A (SRA) and Single Residence B (SRB) Districts.
REQUEST TO POSTPONE

The Board voted to **postpone** to the September meeting.

C. The request of **Arbor View and the Pines, LLC, (Owner and Applicant)** for property located at **145 Lang Road** requesting a Wetland Conditional Use Permit Approval in accordance with Section 10.1017 of the Zoning Ordinance to install new playground equipment with 5,300 square feet of ground disturbance within the 100-foot wetland buffer area and installation of new impervious surfaces for equipment

footings. Said property is shown on Assessor Map 287 Lot 1 and lies within the Natural Resource Protection (NRP) and the Garden Apartment/Mobile Home Park (GA/MH) Districts.

The Board voted to **grant** the wetland conditional use permit as presented.

- D.** The Request of **Warner House Association, (Owner)**, for property located at **150 Daniel Street**, requesting Site Plan Review approval for the construction of a two-story Carriage House with 576 square foot building footprint that will include new utility services and the installation of stone walkways. Said property is shown on assessor Map 106 Lot 58 and lies within the Civic, Historic, and Downtown Overlay Districts.

The Board voted to **grant** Site Plan Review approval as presented.

- E.** Application of **Spaulding LLC, (Owner)**, for property located at **180 Spaulding Turnpike**, requesting Site Plan review for the renovation of the existing show room and the expansion of the customer service and office areas increasing the total square footage by 4,795 square feet. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) district.

The Board voted to **grant** site plan review approval as presented with the following **stipulations**:

- 1) The application requires granting of a wetland conditional use permit by the Planning Board;
- 2) The site plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

VI. CITY COUNCIL REFERRALS

- A.** Acceptance of four sewer line easements located on the portion of Sagamore Avenue which is a private way.

The Board voted to recommend that the Council **approve** the required easements.

- B.** Request for Release of Interest in Paper Street located at Ruth Street and Thornton Street.

The Board voted to recommend that the Council **approve** conveyance of a quitclaim deed to the portion of the paper street known as Ruth Street.

VII. PRELIMINARY CONCEPTUAL CONSULTATION

- A. Application of **2422 Lafayette Road Associates LLC C/O Waterstone Retail (Owner)** for property located at **2454 Lafayette Road** requesting a Preliminary Conceptual Consultation to demolish the existing 29,000 square foot structure and replace it with a 41,000 square foot footprint structure consisting of five (5) stories and 100 multi-family condominium units. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District.

VIII. DESIGN REVIEW

- A. Request of **2422 Lafayette Road Associates LLC C/O Waterstone Retail (Owner)** for property located at **2454 Lafayette Road** requesting Design Review Approval to demolish the existing 29,000 square foot structure and replace it with a 41,000 square foot footprint structure consisting of five (5) stories and 100 multi-family condominium units. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District.

The Board voted to **accept** the application for Design Review and to schedule a public hearing for the September 16, 2021 Planning Board meeting.

VIV. OTHER BUSINESS

- A. Review of Zoning Ordinance Amendment Priorities

X. ADJOURNMENT

The meeting adjourned at 9:05 PM