

**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 2021-01, 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

MARCH 18, 2021

ACTION SHEET

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

ALSO PRESENT: Juliet Walker, Planning Director

MEMBERS ABSENT: Polly Henkel, Alternate

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I. APPROVAL OF MINUTES

A. Approval of the Planning Board minutes from the February 18 and 25, 2021 meetings.

Both sets of minutes were approved.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

A. The application of the **Woodbury Cooperative, Inc.**, Owner, for property located at **1338 Woodbury Avenue** 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 **Frederick Watson Revocable Trust, Owner**, for property located at **1 Clark Drive** requesting Preliminary and Final Subdivision approval.

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

III. OLD BUSINESS

- A. **REQUEST TO POSTPONE** The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Site Plan Review approval for the demolition and relocation of existing structures and the construction of 152 dwelling units in 3 buildings, and associated community space, paving, lighting, utilities, landscaping and other site improvements. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

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

- B. **REQUEST TO POSTPONE** The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Wetland Conditional Use Permit Approval in accordance with Section 10.1017 of the Zoning Ordinance for work within the 25-foot, 50-foot, and 100-foot wetland buffers to North Mill Pond which includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new buildings which will result in a net overall reduction in impervious surfaces of 28,792 square feet. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts. **REQUEST TO POSTPONE**

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

- C. Application of the **Pease Development Authority, Owner, and Lonza, Applicant**, for property located at **70 Corporate Drive** requesting renewal of a previously approved Conditional Use Permit, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000+ s.f. footprint; Proposed Building #2 with a 150,000+ s.f. footprint; Proposed Building #3 with a 62,000+ s.f. footprint; and two 4-story parking garages, with 55,555+ s.f. of impact to the wetland, 66,852+ s.f. of impact to the wetland buffer and a 1,000+ l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 Lot 1 and lies within the (ABC) District.

The Board voted to **recommend approval** of the Wetland Conditional Use Permit as presented.

IV. PUBLIC HEARING – NEW BUSINESS

- A. **REQUEST TO POSTPONE** The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a

Lot Line Relocation as follows: Tax Map 157, Lot 1 increasing in area from 61,781 s.f. to 205,804 s.f.; Tax Map 157, Lot 2 decreasing in area from 102,003 s.f. to 81,645 s.f.; Tax Map 164, Lot 1 increasing in area from 51,952 s.f. to 52,289 s.f.; Tax Map 164, Lot 4-2 decreasing in area from 249,771 s.f. to 119,519 s.f. and the existing right-of-way increasing in area from 69,624 s.f. to 75,792 s.f. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts. **REQUEST TO POSTPONE**

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

- B. The application of the **Frederick Watson Revocable Trust, Owner**, for property located at **1 Clark Drive** requesting a Wetland Conditional Use Permit in accordance with Article 10 Section 10.1017 to demolish an existing home, driveway, and swimming pool and construct a new private road and create four new house lots with associated stormwater management infrastructure which will result in 15,500 square feet of impact in the 100-foot wetland buffer. Said property is shown on Assessor Map 209 Lot 33 and lies within the Single Residence B (SRB) District.

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

- 1) Instead of wetland boundary markers along the wetland buffer, the applicant shall install wetland boundary markers every twenty feet at the uphill edge of the rain garden within the wetland buffer or as recommended by the Planning Department.
 - 2) The houses shall be constructed with drip edges and pre-treatment of roof run-off as recommended by the Planning Department and DPW.
 - 3) Homeowner Association documents shall be reviewed and approved by the Planning Department to confirm that the relevant details related to organic fertilizer application practices (as referenced in note 18 on the plan set), related deed restriction, and stormwater maintenance are appropriately referenced and consistent with the plans approved.
- C. The application of the **Frederick Watson Revocable Trust, Owner**, for property located at **1 Clark Drive** requesting a Conditional Use Permit under Article 6 Section 10.674 of the Zoning Ordinance for construction of new residences in the Highway Noise Overlay District and Preliminary and Final Subdivision approval to subdivide a lot with an area of 137,176 s.f. and 75 ft. of continuous street frontage into four (4) lots and a proposed new road as follows: Proposed lot 1 with an area of 20,277 s.f. and 137.23 ft. of continuous street frontage; Proposed Lot 2 with an area of 17,103 s.f. and 100 ft. of continuous street frontage; Proposed Lot 3 with an area of 20,211 s.f. and 100 ft. of continuous street frontage; and Proposed Lot 4 with an area of 53,044 s.f. and 592.50 ft. of continuous street frontage. Said property is shown on Assessor Map 209 Lot 33 and lies within the Single Residence B (SRB) District.

The Board voted as follows:

Highway Noise Overlay District Conditional Use Permit:

Voted to find that the applicable exterior and interior sound level standards shall be met as demonstrated by the noise analysis provided and to **grant** the conditional use permit as presented.

Subdivision Approval

- 1) Voted to **grant** the requested waivers to the Subdivision Residential Street Standards requiring that the pavement width of a residential road be a minimum of 32' wide and Section VI.2.A Lot Arrangement requiring that lot lines shall be placed radial to curved street lines by finding that specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- 2) Voted to **grant** Preliminary and Final Subdivision Approval with the following stipulations:
 - 2.1) Property owners 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.
 - 2.2) Neighboring parcel 209/32 shall have full legal access to the new private road and utilities.
 - 2.3) The current 6" water connection in Cutts St shall be abandoned by the applicant entirely by removing the valve and bolting on a blind flange to the tee. This work must be completed no later than the end of May 2021 so that the final road pavement can be placed.
 - 2.4) 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 and confirm consistency with the Stormwater Maintenance and Operations Manual.
 - 2.5) All of the new sewer laterals means, methods, materials and installation shall be approved and witnessed by DPW prior to backfilling.
 - 2.6) Applicant shall enter into a maintenance agreement with the City of Portsmouth Water Division regarding hydrant flushing.
 - 2.7) Lot numbers as determined by the Assessor shall be added to the final plat.
 - 2.8) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
 - 2.9) GIS data shall be provided to the Department of Public Works in the form as required by the City.
 - 2.10) Homeowner Association documents shall be reviewed and approved by the Planning Department, DPW, and Legal Departments as appropriate prior to recording and should be consistent with the approved plans and the Stormwater Maintenance and Operations Manual.
 - 2.11) The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department
- D. The application of the **Woodbury Cooperative, Inc.**, Owner, for property located at **1338 Woodbury Avenue** requesting Site Plan Review approval for the demolition of two existing structures and replacement and reconfiguration of existing mobile home units with associated grading, pavement, lighting, utilities, landscaping and other site improvements. Said property is shown on Assessor Map 237 Lot 70 and lies within the MRB District.

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

- 1) Property owners 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.
- 2) The services in Echo Ave shall be terminated to the satisfaction of Portsmouth Water and Sewer Divisions.
- 3) Sewer connections to the City sewer system need to be witnessed by the Portsmouth Sewer Division. The entire system must be tested to ensure the system is tight with no groundwater leaks to the satisfaction of the City.
- 4) Work in the City of Portsmouth right-of-way shall require excavation permits.
- 5) Contractor shall meet with Portsmouth Water Division before starting project.

V. CITY COUNCIL REFERRAL-PUBLIC HEARING

- A. Request of **ASRT, LLC, Owner**, for the restoration of involuntarily merged lots at **138 Leavitt Avenue** to their pre-merger status pursuant to NH RSA 674:39-aa. RIML 20-3

Voted to recommend that the City Council **deny** the request for restoration of involuntarily merged lots requested by the owner.

VI. ADJOURNMENT

The meeting adjourned at 9:07 pm.