

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

July 15, 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 June 17, 2021 meeting

The Board voted to **approve** the minutes from the June 17, 2021.

II. PUBLIC HEARINGS – OLD BUSINESS

The Board voted to **discuss together** and vote on separately Applications II.A, IV.A, and IV.B for Stone Creek Realty, LLC and CPI Management, LLC.

A. Application of **Stone Creek Realty, LLC, (Owner), and CPI Management, LLC, (Applicant)**, for property located **53 Green Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the demolition of an existing building, construction of a 5-story mixed-use building and renovation of an existing parking area that will result in 98 square feet of impervious surface in the 25' to 50' tidal wetland buffer zone and 8,425 square feet of impervious surface in the 50' to 100' tidal wetland buffer zone representing an overall net reduction of 3,058 square feet of impervious surface in the tidal wetland buffer areas from the existing condition. Said property is shown on Assessor Map 119 Lot 02 and lies within the

Character District 5 (CD5) District, the Historic District, and the North End Incentive Overlay District.

Wetland Conditional Use Permit

The Board voted to **grant** the Wetland Conditional Use Permit with the following stipulation:

- 1.1) The property owners shall utilize NOFA (Northeast Organic Farming Association) approved practices (or comparable equivalent) for maintenance of landscaped areas within the wetland buffer.

Subdivision (Lot Line Revision)

The Board voted to **grant** Preliminary and Final Subdivision Approval with the following stipulations:

- 2.1) The public sewer easement shall be 20' wide centered on the line (10' either side of the line) to the extent possible given the proximity to the property line. Final easement and deed to be reviewed and approved by the DPW Director and Legal Department prior to final acceptance by the City Council.
- 2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 2.4) 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.

Site Plan Review

The Board voted to **grant** Site Plan Approval with the following stipulations:

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

- 3.1) For the community space easement for the North Mill Pont Greenway, the City shall have maintenance rights for the trail, but any landscaped areas shall be maintained by the property owner.
- 3.2) 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.
- 3.3) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.

3.4) 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.

3.5) The stormwater outfall headwall shall have decorative form work to mimic natural stonework.

3.6) The community pathway shall be constructed with pervious material within the 100' wetland buffer area

Conditions Subsequent:

3.7) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.

3.8) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.

3.9) The applicant shall coordinate with the City to relocate a previously granted public access easement across property owned by the applicant and located at Map 123 Lot 15-1 in order to adjust the alignment of the future proposed greenway trail and move it farther away from the shoreline per guidance provided by the Conservation Commission.

B. REQUEST TO POSTPONE Application 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** the request to the August Planning Board meeting.

C. REQUEST TO POSTPONE Application 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** the request to the August Planning Board meeting.

- D. REQUEST TO POSTPONE** Application 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** the request to the August Planning Board meeting.

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

- A. REQUEST TO POSTPONE** 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** the request to the August Planning Board meeting.

- B. REQUEST TO POSTPONE** 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. **REQUEST TO POSTPONE**

The Board voted to **postpone** the request to the August Planning Board meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A.** Application of **Stone Creek Realty, LLC, Owner, and Boston & Maine Corporation, Owner**, for properties located at **53 Green Street** and at the **intersection of Market Street and Green Street** requesting Preliminary and Final Subdivision approval (Lot Line Revision) to transfer 4,852 sq. ft. from Assessor Map 119 Lot 3 to Assessor Map 119 Lot 2 which will increase the total lot area for the receiving lot from 72,200 sq. ft. to 76,670 sq. ft. and the street frontage from 86 ft. to 104 ft. Said properties lie within the Character District 5 (CD5) District, the Transportation Corridor District (TC), Downtown Overlay District (DOD), Historic District, and the North End Incentive Overlay District.

See Section II. A.

- B.** Application of **Stone Creek Realty, LLC, Owner**, for property located at **53 Green Street** requesting Site Plan Review approval for the demolition of an existing building and construction of a 5-story mixed-use building with 121,544 sq. ft. of gross floor area and 29,374 sq. ft. building footprint that includes 1,898 sq. ft. of commercial space on the first floor, 48 upper floor residential units, 97 parking spaces and 22,095 sq. ft. of community space as well as paving, utilities, lighting, landscaping and associated site improvements. Said property is shown on Assessor Map 119 Lot 02 and lies within the Character District 5 (CD5) District, Downtown Overlay District (DOD), Historic District, and the North End Incentive Overlay District.

See Section II. A.

- C.** Application of **City of Portsmouth, NH (Owner and Applicant)** for property located on **Marjorie Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to construct a municipal wastewater pump station with associated pavement apron which will result in 1,540 square feet of impact in the 100' wetland buffer. Said property is shown on Assessor Map 232, Lot 25 and lies within the Single Residence B (SRB).

The Board voted to **grant** the conditional use permit with the following stipulation:

- 1) The applicant shall add native trees and shrubs instead of the proposed grass seed mix.

- D. REQUEST TO POSTPONE** Application 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** the request to the August Planning Board meeting.

- E. REQUEST TO POSTPONE** The application 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** the request to the August Planning Board meeting.

- F.** Application of **Chase Bailey (Owner and Applicant)** for property located at **3 Curriers Cove** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to install a pool and patio area with a permanent impact of 360 square feet and a temporary impact of 320 square feet in the inland wetland buffer. Said property is shown on Assessor Map 204, Lot 12 and lies within the Single Residence A (SRA) District.

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

The Board voted to **discuss together** and vote on separately Applications IV. G and H.

- G.** Application of **Pease Development Authority, Owner, and Lonza Biologics, Applicant**, for property located at **55 and 101 International Drive**, requesting Subdivision (Lot Line Adjustment) Approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to revise the lot line between the two lots increasing Map 305 Lot 6 by 2.66 acres from 43.37 acres to 46.02 acres. Said properties are shown on Assessor Map 305 Lot 6 and Lot 7 and lie within the Airport Business Commercial (ABC) District.

The Board voted to **recommend** subdivision approval to the Pease Development Authority as presented.

The Board voted to **recommend** site plan approval to the Pease Development Authority as presented.

- H.** Application of **Pease Development Authority, Owner, and Lonza Biologics, Applicant**, for property located at **101 International Drive** requesting Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations for the construction of a new 200 space parking lot along with associated site improvements including lighting, landscaping, and stormwater management. Said property is shown on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District.

See Section IV. G.

- I. Application of **Bow St Brew LLC, Owner and Applicant**, for property located at **121 Bow St Unit C1**, requesting Conditional Use Permit Approval in accordance with Section 10.1112.14 of the Zoning Ordinance, for the provision of no on-site parking spaces where three (3) are required. Said property is shown on Assessor Map 105 Lot 1-1 and lies within the Character District 4 (CD4), Historic District, and Downtown Overlay District (DOD).

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

- J. Application of **Kaarin Milne, Owner and Applicant**, for property located at **315 Wibird Street** requesting Conditional Use Permit approval in accordance with Section 10.815 of the Zoning Ordinance to change the use of a studio space above a detached garage to a garden cottage with 610 square feet gross floor area. Said property is shown on Assessor Map 132 Lot 13 and lies within the General Residence A (GRA) District.

The Board voted to **find** that the requested modification will be consistent with the required findings of Section 10.815.40 and to **grant** a modification to the requirements of Section 10.815.32 to allow a Garden Cottage with gross floor area of 610 square feet to include the existing second floor living area and first floor bathroom and hallway.

The Board voted to **grant** the Conditional Use Permit with the following stipulation:

- 1) In accordance with Section 10.815.70 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Section 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.

- K. The application of **Susan Alex, Owner and Applicant**, for property located at **50 Mount Vernon Street** requesting Conditional Use Permit approval in accordance with Section 10.815 of the Zoning Ordinance to construct a garden cottage with 425 square feet gross floor area of living space above an existing detached garage. Said property is shown on Assessor Map 111 Lot 29 and lies within the General Residence B (GRB) and Historic Districts.

The Board voted to **find** that the requested modifications will be consistent with the required findings of Section 10.815.40 and to **grant** a modification to the requirements of Section 10.815.31 and 10.815.33.

The Board voted to **grant** the conditional use permit, with the following stipulation:

- 1) In accordance with Section 10.815.70 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with

all standards of Section 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. Application of **The Sagamore Group, LLC** for property located at **1169 & 1171 Sagamore Avenue** for Preliminary Conceptual Consultation to construct a 10-unit condominium complex.

VI. OTHER BUSINESS

- A. Review of Zoning Ordinance Amendment Priorities

VII. INFORMATIONAL ITEMS

- A. Request from City Council to review June 15, 2021 memo from Rick Chellman re: waterfront and building siting

VIII. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.