

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM**

**September 16, 2021**

**ACTION SHEET**

**MEMBERS PRESENT:** Peter Britz, Interim Planning Director; Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Peter Whelan, Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Rick Chellman; Stefanie Casella, Planner 1; and Polly Henkel, Alternate

**ALSO PRESENT:**

**MEMBERS ABSENT:** Peter Harris

**I. PRESENTATIONS**

A. FY 2023-2028 Capital Improvement Plan Process and Schedule

**II. APPROVAL OF MINUTES**

The Board voted to approve the Planning Board minutes from the August 19, 2021 meeting.

**III. DETERMINATIONS OF COMPLETENESS**

**SITE PLAN REVIEW**

A. Request of **Green & Company (Applicant)** and **Philip J. Stokel and Stella B. Stokel (Owners)** for property located at **83 Peverly Hill Road** for Site Plan Review approval.

This item was postponed.

**B. REQUEST TO POSTPONE** Request of **Ricci Construction Company Inc, (Owner)** and **Green & Company Building & Development Corp. (Applicant)** for property located at **3400 Lafayette Rd** for Site Plan Review approval. **REQUEST TO POSTPONE**

This item was postponed.

## **SUBDIVISION**

- C. Request of 64 Vaughan Mall, LLC and Northern Tier Real Estate Acquisition & Development, LLC, (Owners) for properties located at 64 Vaughan Street (Lot 1) and 172 Hanover Street (Lot 1-A), requesting Preliminary and Final Subdivision approval (Lot Line Revision).**

The Board voted to determine that the application is complete according to the Subdivision Rules and Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the application for consideration.

## **IV. 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. Request 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. (LU-21-43)**

The Board voted to grant the request as presented.

- B. REQUEST TO POSTPONE Request 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. (LU-20-259) REQUEST TO POSTPONE**

The Board voted to postpone to the October Planning Board meeting.

- C. REQUEST TO POSTPONE Request 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. (LU-20-259) **REQUEST TO POSTPONE**

The Board voted to postpone to the October Planning Board meeting.

- D. REQUEST TO POSTPONE** Request 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. (LU-20-190) **REQUEST TO POSTPONE**

The Board voted to postpone the public hearing indefinitely until the applicant is ready to proceed.

- E. REQUEST TO POSTPONE** Request 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. (LU-20-190) **REQUEST TO POSTPONE**

The Board voted to postpone the public hearing indefinitely until the applicant is ready to proceed.

- F. Request of Green & Company (Applicant) and Philip J. Stokel and Stella B. Stokel (Owners)** for property located at **83 Peverly Hill 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 56 single-family homes and a new 2,950-foot public road with related utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 242 Lot 4 and lie within the Single Residence A (SRA) and Single Residence B (SRB) Districts. (LU-21-74)

The Board voted to postpone to the October Planning Board meeting.

## **V. 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. (RIML-21-4) **REQUEST TO POSTPONE**

The Board voted to postpone the public hearing indefinitely until the applicant is ready to proceed.

## **VI. PUBLIC HEARINGS – NEW BUSINESS**

**A. REQUEST TO POSTPONE** Request of **Ricci Construction Company Inc, (Owner)** and **Green & Company Building & Development Corp. (Applicant)** for property located at **3400 Lafayette Rd** requesting a wetland Conditional Use Permit under section 10.1017 to construct 50 town homes on an undeveloped lot. The applicant is proposing five areas of wetland impact for a total of 21,350 square feet of permanent impact and three areas of temporary impact for a total of 2,350 square feet. Said property is shown on Assessor Map 297 Lot 11 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District and the Natural Resource Protection (NRP) District. (LU-21-98) **REQUEST TO POSTPONE**

The Board voted to postpone to the October Planning Board meeting.

**B.** Request of **Ricci Construction Company Inc, (Owner)** and **Green & Company Building & Development Corp. (Applicant)** for property located at **3400 Lafayette Rd** requesting Conditional Use Permit for a Development Site in accordance with Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for construction of a 50-unit multi-family residential development that includes community space and related landscaping, drainage, paving, utilities and other site improvements. Said property is shown on Assessor Map 297 Lot 11 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District and the Natural Resource Protection (NRP) District. (LU-21-98)

The Board voted to postpone to the October Planning Board meeting.

**C.** Request of **Kelly Property Trust A.B. and Ashley W.M. (Owners)**, for property located at **0 Oriental Gardens** requesting an application for a wetland Conditional Use Permit under section 10.1017 to remove existing obsolete sewer infrastructure and improve a storm water outfall on the site with a proposed temporary impact of 4,554 square feet and permanent impact of 187 square feet. Said property is shown on Assessor Map 215 Lot 9 and lies within the Gateway Corridor (G1) and Office Research (OR) Districts. (LU-21-156)

The board voted to grant the wetland Conditional Use Permit with the following stipulation:

- 1) City of Portsmouth Department of Public Works shall provide final approval of stormwater improvements.

- D. Request of Spaulding Group, LLC, (Owner) for property located at 180 Spaulding Turnpike** requesting a wetland Conditional Use Permit under section 10.1017 to expand and reconstruct an existing building within the wetland buffer. The application calls for temporary impacts of 2,528 square feet and permanent impacts of 3,287 square feet. The entire application is proposed where the site is completely impervious surface where a portion of pavement is being converted in to a building. Said property is shown on Assessor Map 236 Lot 39 and lies within the General Business (GB) District. (LU-21-50)

The Board voted to grant approval of the wetland Conditional Use Permit.

- E. Request of Ivo and Caitlin Van Der Graaff, (Owners) for property located at 10 FW Hartford Drive** requesting a wetland Conditional Use Permit according to section 10.1010 of the City's Zoning Ordinance to remove 15 trees 12 of which are located in the wetland or wetland buffer adjacent to the residence at 10 FW Hartford. The removal of the trees will result in a disturbance of 450 square feet in the wetland area and 500 square feet in the inland wetland buffer. Said property is shown on Assessor Map 269 Lot 53 and lies within the Single Residence B (SRB) District. (LU-21-122)

The Board voted to grant approval of the wetland Conditional Use Permit with the following stipulations:

- 1) The stumps and trees that are cut shall be left in place.
- 2) The applicant install native plants along the edge of the wetland in the buffer.
- 3) The property owner shall utilize NOFA (Northeast Organic Farming Association) approved practices (or comparable equivalent) for the maintenance of landscaped areas.

- F. Request of 64 Vaughan Mall, LLC and Northern Tier Real Estate Acquisition & Development, LLC, (Owners) for properties located at 64 Vaughan Street (Lot 1) and 172 Hanover Street (Lot 1-A),** requesting Preliminary and Final Subdivision approval (Lot Line Revision) to convey 133 square feet from Lot 1 to Lot 1-A which will result in a total lot area of 13,964 square feet of lot area for Lot 1 and 5,621 square feet of lot area for Lot 1-A. Said properties are shown on Assessor Map 126 Lot 1 and Lot 1-A and lie within the Character District 5 (CD5), Downtown Overlay District, and Historic District. (LU-20-214)

The Board voted to grant Preliminary and Final Subdivision (Lot Line Revision) Approval with the following stipulations:

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

- 2) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3) 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.

**G. Request of Mary M. Griffin, (Owner), for property located at 7 Curriers Cove** requesting a wetland Conditional Use Permit under section 10.1017. The applicant is proposing to replace and failing culvert under the Currier's Cove roadway with 192 square feet of wetland disturbance and 1,208 square feet of wetland buffer disturbance. The existing 36" corrugated metal culvert is proposed to be replaced with a reinforced concrete culvert four feet shorter than the existing culvert with new concrete headwalls for both the inlet and outlet location with areas of rip rap proposed to dissipate energy on the outlet side and to protect the inlet side from erosion and undercutting. The application also proposed removal of existing vegetation and includes a planting plan for new vegetation. Said properties are shown on Assessor Map 204 Lot 16 and lie within the Single Residence A (SRA) District. (LU-21-171)

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

- 1) The arbor vitea that is being removed shall be replaced by evergreen shrubs to be planted in at least equal number to those being removed.

## **VII. DESIGN REVIEW**

**A. Request of 2422 Lafayette Road Associates, LLC C/O Waterstone Retail (Owner)** for property located at **2454 Lafayette Road** requesting Design Review Approval to demolish the existing 29,000 square foot structure and replace it with a 41,000 square foot footprint structure consisting of five (5) stories and 100 multi-family condominium units. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. (LUPD-21-7)

The Board Voted to find that the design review process is complete.

## **VIII. OTHER BUSINESS**

**A. Request of Spyglass Development, LLC & C/O The Kane Company (Owners).** Proposed lot line revision is located at **30 New Hampshire Drive** which is identified as Map 301 Lot 3 on the City of Portsmouth Tax Maps. The proposed revision is to reduce the lot of record from the existing 369,643 sf to 314,607 sf 30 New Hampshire Avenue (LU-21-154)

The Board voted to recommend approval of the lot line revision.

## **VIV. ADJOURNMENT**

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The meeting was Adjourned at 8:15 PM.