

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the 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 2020-16, 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

AUGUST 20, 2020

ACTON SHEET

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Jeffrey Kisiel; Colby Gamester; Jay Leduc and Polly Henkel, Alternate

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

MEMBERS ABSENT: Corey Clark, Alternate

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the July 16, 2020 Planning Board Meeting

The July minutes were approved.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

A. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road** requesting 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.

B. The application of **St. John's Church, Owner**, for property located at **105 Chapel Street** requesting 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.

C. The application of **3201 Lafayette Road, LLC, Owner**, for property located at **0 Lafayette Road** requesting 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.

SUBDIVISION REVIEW

- A. The application of the **Judith Howard Revocable Trust and James & Laura LaJeunesse Family Trust, Owners**, for properties located at **80 Burkitt Street and 161 Thornton Street** requesting Preliminary and Final Subdivision (Lot Line Revision) Approval.

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

- B. The application of the **Edward Mallon Revocable Trust and 56 Middle Street, LLC, Owners**, for properties located at **42 and 56 Middle Street** requesting Preliminary and Final Subdivision (Lot Line Revision) Approval.

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

III. PUBLIC HEARINGS – OLD BUSINESS

- A. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road**, requesting a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to construct 22 single family homes and an access road with an impact of 4,013 s.f. of inland wetland area and 21,089 sq. ft. in the wetland buffer. Said property is located on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.

The Board voted to **grant** this request with the following stipulations:

- 1.1) Add yellow advisory sign of 15 mph along at the wildlife crossing location;
- 1.2) Add WILDLIFE CROSSING signs at crossing locations;
- 1.3) Provide details on plan showing planting of wetland seed mix in areas where site disturbance occurs within 25' of wetlands;
- 1.4) Provide information in condominium documents that restrict use of pesticides and fertilizers in buffer areas equal to or greater than as required in the City's Zoning Ordinance;
- 1.5) Provide a Conservation Easement In perpetuity that includes all the common open space and expands the protected area to including all wetland and upland areas up to the wetland edge of the 100' buffer surrounding the limited common areas. Such easement deed shall be reviewed and approved by the Planning and Legal Departments prior to recording. Such easement shall be held by a public body (such as the City) which shall maintain the land as open space for the benefit of the general public or a private non-profit organization which has as a purpose the preservation of open space through ownership and control;
- 1.6) That there should be a connection in the condominium document that references the chloride reduction guidance stated in the maintenance guide;
- 1.7) Change the wording of removal of dead and diseased tree removal on open space only to the removal necessary to protect buildings and infrastructure.

- B. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield 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 22 single-family homes and a new road with related parking, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.

The Board voted to **postpone** this request to the next Planning Board meeting.

- C. The application of **Richard Fusegni, Owner**, for property located at **1574 Woodbury Avenue** requesting a Conditional Use Permit for a drive-through facility in accordance with Section 10.440 (19.40) of the Zoning Ordinance and Site Plan Review Approval for the construction of a new retail bank with parking, utilities, landscaping, lighting, drainage and associated site improvements. Said property is shown on Assessor Map 238 Lot 17 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

The Board voted to **grant** this request as follows:

- 1) Vote to find that the granting of the 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 regulations:
 - a) Section 3.6.3 – requiring a Traffic Impact Study to be submitted for an application containing a drive-through facility;
 - b) Section 9.3.5 – requiring dumpsters or other waste container pads to be a minimum of 20 feet from any property line or yard.
- 2) Vote to grant Site Plan Review Approval with the following stipulations:
 - 2.1) The site plan shall be recorded at the Rockingham County Registry of Deeds or as deemed appropriate by the Planning Department.
 - 2.2) Tree Planting detail and notes on Sheet LP-2 shall be updated to reflect the City's Standard Tree Planting detail.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **St. John's Church, Owner**, for property located at **105 Chapel Street** requesting Site Plan Review approval for the construction of a 1,043 +/- s.f. building addition with associated site improvements. Said property is shown on Assessor Map 106 Lot 62 and lies within the Civic District.

The Board voted to **grant** this request as follows:

- 1) Vote to find that the granting of 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 regulations:
 - 1a) Section 6.2 – requiring a Landscaping Plan to be submitted.
 - 1b) Section 10.3 – requiring a Lighting Plan.
 - 1c) Section 7.4.2.8 – requiring measures to control the post-development peak rate of runoff so that it does not exceed pre-development runoff.
- 2) Vote to grant Site Plan Review Approval with the following stipulation:
 - 2.2) The site plan shall be recorded at the Rockingham County Registry of Deeds or as deemed appropriate by the Planning Department.

- B. The application of the **Judith Howard Revocable Trust and James & Laura LaJeunesse Family Trust, Owners**, for properties located at **80 Burkitt Street and 161 Thornton Street** requesting Preliminary and Final Subdivision (Lot Line Revision) Approval for 2 lots as follows: Lot 34 on Assessor Map 159 decreasing in area from 8,232 s.f. to 8,102 s.f. and Lot 33 on Assessor Map 159 increasing in area from 6,011 s.f. to 6,141 s.f. Said properties are shown on Assessor Map 159 Lots 33 & 34 and lie within the General Residence A (GRA) District.

The Board voted to **grant** this request as follows:

- 1) Vote to grant Preliminary and Final Subdivision (Lot Line Revision) Approval with the

following stipulations:

- 1.1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 1.2) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 1.3) The final plat(s) shall be recorded at the Registry of deeds by the City or as deemed appropriate by the Planning Department.

- C. The application of **3201 Lafayette Road, LLC, Owner**, for property located at **0 Lafayette Road** requesting Site Plan Review approval to add 5 manufactured homes for display, 1 temporary manufactured home with office space and utility connections and boat or trailer storage with associated site improvements. Said property is shown on Assessor Map 291 Lot 8 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

The Board voted to **grant** this request as follows:

1) Vote 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 required submissions:

- a) Section 2.5.4.3(j) – type and placement of outdoor lighting fixtures.
- b) Section 2.5.4.3(b) – Elevations of buildings.

2) Vote to grant Site Plan Review Approval with the following stipulation:

- 2.1) The site plan shall be recorded at the Rockingham County Registry of Deeds or as deemed appropriate by the Planning Department.

- D. The application of **C & P Gallagher Properties, LLC, Owner**, for property located at **801 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 165 Lot 8 and lies within the Character District 4-W (CD4-W) District.

The Board voted to **grant** the request as presented.

- E. The application of the **Edward Mallon Revocable Trust and 56 Middle Street, LLC, Owners**, for properties located at **42 and 56 Middle Street** requesting Preliminary and Final Subdivision (Lot Line Revision) Approval for 2 lots as follows: Lot 19 on Assessor Map 126 decreasing in area from 10,128 s.f. to 10,016 s.f.; and Lot 20 on Assessor Map 126 increasing in area from 1,828 s.f. to 1,941 s.f.. Said properties are shown on Assessor Map 126 Lots 20 and 19 and lie within the Character District 4-L1 (CD4-L1) District.

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

1) Vote to grant Preliminary and Final Subdivision (Lot Line Revision) Approval with the following stipulations:

- 1.1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

1.2) GIS data shall be provided to the Department of Public Works in the form as required by the City.

1.3) The final plat(s) shall be recorded at the Registry of deeds by the City or as deemed appropriate by the Planning Department.

- F. **POSTPONED** Public Hearing on Council Referral for a report back on a request from **Jeremy Conte, Owner** for the restoration of involuntarily merged lots at **1240 Islington Street** to their pre-merger status pursuant to NH RSA 674:39-aa. **POSTPONED**

The Board voted to **postpone** this request.

V. PEASE DEVELOPMENT AUTHORITY

- A. The request of the **Pease Development Authority, Owner and the State of New Hampshire Department of Transportation, Applicant**, for property located at **185 Grafton Road** requesting a recommendation for Subdivision approval under Chapter 500 of the Pease Development Authority Subdivision Regulations, per part 503.01(c), for a lease acquisition area of 14.04 acres at the Portsmouth Transportation Center. Said property is shown on Assessor Map 300 Lot 1 and lies within the Natural Resource Protection (NRP) District.

The Board voted to **recommend** Subdivision approval

VI. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **238 Deer Street, LLC, Owner**, for property located at **238 Deer Street** for Preliminary Conceptual Consultation for the construction of a 3-4 story mixed-use building with ground floor retail and 21 micro-apartments. Said property is shown on Assessor Map 125 Lot 3 and lies within the Character District 4 (CD4) District.

The conceptual plan was presented to the Board. No action was taken or required.

- B. The request of the **SB & NA Stokel Trust and Philip Stokel, Owners**, for property located at **83 Peverly Hill Road** for Preliminary Conceptual Consultation for a 60-unit Open Space Planned Unit Development (OSPUD). Said property is shown on Assessor Map 242 Lot 4 and lies within the Single Residence A (SRA) District.

There was a brief discussion with the applicant. No action was taken or required.

VII. OTHER BUSINESS

- A. Proposed Revisions to the City of Portsmouth Site Plan Review Regulations.

The Board received draft revisions for the regulations and will have a more in-depth conversation on them at a later date.

- B. The request of **Arbor View and The Pines, LLC, Owners** for property located at **145 Lang Road** for a 1-year extension of Site Plan Review approval to construct two (2) three-story, multi-family buildings with associated site improvements, grading, utilities, stormwater management and landscape improvements that was granted on August 15, 2019.

The Board voted to **grant** a 1-year extension to expire on August 15, 2021.

- C. The request of **Arbor View and The Pines, LLC, Owners** for property located at **145 Lang Road** for a 1-year extension of the 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 that was granted on August 15, 2019.

The Board voted to **grant** a 1-year extension to expire on August 15, 2021.

- D. The request of **HCA Health Services of New Hampshire, Inc., dba Portsmouth Regional Hospital. Owner**, for property located at **333 Borthwick Avenue**, for a 1-year extension of a Wetland Conditional Use Permit for a two-story building addition with a footprint of 1,220 square feet in the area of the former mobile-MRI unit. The applicant proposes a permanent disturbance of 2,954 square feet and temporary disturbance of 1,610 square feet all within the 100' inland wetland buffer. This was originally granted on November 21, 2019.

The Board voted to grant a 1-year extension to expire on November 21, 2021.

VIII. CITY COUNCIL REFERRALS

- A. Acceptance of drainage easement at 185 Edmond Avenue.

The Board voted to **recommend approval** of this easement to the City Council.

IX. ADJOURNMENT

The meeting adjourned at 10:24 pm.