

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

July 21, 2022

ACTION SHEET

I. APPROVAL OF MINUTES

- A. Approval of June 16, 2022 and June 23, 2022 meeting minutes.
- B. Approval of June 29, 2022 special meeting minutes.
- C. Approval of June 29, 2022 joint work session minutes.

*The June 16, 2022 and revised June 23, 2022 meeting minutes, June 29, 2022 special meeting minutes, and the June 29, 2022 joint work session meeting minutes were **approved** as presented.*

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The request of **230 Commerce Way LLC (Owner and Applicant)**, for Property located at **230 Commerce Way** requesting **Amended Site Plan Review Approval** to construct a new two-story building.
- B. The request of **HCA Health Service of NH IINC (Owner)**, for property located at **333 Borthwick Avenue** requesting Amended Site Plan Approval for an 8,700 square foot addition to the existing building.

The Board voted to determine the application is complete according to the Site Plan Regulations, (contingent on the granting of any required waivers under Section III and IV of the agenda) and to accept the application for consideration.

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 request of **Artwill LLC (Owner)**, for property located at **437 Lafayette Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 65,365 square feet of lot area and 123.92 of frontage on Lafayette Road and 336.61 feet of frontage on Andrew Jarvis Drive into three lots as follows: Proposed Lot 1 with 18,434 square feet of lot area and 123.92 feet of frontage on Lafayette Road and 129.57 feet of frontage on Andrew Jarvis Drive,

Proposed Lot 2 with 16,606 square feet of lot area and 102.04 feet of frontage on Andrew Jarvis Drive, and Proposed Lot 3 with 30,325 square feet of lot area and 107 feet of frontage on Andrew Jarvis Drive. Said property is located on Assessor Map 229 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-82)

- B.** The request of **Artwill LLC (Owner)**, for property located at **437 Lafayette Road** requesting Site Plan Approval and Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to subdivide the lot and construct two new single-family dwellings (one includes an attached accessory dwelling unit) in addition to the existing single-family dwelling. Said property is located on Assessor Map 229 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-82)

The Board voted to discuss item III.B and III.A together and vote on them separately.

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

Conditions to be satisfied subsequent to final approval of subdivision but prior to commencement of any site work or construction activity:

1.1) Lot numbers as determined by the Assessor shall be added to the final plat.

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

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

1.4) The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City.

1.5) 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 and accepted by City Council.

1.6) Associated recording fees shall be paid to the City prior to recordation.

*2) The Board voted to find that the application meets the requirements set forth in Section 10.814.60 of the Zoning Ordinance and to **grant** the Conditional Use Permit with the following stipulation:*

2.1) Ownership will be in accordance with the requirements set forth in the Zoning Ordinance section 10.814.30.

10.814.32 Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling as his or her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.

10.814.321 When the property is owned by one or more trusts, one of the dwelling units shall be the principal place of residence of the beneficiary(ies) of the trust(s).

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

Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:

3.1) *Applicant will coordinate final water and sewer connections with Portsmouth Water.*

3.2) *The final water main connection under Andrew Jarvis Dr. will be determined by Portsmouth Water.*

3.3) *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 and accepted by City Council.*

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) *Associated recording fees shall be paid to the City prior to recordation.*

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

3.6) *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;*

IV. 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 request of **230 Commerce Way LLC (Owner and Applicant)**, for Property located at **230 Commerce Way** requesting Amended Site Plan Review Approval to construct a new two-story building with a 12,500 square foot footprint and totaling 25,000 square feet with associated site improvements including lighting, utilities and stormwater treatment/management systems. Said property is located on Assessor Map 216 Lot 1-5 and lies within the Office Research (OR) District. (LU-22-14)

- B.** The request of **230 Commerce Way LLC (Owner and Applicant)**, for Property located at **230 Commerce Way** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for the installation of a treated stormwater drainage outfall, removal of 5,070 square feet of impervious surface, and 9,250 square feet of buffer enhancements within the 100 foot buffer area for associated construction outside the buffer area. Said property is located on Assessor Map 216 Lot 1-5 and lies within the Office Research (OR) District. (LU-22-14)

The Board voted to discuss item IV.A and IV.B together and vote on them separately.

1) *The Board voted to find that the application meets the criteria set forth in 10.1017.50 and to **grant** the Wetland Conditional Use Permit as presented.*

2) *The Board voted to **grant** Site Plan approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:

2.1) Applicant will work with DPW to determine fair share contribution amount that will be dedicated to City sediment removal mitigation project.

2.2) 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 and accepted by City Council.

2.3) Applicant will work with DPW to determine fair share contribution amount that will be dedicated to pedestrian multi-use path construction on Market Street.

2.4) 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.

2.5) Associated recording fees shall be paid to the City prior to recordation.

2.6) The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

2.7) The applicant consult with the City Development Compliance Planner to determine if a Construction Management and Mitigation Plan (CMMP) is needed.

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

2.8) 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;

2.9) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

- C.** The request of **HCA Health Service of NH IINC (Owner)**, for property located at **333 Borthwick Avenue** requesting Amended Site Plan Approval for an 8,700 square foot addition to the existing building with associated landscaping, utilities, sidewalk connectivity, and other related site work. Said property is located on Assessor Map 240 Lot 2-1 and lies within the Office Research (OR) District. (LU-22-35)
- D.** The request of **HCA Health Service of NH IINC (Owner)**, for property located at **333 Borthwick Avenue** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for 200 square feet of permanent and 4,400 square feet of temporary impact to the inland wetland; and 13,000 square feet of permanent and 4,300 square feet of temporary impact to the 100 foot buffer area for associated expansion of hospital facilities. Said property is located on Assessor Map 240 Lot 2-1 and lies within the Office Research (OR) District. (LU-22-35)

The Board voted to discuss item IV.A and IV.B together and vote on them separately.

*1) The Board voted to find that the application meets the criteria set forth in 10.1017.50 and to **grant** the Wetland Conditional Use Permit as presented.*

*2) The Board voted to **grant** Amended Site Plan approval with the following conditions:*

Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:

2.1) New sewer manhole will be a cut in manhole.

2.2) Borthwick Ave handicap access ramp flooding will be addressed and approved by DPW.

2.3) 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 and accepted by City Council.

2.4) 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.

2.5) Associated recording fees shall be paid to the City prior to recordation.

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

2.6) The wetland area adjacent to the emergency area will be dredged from Borthwick to the oxygen tank area to restore free flowing drainage. This will be done in conjunction with an associated wetland enhancement along the edges of this same area.

2.7) Prior to release of bond, Applicant will work with DPW to determine fair share contribution amount that will be dedicated to City sediment mitigation project that is proposed for the area from the oxygen tanks to the Route 1 bypass area.

2.8) 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.

E. The request of **Lancen and Sophie LaChance (Owner and Applicant)**, for property located at **11 Fletcher Street** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for the installation of a stormwater underdrain outlet creating 140 square feet of permanent impact within the 100 foot wetland buffer. Said property is shown on Assessor Map 233 Lot 76-1 and lies within the Single Residence B (SRB) District. (LU-20-42)

*1) The Board voted to find that the application meets the criteria set forth in 10.1017.50 and to **grant** the Wetland Conditional Use Permit with the following **stipulations**:*

1.1) The applicant shall follow NOFA standards for landcare management

https://nofa.organiclandcare.net/wpcontent/uploads/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

1.2) Any changes to the structure will require DPW review to ensure the approved drainage plan is still effective.

1.3) The applicant will take measures to stabilize the site during construction.

- F.** The request of **Tom and Angela Mita (Owners and Applicants)**, for property located at **81 Taft Road** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for 17 square feet of permanent disturbance to the buffer area for the construction of an expansion to the existing structure. Said property is shown on Assessor Map 247 Lot 87 and is lies within the Single Residence B (SRB) district. (LU-22-98)

*1) The Board voted to find that the application meets the criteria set forth in 10.1017.50 and to **grant** the Wetland Conditional Use Permit with the following **stipulations**:*

1.1) The applicant shall follow NOFA standards for landcare management

https://nofa.organiclandcare.net/wpcontent/uploads/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

1.2) The applicant will add additional wetland buffer plantings subject to staff review.

- G.** The request of **The Fritz Family Revocable Living Trust, Owner**, for property located at **0 Patricia Drive** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance to replace an existing unfinished right-of-way with a new private road to access two lots as well as the installation of stormwater treatment infrastructure and wetland buffer plantings which will result in 1,738 square feet of temporary impact and 4,283 square feet of permanent impact to the wetland buffer. Said property is shown on Assessor Map 283 Lot 1 and lies within the Single Residence A (SRA) district. (LU-20-190)

*1) The Board voted to find that the application meets the criteria set forth in 10.1017.50 and to **grant** the Wetland Conditional Use Permit with the following **stipulations**:*

1.1) The applicant shall follow NOFA standards for landcare management

https://nofa.organiclandcare.net/wp-content/uploads/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

1.2) The applicant shall require all winter maintenance personnel to have a Green Snow Pro certification.

V. OTHER BUSINESS

A. Hemlock / Patricia Drive Subdivision Extension Request

1) Vote to **grant** an extension to the Planning Board Approval for Preliminary and Final Plat approval with the following **stipulations**:

1.1) The extension shall not exceed 18 months from the original date of Planning Board approval of the subdivision (February 18, 2021).

1.2) That all previous stipulations not previously addressed and approved by the Planning Board on February 18, 2021 be met prior to recordation at the Registry of Deeds.

1.3) That a release deed retaining public access and drainage rights to the City, be prepared for review and approval by the City Attorney and that such deed be fully executed by the City and all abutters. Any abutter choosing to waive their rights to the public road must submit their waiver in writing in a form acceptable by the Planning Director.

1.4) Update Plat note 3 on the subdivision plan to include the retention of rights to pass over for the abutting property owner.

1.5) Update callout note above private street to read "Former Patricia Drive Proposed Private Street See Right of Way Notes 2 & 3" where it currently reads "Former Patricia Drive Proposed Private Right of Way Easement See Right of Way Notes 2 & 3."

B. Public Involvement Summary Report

No Action Taken

C. Chairman's Updates and Discussion Items

No Action Taken

VI. ADJOURNMENT

Meeting Adjourned at 9:36 PM.