

### **Call to Order, Introductory, Roll Call**

Chair Wilson called the meeting to order at 7:00 P.M.

**Members Present:** Niles Pinkham, Charles Denault, III, Barry Fitzpatrick, Brian Boyle, Craig Wilson, Jeffrey Brake

**Members Absent:** April Timko

**Staff Present:** Shelly Bishop

### **Pledge of Allegiance**

**Agenda Amendment and Adoption** – The Board adopted the Agenda as given. This hearing was posted in the *Portsmouth Herald* on April 4, 2017.

### **Executive Session**

There was no executive session.

### **Public Hearings**

**Item 1** - Arrigo Della Pasqua, owner, Mar Della Pasqua, applicant, 384 U.S. Route #1, Map 47 Lot 23A, Commercial-1 zone, requesting Miscellaneous Variation Request to waive parking easement on abutting lot.

Mr. Della Pasqua asked for a continuance because he needs to present more information. He requested for a continuance. After discussion, the consensus of the Board was to hear this item at the April 25, 2017 meeting.

**Item 2** – Landmark Properties LTD, Owner, Lorax Sustainable Development, Applicant, 518 U.S. Route #1, Map 67, Lot 2, Mixed-Use zone, requesting Miscellaneous Variation Request to waive the parking requirement per Title 16.8.9.4.M for consideration of a mixed-use plaza.

Ms. Bishop stated the Town's case. She explained the project will be going before the Planning Board for the development review. The project will have different uses for daytime and nighttime and she believes they have a case because of the different parking times and uses on the site. This is not located in the shoreland zone.

Secretary Boyle affirmed the Board has the right to hear this administrative appeal under Code 16.1.5.2.F.4.B to hear and decide on a miscellaneous variation request to permit variation in standards contained in Article IX of Chapter 16.8 Parking, Loading and Traffic, Code 16.8.9.4.D Off Street Parking Standards and Code 16.8.9.4.M Joint Use of Parking. Secretary Boyle stated this is de-novo hearing. The Chair finds the Board has the power and duty to hear the appeal.

Tom Harmon from Civil Consultants representing the applicants explained the proposed plan is to redevelop Landmark Hill by adding 14 residences and 14 office buildings or retail shops. The residences will have their own two-car garage, which is not in the parking lot calculation. He explained the site plan shows where parking is and there is also a chart of what the demand will be. Mr. Harmon further explained the chart was broken into section of hours of the day and the estimated parking location. Mr. Harmon further explained the applicant is removing parking to improve the cosmetics of the property and adding greenspace to the front. He also explained how additional parking was added to supplement the spaces removed. The applicant is proposing 146 parking spaces. The Code requires 196 spaces. Seven spaces will be for handicapped parking.

Jerry Milroy stated he has served as a Town Planner in the past and explained the Code allows variation for a need such as double counting for a mixed-use project. He explained the benefit of the variation reduces the area required for parking and adds to the value of the property.

The Chair opened the public hearing. Hearing none, the Chair closed the public hearing session.

Chair Wilson asked if it will be office or retail space. Mr. Harmon replied there will be 350 sq. ft. units and some could be offices or some could be small shops. Chair Wilson pointed out the parking utilization chart does not mention retail space only office space. Mr. Harmon stated the parking estimates were self-generated by Civil Consultants.

Board members commented they liked what the applicant is planning but have concerns regarding daycare which currently has 37 spaces. Chair Wilson stated 37 spaces seemed extreme. Mr. Fitzpatrick asked what would happen if the day care had an event. Mr. Harmon replied there is some excess parking if necessary. Mike Brigham, the developer, explained the plan is to make the project like a community. He has already begun making improvements and has received three inquiries from interested parties.

Mr. Boyle expressed his concern if future businesses, such as a breakfast restaurant, come in and the impact to the parking calculation. Mr. Harmon stated they would be willing to have conditions placed on the approval. Chair Wilson stated he did not think it would be necessary.

**Mr. Pinkham moved to grant a Miscellaneous Variation in the required number parking spaces and accepting the shared parking calculation outlined in the estimated parking utilization chart in Attachment A of Civil Consultants packet dated March 21, 2017 with no conditions.**

**Mr. Fitzpatrick seconded the motion.**

**The motion carried 6-0-0.**

Chair Wilson explained this is not a building permit and work needs to begin within six months and be substantially completed within one year.

Findings of Facts

- Lorax Sustainable Development, LLC, Michael Brigham, requested a miscellaneous variation on parking number requirements.
- Landmark Properties, LTD is the property owner whose address is 518 U.S. Route #1, Map 67, Lot 2, Mixed-Use zone and is 4.97 acres.
- The applicant proposed a shared parking calculation claiming due to mixed uses the parking is not uniform 100% throughout the day.
- Tom Harmon, Civil Consultants, addressed the Board and has proposed 14 residences and 14 retail shops or offices.
- The residences will have their own 2 car garage which was not part of the calculation.
- There will be retail and commercial parking needs in the property.
- Proposed are two restaurants, a day care and an elder day care center.
- Mr. Harmon claims most of the parking need will be in the evening.
- He suggested there is no need of overflow onto the road for parking.
- Former town planner Jerry Milroy counseled the Board on the need of a variation of this kind due to double counting a mixed-use project.
- There were questions of calculating the spaces but the consensus is there is more than enough spaces given for the need in a mixed-use zone.
- Applicant stated the Planning Board has given sketch plan approval but will need to go for project final approval before Planning Board.
- There was no public comment.

**Mr. Denault moved to accept the Findings of Fact as read.**

**Mr. Pinkham seconded the motion.**

**The motion carried 6-0-0.**

Conclusions of Law

The Board concludes the proposed number of parking spaces needed is adequate to provide for the parking demand throughout the course of the day given the estimate from the parking utilization chart.

Given that finding, the Board exercised its powers under Code 16.8.9.4.M and allowed the variation.

**Mr. Pinkham moved to accept the Conclusions of Law.**

**Mr. Denault seconded the motion.**

**The motion carried 6-0-0.**

**Unfinished Business**

None.

**New Business**

None.

**Acceptance of Previous Minutes**

Minutes will be addressed at the next meeting.

**Board Member or CEO Minutes**

None.

The Board was in consensus to hold a workshop to review the medical marijuana case previously heard on April 25, 2017.

**Adjournment**

The Chair adjourned the meeting at 7:55 p.m.

Respectively submitted by Mary Mancini, recording secretary on April 22, 2017.