

**AMENDED  
ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM**

**AUGUST 16, 2018**

**MEMBERS PRESENT:** Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; Colby Gamester; Jody Record; Jeffrey Kisiel; Jane Begala, Alternate; and Corey Clark, Alternate

**ALSO PRESENT:** Juliet Walker, Planner Director

**MEMBERS ABSENT:** Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Jay Leduc

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**I. APPROVAL OF MINUTES**

- A. Approval of Minutes from the July 19, 2018 Planning Board Meeting – Unanimously approved.

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**II. DETERMINATIONS OF COMPLETENESS**

**A. Site Plan Review**

1. The application of **Foundry Place, LLC, Owner**, for property located at **Deer Street (“Lot 2”)**

Voted to postpone to the next regularly scheduled Planning Board Meeting on September 20, 2018.

2. The application of **Dorothy Kiersted and Theresa Sessions, Owners**, for property located at **50 Lovell Street**.

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

- 3. The application of **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, and **Ed Pac, LLC, Owner**, for property located at **152 Court Street**.

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

- 4. The application of **Salema Realty Trust, Owner**, for property located at **199 Constitution Avenue**.

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

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**III. 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 **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,152 ± s.f. single family home with associated garage, septic system and driveway, with 15,157 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District. (This application was postponed at the July 19, 2018 Planning Board Meeting.)

Voted to **grant** Conditional Use Permit approval with the following stipulations:

- 1. The woodchips for the driveway shall be made from the trees that are cut down on the site.
- 2. The box culvert maintenance details shall be added to the maintenance plan.
- 3. There will be no sand or salt used on the driveway in the winter as part of snow removal and alternative de-icing used shall be environmentally friendly.
- 4. The Martine Cottage Road legal team shall work with the City’s Planning and Legal Departments to develop language for the record to recognize the natural resource constraints of the wetland and vernal pools on the property. The final recorded document shall include stipulations 1 through 3.
- 5. Placards shall be put on the property to mark the no-cut area.

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**IV. PUBLIC HEARINGS – ZONING AMENDMENTS**

*The Board’s action in these matters has been deemed to be legislative 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.*

*Motion was unanimously granted to consider Items A & B together and vote on as one item.*

A. Proposed amendments to the Zoning Ordinance to implement a Highway Noise Overlay Ordinance. The proposed amendments include inserting new sections 10.613.60 and 10.670 – Highway Noise Overlay Ordinance, consisting of proposed ordinance text and tables; and making conforming amendments to other sections of the Zoning Ordinance, including Article 15.

B. Proposed amendment to the Zoning Map to add a Highway Noise Overlay District as shown on the document “Highway Noise Overlay District” Map dated 7/17/2018.

Voted to **recommend** that the City Council approve the proposed amendments to Articles 6 and 15 and to the Zoning Map.

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C. Proposed Amendments to Article 12 of the Zoning Ordinance – Signs. The proposed amendments include deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated June 21, 2018.

Voted to **postpone** for further discussion to the next regularly scheduled Planning Board meeting on September 20, 2018.

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**V. PUBLIC HEARINGS – NEW 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 **Foundry Place, LLC, Owner**, for property located at **Deer Street (“Lot 2”)**, requesting Site Plan Review approval for the creation of a community space meeting the requirements of Article 5A of the Zoning Ordinance with related landscaping, utilities, easements, and other site improvements. Said property is shown on Assessor Map 125 as Lot 17-1 and lies within the CD5 and Downtown Overlay (DOD) District.

Voted to **postpone** to the next regularly scheduled Planning Board meeting on September 20, 2018.

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B. The application of **Dorothy Kiersted and Theresa Sessions, Owners**, for property located at **50 Lovell Street**, requesting Site Plan Review approval to demolish the rear deck on the existing house and the existing garage; to retain the existing building as a single family residence with a footprint of 1,001 s.f. and Gross Floor Area 3,095; to construct a three story, two unit residence with a footprint of 1,660 and Gross Floor Area of 4,634 s.f.; to construct a three story single residence with a footprint of 1,165 and Gross Floor Area of 3,360; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 147 as Lot 2 and lies within the General Residential C (GRC) District.

A. Voted to find that a waiver 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 regulation:

- 1. Section 8.1 2) Underground utilities – All new and relocated wires, conduits, and cables shall be located underground.

B. Voted to **grant** Site Plan Approval with the following stipulations:

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

- 1. The provision of an Access easement to the City for access to water meters, valves and pipes shall be reviewed and approved by the Planning and Legal Department and approved by City Council.
- 2. The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 3. Applicant shall review the drainage analysis and update as applicable for consistency with the details and layout for the outlet control structure for the infiltration basin.

Conditions Subsequent:

- 4. A third party inspection shall be required on water main, sewer and drainage system construction and repairs.
- 5. Applicant shall apply for any required stormwater, sewer, and water connection permits from the City

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C. The application of **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, and **Ed Pac, LLC, Owner**, for property located at **152 Court Street**, requesting Site Plan Review approval to demolish a portion of the existing building on 152 Court Street and to construct a 4-story, 64 unit workforce housing building with a footprint of 12,361 ± s.f. and Gross Floor Area of 58,975 ± s.f.; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 116 as Lots 37 & 38 and lie within the Character District 4 (CD4) and the Historic District.

Voted to **grant** Site Plan Approval with the following stipulations:

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

1. Applicant shall provide an update to the drainage easement on 127 Parrott Avenue property including Portsmouth Housing Authority as a benefitting party to be reviewed and approved by both the 127 Parrott Avenue property owner and the Legal Department. The Drainage Easement update shall clarify the intent of the Stormwater O&M Plan as the responsibility of the 160 Court Street property owner, Portsmouth Housing Authority.
2. Plans to show relocation of the emergency signal head to a location approved by the Fire Department and addition of the required Emergency Signal sign.
3. Applicant shall coordinate with Homeland Security for relocation of the emergency siren.
4. Portsmouth Housing Authority shall coordinate at least two meetings with Feaster Apartment residents to review the project plans in detail and allow opportunity for concerns to be raised and addressed as possible. The Planning Department shall be notified and invited to the meetings and additional City Staff shall be invited if appropriate.
5. Plans shall be updated to include notes regarding conditions subsequent listed below.
6. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments. Particular attention shall be paid to the needs and safety of the Feaster Apartment residents during construction. Applicant shall hold at least one meeting regarding the construction process with Feaster residents prior to construction and shall provide regular updates throughout the construction process.
7. Any easement deeds and plans involving the City shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.
8. The Site Plans and any easement deeds and plans to or from the City shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
9. Applicant shall verify the location of the catch basins with the DPW staff and revise the drainage model if appropriate to reflect any changes in location.
10. Applicant shall provide directional signage for delivery vehicles and guests accessing the site by motor vehicle to designated parking, loading areas, and building entrances. Any signage shall be reviewed and approved by the City's Transportation and Parking Engineer.
11. Applicant shall consult with the City's Transportation and Parking Engineer to evaluate additional traffic calming measures in the driveway areas around Feaster to alleviate Feaster resident concerns regarding pedestrian safety in those areas.
12. Applicant shall add a pedestrian path connection from the Feaster Apartments to the community space located between the Feaster Apartments and the new multi-unit residential building.

#### Conditions Subsequent

13. Applicant shall work with the Planning Department to propose limited hours for public access to the park or other mechanisms to address safety concerns regarding the public access to the park raised by Feaster residents. Any proposed regulations shall be reviewed with the Police Department prior to submission to the City Manager for consideration and potential referral to the City Council.
14. Prior to construction, the terminal drain manhole located across Rogers Street shall be evaluated by the project engineer to verify if the structure can accommodate two 15" pipes or whether the structure will need to be replaced.

- 15. Applicant shall apply for a stormwater connection permit and excavation permit prior to construction. Limits of restoration (road, sidewalk, curb, etc) will be determined at the time of permit issuance.
- 16. Applicant shall continue to work with City staff and property owner at 127 Parrott Avenue in good faith to evaluate and develop a mutually acceptable publicly accessible pedestrian connection on and across 127 Parrott Avenue to and from the Portsmouth Housing Authority property and Parrott Avenue.

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D. The application of **Salema Realty Trust, Owner**, for property located at **199 Constitution Avenue**, requesting Site Plan Review approval for the construction of a 2-story industrial building, with a footprint of 12,800 s.f. and a Gross Floor Area of 12,800 s.f., with 24 parking spaces and proposed stormtech infiltration system, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 285 as Lot 16-301 and lies within the Industrial (I) District.

Voted to **grant** Site Plan Approval with the following stipulations:

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

- 1. The water utility access easement shall be reviewed and approved by the Planning and Legal Department and approved by City Council.
- 2. Plans shall note that the sewer utility corridor must be kept free of woody growth and shall be mowed yearly.
- 3. Plans shall be updated to include notes regarding conditions subsequent listed below.
- 4. The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent

- 5. If the future use requires an Industrial Discharge Permit or is subject to the Fats, Oil, and Grease (FOG) program (ie: grease trap) for the wastewater, appropriate documentation and permitting shall be provided to the DPW.
  - 6. The force main connection detail shall be updated to match the required detail provided by DPW.
  - 7. Applicant shall apply for a sewer connection permit at which time the sewer line shall be videoed and inspected and the adequacy of the pump station tank shall be confirmed by DPW. Additional work by applicant may be required at that time.
  - 8. Stormwater infiltration areas shall be inspected and approved by DPW during construction and a soil scientist shall be onsite at that time to review and approve soils and construction methods.
  - 9. Silt socks shall be used instead of silt fences for erosion control during construction.
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**VII. ADJOURNMENT**

It was moved, seconded, and passed unanimously to adjourn the meeting at 11:36 p.m.

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Respectfully Submitted,

Jane M. Shouse,  
Acting Secretary for the Planning Board