

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 Public Hearings Begin**

**January 19, 2023**

**AGENDA**

*\*Members of the public also have the option to join the meeting over Zoom  
(See below for more details)\**

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**REGULAR MEETING 7:00pm**

**I. ELECTION OF OFFICERS**

**II. APPROVAL OF MINUTES**

**A.** Approval of the December 15, 2022 meeting minutes.

**III. 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. REQUEST TO POSTPONE** The request of **Liberty Mutual Insurance Co. (Owner)**, for property located at **225 Borthwick Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes shoreline stabilization work for two existing ponds on site with erosion impacts. This project proposes stabilizing the slopes with an extensive native vegetation planting plan which will occur along the slope and enhance the vegetated buffer. Said property is shown on Assessor Map 240 Lot 1 and lies within the Office Research (OR) District. **REQUEST TO POSTPONE (LU-22-212)**
- B.** The request of **Vieira Family Trust, (Owner)**, and **Edward and Kathleen Vieira (Applicants)**, property located at **12 Regina Road** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of 144 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 10' shed on top of a crushed stone in an area that is 12 x 12' within the wetland buffer. Said property is

located on Assessor Map 225, Lot 29 and lies within the Single Residence A (SRA) District. (LU-22-221)

- C. The request of **Torrington Brown LLC** and **Single Venture LLC (Owners)**, for property located at **132-134 Middle Street** requesting a Conditional Use Permit Approval to provide 7 parking spaces where 17 spaces are required as permitted under Section 10.1112.14 of the Zoning Ordinance. Said property is located on Assessor Map 127, Lot 11 & 12 and lies within the Character District 4-L1 (CD4-L1), and the Historic District. (LU-22-232)

#### **IV. CITY COUNCIL REFERRALS**

- A. Public Hearing for ADU Amendments scheduled for January 30, 2023.

#### **VI. OTHER BUSINESS**

- A. Chairman Updates and Discussion Items  
B. Discussion of Planning Board Rules and Procedures  
C. Board Discussion of Regulatory Amendments, Master Plan and Other Matters

#### **VII. ADJOURNMENT**

*\*Members of the public also have the option to join this meeting over Zoom. A unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_yALGNh0WSB2451cYdwULFg](https://us06web.zoom.us/webinar/register/WN_yALGNh0WSB2451cYdwULFg)

**REGULAR MEETING  
PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**6:00 PM**

**December 15, 2022**

**MINUTES**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Assistant City Engineer; Beth Moreau, City Councilor; Greg Mahanna; Peter Harris; James Hewitt, Members; Andrew Samonas, Alternate

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**ALSO PRESENT:** William McQuillen, Fire Chief; Mark Newport, Police Chief; Judie Belanger, Director of Finance; Peter Rice, Director of Public Works, Brian Goetz, Deputy Director of Public Works, Christine Friese, Library Director; Nathan Lunney, School Department Business Administrator; Todd Henley, Recreation Director; Alan Brady, Technology Director; Peter Stith, Principal Planner; Beverly M. Zendt, Planning Director; Peter Britz, Environmental Planner; Stefanie Casella, Planner 1

**MEMBERS ABSENT:** Jayne Begala

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**REGULAR MEETING 6:00pm**

\*Items in brackets [] denote timestamps of the recording

[5:45] Chairman Chellman opened up the December 15th, 2022 Planning Board meeting.

**I. PRESENTATIONS**

- A. Receive a presentation and consider a recommendation to the City Council to adopt the proposed **FY2024- 2029 Capital Improvement Plan**.

[7:22] Karen Conard, the City Manager, provided a brief overview of what the CIP is, the annual process to address CIPs, the different project sections, and the appendices which includes citizen requested projects, state projects, a studies list, a historic document restoration index and maps. A brief overview was given of the different funding sources for the CIP as well as a breakdown

of the numbers for the current CIP process. A new approach was taken this year to highlight the process of citizen requests which was to separate citizen requests into two categories: those eligible for the CIP and those that would be better suited by a different process. The timeline for this CIP includes the public comment session of the current Planning Board meeting, a presentation to the City Council on January 18th, 2023, a public hearing at City Council on February 6th, 2023 and the adoption of the CIP at City Council on March 6th, 2023.

Each department head presented their own sections.

[13:40] Fire Chief William McQuillen introduced the CIP projects for his department, these included:

Vehicles and Equipment:

1. An ambulance replacement program
2. A vehicle replacement for a fire engine
3. A vehicle replacement for a tower ladder on a fire engine
4. A vehicle replacement for a fire engine
5. Personal protective clothing replacement
6. Self-contained breathing apparatus (SCBA) replacement
7. Cardiac monitors

[17:22] Buildings and Infrastructure:

1. Fire station security upgrades

[39:32] Information Systems:

1. Fire Department software upgrade

[16:08] Police Chief Mark Newport introduced the CIP projects for his department, these included:

Vehicles and Equipment:

1. Police body cameras

[17:57] Buildings and Infrastructure:

1. New police facility - land acquisition placeholder amount
2. New police department facility
3. Police deficiencies and repair project

[16:55] Director of the Department of Public Works Peter Rice introduced the CIP projects for his department, these included:

Vehicles and Equipment:

1. Brine equipment

[31:50] Buildings and Infrastructure:

1. Outdoor pool aquatic upgrades and pool house
2. Community Campus facility needs

3. Citywide park and monument improvements
4. Citywide tree and public greenery program
5. Prescott Park Master Plan implementation
6. Prescott Park facilities capital improvements
7. City Hall HVAC improvements
8. Recycling and Solid Waste Transfer Station including a swap shop
9. Historic cemetery improvements
10. Citywide retaining walls repair and improvements
11. Sound barriers in residential areas along I-95
12. Citywide facilities capital improvements
13. Downtown aerial utilities undergrounding
14. Level 2 and level 3 electric vehicle charging station
15. Foundry place parking offices
16. Mechanic Street wharf/pier replacement

[40:52] Transportation Management:

1. Parking lot paving
2. Parking meters

[43:45]

3. Wayfinding system
4. Greenland Road/Middle Road corridor bicycle/pedestrian improvements

[44:55]

5. Sagamore Avenue crosswalk
6. Citywide sidewalk reconstruction program
7. Citywide traffic signal upgrade program
8. Citywide intersection improvements
9. Russell/Market intersection upgrades
10. Railroad crossings
11. Citywide bridge improvements
12. Cate Street bridge replacement
13. Coakley-Borthwick connector roadway
14. Traffic calming
15. Street paving, management, and rehabilitation
16. Pease International Tradeport roadway rehabilitation
17. Junkins Avenue improvements
18. Pinehurst Road improvements
19. Madison Street roadway improvements

Deputy Director of the Department of Public Works, Brian Goetz introduced the CIP projects for the water division, these included:

[49:02} Enterprise Funds:

1. Annual water line replacement
2. Well stations improvements
3. Reservoir management
4. New groundwater source

5. Water storage tanks improvements
6. Madbury Water Treatment Plant - facility repair and improvements
7. Greenland well treatment
8. Dover water emergency interconnection
9. Annual sewer line replacement

Director of the Department of Public Works Peter Rice and Deputy Director of the Department of Public Works Brian Goetz introduced the following Sewer Division projects:

[53:09] Enterprise Funds:

1. Pease Wastewater Treatment Facility
2. Wastewater reuse at Pease WWTF
3. Long term control plan related projects
4. Wastewater pumping station improvements
5. Woodbury Avenue sewer separation
6. Sewer service funding for Sagamore Avenue area sewer extension
7. Mechanic Street pumping station upgrade
8. Peirce Island Wastewater Treatment Facility

[57:44] Combined Funding (All DPW):

9. Fleet Street utilities upgrade and streetscape
10. Edmond Avenue
11. Citywide storm drainage improvements
12. Chapel Street
13. DPW complex improvements
14. Creek neighborhood reconstruction
15. Islington Street improvements
16. Union Street reconstruction

[20:42] Library Director Christine Friese introduced the CIP projects for her department, these included:

[20:42] Buildings and Infrastructure:

1. Library courtyard renovation

Business Administrator of the School Department Nathan Lunney introduced the CIP projects for his department, these included:

[21:27] Buildings and Infrastructure:

1. School facilities capital improvements
2. Elementary schools upgrade
3. Fit-up of community campus space for RJ Lister Academy

Finance Director Judie Belanger introduced the CIP projects for her department, these included:

[24:24] Buildings and Infrastructure:

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1. Permanent record storage facilities
2. Restoration of historic documents including restoration, preservation and scanning
3. Disposition of municipal records

[40:16] Information Systems:

1. Financial software upgrade

Planning Director Beverly Mesa Zendt introduced the CIP projects for her department, these included:

[26:47] Buildings and Infrastructure:

1. Land acquisition
2. Historic district guidelines
3. Trail development projects
4. Groundwater study to identify impacts
5. City of Portsmouth master plan update

[41:11] Transportation Management:

1. Hampton branch rail trail (NH Seacoast Greenway)
2. Bicycle/Pedestrian Plan implementation
3. Market Street side path
4. US Route 1 new side path construction
5. US Route 1 crosswalks and signals
6. Elwyn Park traffic calming and pedestrian improvements
7. Borthwick Avenue bike path

[44:23]

8. Market Square upgrade

[28:15] City Manager Karen Conard introduced a CIP project for the Planning Department:

1. A placeholder for the McIntyre federal office building redevelopment

Recreation Director Todd Henley introduced the CIP projects for his department, these included:

[29:25] Buildings and Infrastructure:

1. Indoor pool facility needs
2. South Mill Pond playground
3. Existing outdoor recreation field and facility improvements
4. Additional outdoor recreation fields
5. Greenland Road recreation facility
6. Citywide playground improvements
7. Leary Field - bleachers/grandstands

Technology Director Alan Brady introduced the CIP projects for his department, these included:

[37:30] Information Systems:

1. Information technology upgrades and replacements

2. Expansion and improvement of network
3. Cybersecurity enhancements
4. Document management system

[1:01:16] Chairman Chellman opened up the floor for discussion of the CIP presentation by Planning Board members.

Mr. Hewitt inquired about the Cate Street bridge's capability to handle Fire Department trucks, if there was a certain parcel that the Police Department had in mind for acquiring land for the new department building and if the \$250,000 already allocated to sound barrier development by DPW could be used for streets near the New Franklin School. Mr. Hewitt asked who the private partner was for the Pease Wastewater Treatment Facility upgrades.

Fire Chief McQuillen stated that the Cate Street bridge is not currently able to support the weight of a fire truck. Police Chief Newport responded that they have multiple locations in mind for the new police department building. DPW has reached out to the NHDOT about sound barriers by New Franklin and they said they cannot build on DOT land but staff will be looking for alternative locations such as City land. The private partner for the Pease Wastewater Treatment Facility is Lonza Biologics.

[1:10:33] Mr. Samonas asked about the bike/pedestrian implementation plan update and what would occur if more funding was needed for projects that were not covered under the expenses from the CIP.

Mr. Rice responded that they would have to go back to the City Council for any projects that needed additional funding.

[1:12:05] Chairman Chellman asked the City Manager if she could explain what the term placeholder meant when it involved some of the projects presented.

Ms. Conard responded that those projects were left as a placeholder for projects that are in the works but do not yet have cost estimates. New public meetings would occur when those projects do come forward with a cost estimate.

[1:13:09] Councilor Moreau asked Mr. Brady if \$50,000 for IT security was enough. She asked Mr. Goetz if there was more grant funding for the emergency line between Portsmouth and Dover. She asked Mr. Rice how close the City was to finishing the Sewer Separation Project and why the Peirce Island facility needs improvements if it is relatively new.

Mr. Brady responded that it would be difficult to estimate the needed dollar amount until the project starts so this was their safe estimate. Mr. Goetz responded that yes they intend to continue seeking out grant funding. Mr. Rice responded that they are more than  $\frac{3}{4}$  of the way there but much of that was low-hanging fruit and it is a long-term plan. Mr. Rice mentioned that after a number of years of experience running the Peirce Island plant they have recognized a necessity for a third solid waste press system as a long-term need of the facility that would be beneficial if one of the existing two were to fail.



[1:16:56] Mr. Harris asked if the request for the traffic calming in certain neighborhoods could be further requested by local residents in the neighborhood.

Mr. Rice responded that those types of citizen requests should be directed towards the Parking, Traffic and Safety Committee.

[1:18:32] Mr. Hewitt asked Mr. Rice why the Russell and Market intersection plan had changed from a roundabout a few years ago to the current Y-intersection plan and increased funding with the NHDOT no longer helping to fund the project and why the developer shared funding decreased.

Mr. Rice responded that the change in price from the past plan was due to past estimates being tied to previous developments and the current developments were more reflective of the availability of costs. An easement was identified in an upcoming plan for development on Russell Street in case a roundabout is the desired outcome for that intersection. Mr. Rice mentioned that he was not familiar with the NHDOT funding commitment for the project.

[1:21:56] Chairman Chellman opened up the public hearing for the Capital Improvement Plan.

Dixon Turner of 1020 Woodbury Avenue spoke for the need for traffic calming and increased pedestrian safety along Woodbury Avenue near the Frank Jones Farm and Creek neighborhoods.

Barbara McMillan of 84 Hillside Drive spoke on behalf of the Conservation Commission in support of the land acquisition fund project.

Monique Tuner of 1020 Woodbury Avenue spoke for the need for traffic calming and decreased traffic speed along Woodbury Avenue.

Justin Richardson of 586 Woodbury Avenue spoke for the need for traffic calming measures on Woodbury Avenue and increased pedestrian safety in the area.

Lenore W. Bronson of 828 Woodbury Avenue for the need for traffic calming measures on Woodbury Avenue and increased pedestrian safety in the area and the need for more input from local neighborhood residents for these projects and future funding plans.

Petra Huda of 280 South Street was concerned about the exact amount of funding needed for the Community Campus, the increased funding needs for the outdoor pool and Prescott Park, concern for parking spaces being converted to offices in the Foundry Garage, concern for the timeline of paving of Pease roads, questioned if the Federal Government should be responsible for cleaning up PFAS in the Greenland well or residents of Portsmouth, asked if there are any updates for the Union Street and Willard Avenue project that has money previously attributed to it and where that has gone to.

Elizabeth Bratter of 159 McDonough Street expressed concern for increasing money for the Peirce Island water treatment facility when there could be future impacts from climate change that may need to be addressed.

[1:47:04] Chairman Chellman closed the public hearing.

[1:47:18] Mr. Hewitt asked if this meeting was an opportunity for staff to bring up a new project and if so, a water system master plan update should be considered as a placeholder project.

Mr. Goetz responded that they have money currently for this and grant money from the State that is for updating the south end of the system. The plan has continuously been updated with improvements in the last ten years because it is not a static plan. If it is requested to be put in as a placeholder that would be fine.

[1:50:08] Mr. Harris noted the number of comments from the public about Woodbury Avenue and traffic calming and wondered if there was any communication online for residents to check out to see the progress of a plan like that.

Mr. Rice responded that he would look at the current website update and make a note of doing that if it is not already being done.

[1:51:05] Mr. Hewitt brought up another idea for a placeholder project for the Portsmouth traffic circle. He mentioned that the Rockingham Planning Commission last Fall ranked upgrading the circle to a two lane roundabout as their number one priority for the NHDOT ten year plan.

Mr. Rice responded that it is shown in the back on the CIP plan as a state project in the appendix but since it is a state project the City has no participation and is not appropriate for the element sheets in the CIP.

[1:54:22] Councilor Moreau asked Mr. Rice if it would be helpful to increase the amount of funding in the CIP for traffic calming.

Mr. Rice responded that the approach they have brought forth is a responsible one.

[1:56:02] Mr. Almeida made a motion to advance the Capital Improvement Plan to City Council with the following two stipulations:

- 1. Increase the line funding for traffic calming to \$300,000.*
- 2. Add a placeholder for a Water Master Plan.*

Mr. Mahanna seconded the motion. The vote was unanimous.

[1:58:49] Chairman Chellman announced the Board would be taking a ten-minute break.

[2:06:42] Chairman Chellman mentioned that the Board would need to consider splitting the agenda at around 10:00 pm for the sake of time and he would like to move up items 4A, 4H, 6A and 6B, the two ADU's and two extensions. The motion was made by Mr. Mahanna and seconded by Mr. Harris. The motion passed unanimously.

## **II. APPROVAL OF MINUTES**

- A. Approval of the November 17, 2022 meeting minutes. (*Expected start time 7:00 pm*)

[2:08:25] Mr. Mahanna made a motion to approve the November 17, 2022 meeting minutes as presented. The motion was seconded by Mr. Samonas. The motion passed unanimously.

## **III. DETERMINATIONS OF COMPLETENESS**

### **SUBDIVISION REVIEW**

- A. The request of Port Harbor Land, LLC (Owner and Applicant), for property located at 2 Russell Street requesting Lot Line Revision Approval to adjust the boundary lines on three lots. (LU-22-111)

[2:16:17] Chairman Chellman introduced this application.

[2:17:27] Councilor Moreau made a motion to determine that the applications are complete according to the Subdivision Regulations, (contingent on the granting of any required waivers) and to accept the applications for consideration.

Vice Chair Clark seconded the motion. The motion passed unanimously.

- B. The request of Jonathan Watson Sobel Revocable Trust (Owner), for property located at 49 Sheafe Street requesting preliminary and final subdivision approval to subdivide one (1) lot into two (2) lots. (LU-22-179)

[2:17:32] Chairman Chellman introduced this application.

[2:17:51] Mr. Mahanna made a motion to determine that the applications are complete according to the Subdivision Regulations, (contingent on the granting of any required waivers) and to accept the applications for consideration.

Councilor Moreau seconded the motion. The motion passed unanimously.

### **SITE PLAN REVIEW**

- A. The request of Port Harbor Land, LLC (Owner and Applicant), for property located at 2 Russell Street requesting Site Plan Approval for the construction of 80 residential units, commercial space, and parking in three buildings. (LU-22-111)

[2:18:03] Chairman Chellman introduced this application.

[2:18:18] Mr. Mahanna made a motion to determine that these applications are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and IV of the agenda) and to accept the application for consideration.

Councilor Moreau seconded the motion. The motion passed unanimously.

## **SPEAKING TO THE APPLICATION**

## **PUBLIC HEARING**

## **DISCUSSION AND DECISION OF THE BOARD**

- B. The request of Tom Balon and EightKPH, LLC (Owner and Applicant), for property located at 161 Deer Street requesting Site Plan Review approval for the construction of a four (4) story building to include a penthouse, commercial space, 19 dwelling units, and associated site improvements. (LU-22-173)

[2:18:23] Chairman Chellman introduced this application.

[2:18:42] Councilor Moreau made a motion to determine that these applications are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and IV of the agenda) and to accept the application for consideration.

Mr. Mahanna seconded the motion. The motion passed unanimously.

- C. The request of Seaport Realty LLC (Owner), for property located at 85 Daniel Street requesting Site Plan Approval to add a two-story rear addition and convert the existing structure into a four unit building consisting of 4 apartments. (LU-22-75)

[2:18:52] Chairman Chellman introduced this application.

[2:19:09] Vice Chair Clark made the motion to determine that these applications are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and IV of the agenda) and to accept the application for consideration.

Ms. Conard seconded the motion. The motion passed unanimously.

## **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 **Jason A. and Kristin E. Britt (Owners)**, for property located at **29 Versailles Avenue** requesting Conditional Use Permit approval as permitted under Section 10.815 of the Zoning Ordinance to create a Garden Cottage (Accessory Dwelling Unit). Said property is shown on Assessor Map 222 Lot 61 and is located within the General Residence A (GRA) District. (LU-22-200)

[2:08:40] Chairman Chellman announced this application.

### **SPEAKING TO THE APPLICATION**

[2:09:02] Kristin and Jason Britt, the property owners, came to present this application for a garden cottage in their existing garage. Parking will be reserved for the driveway and the garden cottage will be sized for a studio unit. The existing exterior will roughly stay the same and will still appear like a garage. Any potential future tenants will be utilizing stacked parking in the driveway.

### **PUBLIC HEARING**

[2:11:47] Chairman Chellman opened the public hearing for this application. No one spoke. The public hearing was closed.

### **DISCUSSION AND DECISION OF THE BOARD**

[2:12:08] Vice Chair Clark made a motion to find that the conditional use permit application met the criteria set forth in Section 10.815.40 and adopt the findings of fact as presented. He reiterated his belief that this application met the definition of a garden cottage as it is written in the ordinance and he was happy to see that no changes were impacting the wetland buffer or impacting any immediate abutters to the rear.

Councilor Moreau seconded the motion. The motion passed unanimously.

[2:13:04] Vice Chair Clark made a motion to approve the conditional use permit with the following condition:

- *In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of [Sec. 10.814], including the owner-occupancy requirement, and shall renew the certificate of use annually.*
- *The carport may not be enclosed without providing new direct egress for the unit.*

Councilor Moreau seconded the motion. The motion passed unanimously.

- B. The request of **Port Harbor Land, LLC (Owner and Applicant)**, for property located at **2 Russell Street** requesting Lot Line Revision Approval to adjust the boundary lines

on three lots to create one lot with 18,237 square feet (0.418 acres) of lot area, one lot with 52,651 square feet (1.209 acres) of lot area, and one lot with 19,141 square feet (0.429 acres) of lot area. Said properties are located on Assessor Map 118 Lot 28, Map 124 Lot 12, and Map 125 Lot 21 and lie within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

[2:19:17] Chairman Chellman introduced this application.

[2:22:30] Ms. Conard made a motion to consider both the subdivision and site plans together (items B and C).

Councilor Moreau seconded the motion. The motion passed unanimously.

- C. The request of **Port Harbor Land, LLC (Owner and Applicant)**, for property located at **2 Russell Street** requesting Site Plan Approval for the construction of 80 residential units, commercial space, and parking in three buildings with associated community space, paving, utilizes, landscaping, and other site improvements including three proposed land transfers to allow for the realignment of the Russell Street & Deer Street intersection and for the City's future construction of a roundabout at Russell Street and Market Street (Land transfer area 1 is proposed from Map 119 Lot 4 to the City of Portsmouth. Land transfer areas 2 and 3 are from Map 119 Lot 1-1C to the City of Portsmouth); Conditional Use Permit Approval to provide 334 parking spaces on separate lots where 334 spaces are required as permitted under Section 10.1112.62 of the Zoning Ordinance; and Conditional Use Permit Approval to allow a 40,000 square foot building footprint within the CD5 as permitted under 10.5A43.43 of the Zoning Ordinance. Said properties are located on Assessor Map 118 Lot 28, Map 124 Lot 12, Map 125 Lot 21, Map 119 Lot 4, and Map 119 Lot 1-1C and lie within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

## **SPEAKING TO THE APPLICATION**

[2:20:02] Civil engineer Neil Hanson from Tighe and Bond came to present this application along with Patrick Crimmons from Tighe and Bond and Ryan Plummer from Two International Group. They are requesting a site plan review permit, a lot line revision permit, and two separate conditional use permits (for shared parking and an increased building footprint). This project has previously gone through nearly a year of review from the Technical Advisory Committee from which they received a recommendation of approval in November.

The project has already received a certificate of approval from the Historic District Commission in August in which they did extensive work sessions. This project also requires two approvals from NHDES including an alteration of terrain permit which was submitted in December and a sewer connection permit.

The existing conditions consist of a large surface parking lot utilized by the Sheraton Hotel, a ledge outcropping at the intersection of Green Street and a gravel strip that parallels the railroad. The proposed site plan consists of three separate buildings on individual lots. Building 1 will be a four-story office building, Building 2 will need a conditional use permit for increased building footprint and will be a five-story mixed use building with basement level parking with the first level being a mix of parking and commercial spaces along the front with either retail or restaurant. The upper floor of Building 2 will have 56 residential units. Building 3 will be another five-story mixed use residential building with the first floor having commercial space with either restaurant and/or retail space with 24 residential units in the upper stories.

The project will have onsite and offsite improvements including the realignment of the intersection between Russell Street and Deer Street. There will be community spaces, lighting landscaping, storm water management and new utilities. There will be onsite parking within Building 2 which will include 94 parking spaces on the lower level and 86 spaces on the ground floor with puzzle systems for the Sheraton Hotel valet service which requires the shared parking conditional use permit. These are included in the overall total of 334 parking spaces for the entire site, with 154 spaces being on the Sheraton Hotel lot.

[2:42:08] Mr. Hansen went over the permits needed for this project, including:

- Site Plan Review Permit
- Lot Line Revision Permit
- Parking Conditional Use Permit
- Increased Building Footprint Permit

[2:46:22] Mr. Samonas wanted clarification on whether or not the development team would be doing any work on the land to be transferred. He also wanted to know if any shadow studies had been done.

Mr. Hansen responded that the developer would be doing work on the intersection but not on the other two land transfers that involve City work on the Market Street intersection. Shadow studies occurred for HDC to which Mr. Plummer could attest they were mainly done for the purpose of the muse but for the backside of the site there shouldn't be a major issue for shadows and the placement of exterior lighting in certain areas will help.

[2:50:05] Mr. Hewitt mentioned that he may have recalled asking for a shadow study in the past.

Mr. Hansen responded that if that was so it would have been submitted for the HDC process.

[2:50:58] Councilor Moreau asked for clarification on the slope of the community space between building 1 and building 2 and further clarification for the loading zones.

Mr. Hansen responded that there is a ramp and a consistent grading slope for this area. The loading zones will have to go to the Parking and Traffic Safety Committee for approval and signage will be posted. Waste pickup will be done in the rear with bins all contained within the building.

[2:53:50] Mr. Almeida asked if Mr. Hansen could elaborate on potential deliveries to the building and the loading zone. His concern lies with the massive amount of waste that will need to be picked up. Specifically, will they need to give up parking spaces on the street in order to handle waste pickup and deliveries?

Mr. Plummer responded that the rear of the site was designed to fit two fire trucks which should provide ample space for turning of trucks and deliveries along the back roadway. The loading areas in the street may be better suited for box trucks and mail deliveries for quick trips.

[2:57:23] Mr. Harris asked if the existing parking on Russell street will remain.

Mr. Hansen responded that the parking on Russell is largely unchanged, with the removal of just a few spaces due to bump outs and plantings. There are more spaces lost at the new configuration of the intersection.

[3:01:13] Vice Chair Clark asked for clarification on the signage for the pedestrian way, personal vehicles and commercial vehicles.

Mr. Hansen responded that the speed tables will help vehicles see pedestrians. The entrance to the lower garage is the main pedestrian way for residents to enter the building.

[3:04:37] Councilor Moreau asked what the pathway is for building 3 residents to get to parking in either building 1 or 2.

Mr. Hansen responded that there will be a basement hallway for connection between building 3 and building 2.

[3:09:49] Vice Chair Clark asked if any of the interior parking would be available for retail users.

Mr. Hansen and Mr. Plummer responded that no, they will be for tenants only.

[3:11:55] Vice Chair Clark asked if any EV chargers were being installed or if any solar was being installed on the roof.

Mr. Plummer responded that while the roof is flat, the amount of mechanical systems on it would not make it viable to put in solar. They will, however, have a handful of EV chargers and the infrastructure for it.

Mr. Hewitt brought to their attention the more recent deficiencies in parking spaces per unit that projects such as West End Yards have faced. While this project abides by the City standards for 1.3 per unit they may want to consider adding more in case there is not enough for residents.

[3:14:13] Mr. Harris asked if they knew the exact amount of parking spaces lost on Russell Street and Deer Street.



Mr. Hansen responded that there will be three spaces lost on Deer Street and the reconfiguration of parking will still have to be reviewed by the Parking and Traffic Safety Committee. The loading zones are counted as parking spaces as they only act as loading zones during a few hours in the morning.

[3:16:44] Councilor Moreau asked about the letter from Attorney Phoenix regarding parking spaces needed for the condominium units.

Mr. Hansen responded that those spaces will not be included in the tandem parking spaces.

[3:23:17] Mr. Hewitt asked Mr. Plummer what the cost was for the top floors for building 2 and building 3, specifically, what the retail would be for the price per square foot be for the livable square footage and if it would be at or near \$800/sf. He specifically wants to know the value to the developers in terms of profit for having the fifth floor on those buildings.

Mr. Plummer responded that \$800/sf would be an overestimate most likely.

[3:26:49] Vice Chair Clark asked about the top portion of the roundabout being in the 100 foot wetland buffer and if the mitigation of the invasive species in that section of the park would require a meeting with the Conservation Commission to remove.

Mr. Hansen responded that they would likely just stay out of that area to avoid that process.

## **PUBLIC HEARING**

[3:28:05] Chairman Chellman opened the public hearing for this application.

[3:28:25] Elizabeth Bratter, property owner of 159 McDonough Street spoke and asked for a deferral of this application due to many unknowns and the need for a meeting with the Parking and Traffic Safety Committee.

[3:30:42] Larry Gormley from Hoefle, Phoenix, Gormley and Roberts came to speak about the stacked parking and his client's past history of parking commitments. He is asking that the board make the non-stacking of the neighboring condo owner's spots a condition of approval.

[3:33:00] Chairman Chellman closed the public hearing.

## **DISCUSSION AND DECISION OF THE BOARD**

Councilor Moreau asked retired City Attorney Robert Sullivan if they could legally make a condition of approval for non-stacked parking for the condo owners.

Mr. Sullivan responded that the matter of litigation between the two parties is outside the City's concerns and they need to resolve that issue.

[3:37:25] Councilor Moreau made a motion to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.

Mr. Almeida seconded this motion. The motion passed unanimously.

[3:43:47] Councilor Moreau made a motion to grant subdivision approval with the following stipulations:

- 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 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;*

Ms. Conard seconded the motion. The motion passed 8-1.

[3:45:14] Councilor Moreau made a motion to find that the site plan application set forth meets the requirements set forth the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended with the stipulation for parking and traffic safety.

The motion was seconded by Mr. Almeida. The motion passed 6-3.

Mr. Hewitt made note that he did not believe the application met all of the findings of fact for the criteria in the Zoning Ordinance.

[3:54:13] Councilor Moreau made a motion to grant Site Plan Approval with the following conditions:

*Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:*

- 2.4) *Proposed tree grates, planting details, and planting species will be require approval from the Trees and Greenery Committee.*  
*Proposed changes to on-street parking will require approval from Parking and Traffic Safety Committee and the City Council.*  
*Applicant will copy the City of Portsmouth DPW on all related correspondence because this infrastructure lies within the City's right-of-way and can affect traffic operations at the adjacent municipal intersections. The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.*  
*Fair share contribution for the roundabout at Market Street and Russell Street. "No public parking" sign at garage entrance from backside (show on plans).*
- 2.5) *An easement will be needed across map 119, map 4 for the construction of the*

- intersection improvements.*
- 2.6) *Applicant will copy the City of Portsmouth DPW on all related correspondence with CSX. This project abuts CSX property and could affect railroad and vehicular operations in adjacent municipal intersections. The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.*
  - 2.7) *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.*
  - 2.8) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
  - 2.9) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
  - 2.10) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
  - 2.11) *Develop a delivery and loading plan to and from the development for Parking, Traffic and Safety review and approval.*

*Prior to the issuance of a Certificate of Occupancy or release of the bond:*

- 2.12) *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.*
- 2.13) *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.*

The motion was seconded by Mr. Almeida. The motion passed 8-1.

[3:57:36] Councilor Moreau made a motion to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as presented.

The motion was seconded by Mr. Mahanna. The motion passed unanimously.

[3:58:56] Councilor Moreau made a motion to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to grant the conditional use permit as presented with the following condition:

- 2.1) *The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.*

The motion was seconded by Mr. Mahanna. The motion passed unanimously.

[3:59:31] Councilor Moreau made a motion to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as presented.

Mr. Mahanna seconded the motion. The motion passed unanimously.

[4:00:05] Councilor Moreau made a motion to vote to grant the conditional use permit to allow a building footprint up to 40,000 SF within the CD5 as permitted under 10.5A43.43.

The motion was seconded by Mr. Mahanna. The motion passed unanimously.

[4:03:37] Chairman Chellman announced a five minute break.

[4:11:26] Mr. Mahanna made a motion to reconsider continuing the rest of the applications until January.

Mr. Harris seconded the motion. Vice Chair Clark warned that January may see a large schedule as well. The motion failed 7-2.

- D.** The request of **Tom Balon and EightKPH, LLC (Owner and Applicant)**, for property located at **161 Deer Street** requesting Site Plan Review approval for the construction of a four (4) story building to include a penthouse, commercial space, 19 dwelling units, and associated site improvements. Said property is shown on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5), Downtown Overlay, North End Incentive, and Historic Districts. (LU-22-173)

[4:18:38] Chairman Chellman introduced this application.

## **SPEAKING TO THE APPLICATION**

[4:19:07] John Chagnon of Ambit Engineering came to present this application along with a representative from Haley Ward, Carla Goodknight from CJ Architects, Tom Balon, property owner, and Terrance Parker from Terra Firma. This project is to be a new four-story building which will be known as 70 Maplewood Avenue. There are existing transformers on the property which will be expanded and added to. There is a drain that crosses the property which is within an easement to the City which will need to be expanded. There is an existing access easement on the abutter lot which provides access to the proposed building. There will be 12 foot wide sidewalks in the front and a pocket park in the back according to the site plan. There will be a slight increase to impervious surface calculations.

The first floor will be commercial with 19 residential units above. There will be a top penthouse level as well. Street trees are to be planted along with landscaping in the pocket park which includes benches and bike racks. There will be 29 parking spaces where the City Ordinance requires just that amount. This will even out to about two spaces per unit.

[4:26:14] Mr. Almeida commended the applicant for accommodating deliveries on site. He also wanted to know how difficult it would be to stretch the delivery lane to accommodate a larger spot.

Mr. Chagnon responded that they would be able to do that to accommodate larger trucks.

[4:27:55] Councilor Moreau asked if there were any plans to redevelop the next door bank building.

Mr. Chagnon responded that the bank building will stay for a period of time but at some point that lot will be redeveloped.

[4:29:46] Mr. Hewitt asked about the idling of the locomotives outside the parking garage and whether or not there were provisions for sound deadening for residents.

Mr. Chagnon responded that yes, those were listed in the Green Building Statement.

[4:31:15] Vice Chair Clark why infiltration would not work on this site.

Mr. Chagnon responded that the developer worked to gain the height they needed in conjunction with the groundwater table on site. The system that is designed for this project detains the roof runoff and outputs it into the R-Tanks which are set above the groundwater level which would require no extra infiltration with what will already infiltrate in the park in the back.

Vice Chair Clark wanted to ensure that there was also exterior lighting for the pocket park in the back.

Mr. Chagnon responded that the plan was to light that park from the building.

[4:43:06] Mr. Samonas asked about the architectural drawings and why the commercial area numbers change and whether they were one space or two separate spaces.

Mr. Chagnon responded that the spaces were speculative at this moment but they are currently both spaces combined in the calculation.

[4:36:45] Vice Chair Clark asked if there would be any complications during storm surge events or high tides for the drainage pipes.

Mr. Chagnon responded that in the detail sheet, it shows that the R-Tank system is elevated so that the drainage pipe will be above the other pipe so that if the pipe surcharges the water will just sit there and not back up.

## **PUBLIC HEARING**

[4:39:25] Chairman Chellman opened up the public hearing for this application.

[4:39:40] Elizabeth Bratter, property owner of 149 McDonough Street, came to speak on this application. She commended the group presenting the application for developing a nice plan and making all of the changes they have made. She expressed concern for the height of the penthouse ceiling and whether or not it complies with code.

Carla Goodknight of CJ Architects responded to this by clarifying that there is a proposed parapet wall around the perimeter of the penthouse.

[4:42:12] Chairman Chellman closed the public hearing.

## **DISCUSSION AND DECISION OF THE BOARD**

[4:42:18] Councilor Moreau made a motion to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended.

The motion was seconded by Mr. Mahanna. The vote passed unanimously.

[4:43:12] Councilor Moreau made a motion to vote to grant Site Plan Approval with the following conditions:

*Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:*

- 2.1) Applicant will updated street lighting circuit to originate from a streetlight or street light pull box for Department of Public Works review and approval.*
- 2.2) Applicant will make a \$50,000 contribution to the Maplewood Avenue corridor video detection signal system.*
- 2.3) Proposed easement to Eversource must be expanded to include area over conduit crossing map 125, lot 17-2*
- 2.4) Provide detail sheet on pedestrian/vehicle warning sign/device at garage entrance.*
- 2.5) 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.*
- 2.6) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 2.7) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.8) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
- 2.9) Dark sky compliant lighting shall be installed along the entrance side of the building.*

*2.10) Maximize the size of the delivery space.*

*Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:*

*2.11) Install new pull box on each side of conduit crossing Deer Street for street lights.*

*2.12) 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;*

*2.13) 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.*

The motion was seconded by Ms. Conard. The motion passed unanimously.

- E.** The request of **Seaport Realty LLC (Owner)**, for property located at **85 Daniel Street** requesting Site Plan Approval to add a two-story rear addition and convert the existing structure into a four unit building consisting of 4 apartments with associated stormwater, utility and site improvements. Said property is shown on Assessor Map 107 as Lot 8 and lies within the Character District 4 (CD4) and Historic Districts. (LU-22-75)

[4:47:15] Chairman Chellman introduced this application.

## **SPEAKING TO THE APPLICATION**

Mark Gianniny from McHenry Architecture came to present this application along with Alex Ross of Ross Engineering and the applicant/building owner. The existing building was built in the mid-1800s for a Sunday school and then later turned into a tenement building, most recently it was known as Milio's. There are currently two retail spaces on the ground floor with apartments on the second and third. There is a proposed addition of dormers and a two-story addition on the rear.

[4:49:03] Alex Ross of Ross Engineering introduced the site plan details. There will be an addition off the back with the end result having a decrease in impervious coverage. They are able to provide six parking spaces in the back of the lot. There was extensive back and forth with TAC for utilities improvements among other things.

[4:51:04] Councilor Moreau asked if the garages were tall enough to fit two cars in each bay.

Mr. Ross responded that yes, they are large enough.

## **PUBLIC HEARING**

[4:52:32] Chairman Chellman opened the public hearing for this application. No one spoke. The public hearing was closed.

### **DISCUSSION AND DECISION OF THE BOARD**

[4:52:52] Vice Chair Clark made a motion to vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.

Councilor Moreau seconded the motion. The motion passed unanimously.

[4:53:35] Vice Chair Clark made a motion to grant Site Plan Approval with the following conditions:

*Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:*

*2.1) 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.*

Ms. Conard seconded the motion. The motion passed unanimously.

- F.** The request of **Jonathan Watson Sobel Revocable Trust (Owner)**, for property located at **49 Sheafe Street** requesting preliminary and final subdivision approval to subdivide one (1) lot with an area of 5,402 s.f. and 50.55 ft. of continuous street frontage on Sheafe Street and 22.93 feet of frontage on Custom House Court into two (2) lots as follows: Proposed lot 1 with an area of 1,855 s.f. and 22.93 ft. of continuous street frontage on Custom House Court; and Proposed Lot 2 with an area of 3,548 s.f. and 50.55 ft of continuous street frontage on Sheafe Street. Said property is shown on Assessor Map 107 Lot 21 and lies within the CD4 and Historic Districts. (LU-22-179)

[4:54:03] Chairman Chellman introduced this application.

### **SPEAKING TO THE APPLICATION**

John Chagnon of Ambit Engineering came to present this application. The applicant wants to create a new boundary line and received approval from TAC in December with one condition which was to redo the water service to be able to access the building directly in the rear. This would be installed before the Mylar is recorded. They wish the water line to be installed or bonded because the new lot would not be able to be sold until that new Mylar is recorded.

### **PUBLIC HEARING**



[4:58:39] Chairman Chellman opened the public hearing. No one spoke. The public hearing was closed.

## **DISCUSSION AND DECISION OF THE BOARD**

[4:58:51] Councilor Moreau made a motion to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.

Mr. Almeida seconded the motion. The motion passed unanimously.

[4:59:54] Councilor Moreau made a motion to grant preliminary and final subdivision approval with the following conditions:

- 2.1) Water service line shall be installed and functioning or bonded prior to recordation of subdivision plat;*
- 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 subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

The motion was seconded by Ms. Conard. The motion passed unanimously.

[4:52:52] Vice Chair Clark made a motion to vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.

Councilor Moreau seconded the motion. The motion passed unanimously.

[4:53:35] Vice Chair Clark made a motion to grant Site Plan Approval with the following conditions:

*Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:*

- 2.1) 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.*

Ms. Conard seconded the motion. The motion passed unanimously.

**G. The request of Darren Kenny (Owner), for property located at 800 Mcgee Drive requesting a Wetland Conditional Use Permit under section 10.1017. This project**

proposes a disturbance of 168 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 12' shed on top of 2" of crushed stone in an area that is 12 x 14' within the wetland buffer. The applicant is proposing an area that is farthest from the wetland edge and has already done invasive species removal on site and within the 25' vegetated buffer strip. Said property is shown on Assessor Map 219 Lot 45-6 and lies within the Single Residence B (SRB) District. (LU-22-208)

[5:00:35] Chairman Chellman introduced this application.

### **SPEAKING TO THE APPLICATION**

Darren Kenney, property owner, came to present this application. He is proposing a 10x12 shed that will be on a crushed rock base that will replace current lawn space. It will be placed as far from the wetland as possible without being in the driveway.

[5:01:52] Vice Chair Clark asked if the shed would be right off the driveway.

Mr. Kenney responded that the shed would be towards the end of the driveway, there is a crushed rock drainage area at the end of the driveway and the shed would be just beyond that drainage zone.

[5:02:34] Mr. Samonas requested that the applicant not keep any contaminants such as gasoline or oils in the shed.

### **PUBLIC HEARING**

[5:02:52] Chairman Chellman opened the public hearing for this application. No one spoke. The public hearing was closed.

### **DISCUSSION AND DECISION OF THE BOARD**

[5:03:10] Mr. Mahanna made a motion to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.

Councilor Moreau seconded the motion. The motion passed unanimously.

[5:03:36] Mr. Mahanna made a motion to grant the Wetland Conditional Use permit with the following conditions:

*2.1) The Conservation Commission recommends the property owner follow NOFA land care standards on the site.*

*[http://www.organiclandcare.net/sites/default/files/nofa\\_organic\\_land\\_care\\_standards\\_6thedition\\_2017\\_opt.pdf](http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf)*

*2.2) The Conservation Commission recommends the property owner consider native plantings where bittersweet currently is being removed.*

The motion was seconded by Councilor Moreau. The motion passed unanimously.

**H.** The request of **Jaws LJ Jaws Brindamour Revocable Trust** and **SC Brindamour Revocable Trust (Owners)**, and **Luke J. Brindamour (Applicant)**, for property located at **653 Greenland Road** requesting Conditional Use Permit approval as permitted under Section 10.814.50 of the Zoning Ordinance to create a Detached Accessory Dwelling Unit in an existing Garage. Said property is shown on Assessor Map 259 Lot 31 and is located within the Single Residence B (SRB) District. (LU-22-228)

[4:14:25] Chairman Chellman introduced this application.

### **SPEAKING TO THE APPLICATION**

The owner introduced this application as a detached ADU as part of the existing garage. The current garage structure faces Harvard Street and it was originally built in 2009 by the previous owner. The property owner's parents desire living with the property owner and having the opportunity to occupy a space such as an ADU on the property.

### **PUBLIC HEARING**

[4:16:28] Chairman Chellman opened the public hearing for this application. No one spoke, The public hearing was closed.

### **DISCUSSION AND DECISION OF THE BOARD**

[4:16:50] Vice Chair Clark made a motion to find that the Conditional Use Permit application meets the criteria set forth in Section 10.814.60 and to adopt the findings of fact as presented.

Mr. Mahanna seconded the motion. The motion passed unanimously.

[5:17:45] Vice Chair Clark made a motion to grant the conditional use permit with the following modification and conditions.

*2.1) Modification to 10.814.54 to allow the DADU shall be separated from the single-family dwelling by less than 20 feet.*

*2.2) Modification to 10.814.55 to allow the front wall of the DADU to be closer to the front lot line than the existing front wall of the single-family dwelling.*

*2.3) In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of [Sec. 10.814], including the owner-occupancy requirement, and shall renew the certificate of use annually.*

Councilor Moreau seconded the motion. The motion passed unanimously.

## **V. CITY COUNCIL REFFERALS**

- A.** Review and discuss Phase II Regulatory Amendments and set a public hearing date for consideration.

[5:06:05] Chairman Chellman introduced this topic and asked for a date for a workshop.

Ms. Mesa Zendt spoke to the results of a google poll revealed January 22nd and January 26th as possible workshop dates.

January 26th was picked as the date for a workshop for ADU's and a second poll will go out for another date in January for a second work session.

## **VI. OTHER BUSINESS**

- A. Gregory and Amanda Morneault (Owners)**, for the property located at **137 Northwest Street** requesting a 1-Year Extension to the Planning Board approval for a Wetland Conditional Use Permit granted on January 27, 2022. (LU-20-222)

### **DISCUSSION AND DECISION OF THE BOARD**

[2:14:10] Chairman Chellman introduced this application.

[2:14:25] Councilor Moreau made a motion to grant the extension. Ms. Conard seconded the motion. The motion passed unanimously.

- B. 2422 Lafayette Road Associates LLC (Owner), and Torrington Properties Inc. (Applicant)**, for property located at **2454 Lafayette Road** requesting a 1-year Extension to the Planning Board approval for Site Plan and CUP permits granted on December 30, 2021. (LU-21-192)

### **DISCUSSION AND DECISION OF THE BOARD**

[2:14:38] Chairman Chellman introduced this application.

[2:14:47] Councilor Moreau made a motion to grant the extension. Mr. Almeida seconded the motion. The motion passed unanimously.

- C.** Chairman's Updates and Discussion Items

- D.** Board Discussion of Regulatory Amendments and Other Matters

**VII. ADJOURNMENT**

[5:08:58] Chairman Chellman adjourned the meeting at approximately 11:10 p.m.

Respectfully submitted,

Kate Homet,  
Acting Secretary for the Planning Board



City of Portsmouth  
Planning Department  
1 Junkins Ave, 3<sup>rd</sup> Floor  
Portsmouth, NH  
(603)610-7216

## Memorandum

To: Planning Board  
From: Peter Stith, Planning Manager  
Date: January 19, 2023  
Re: Recommendations for the January 19, 2023 Planning Board Meeting

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### I. ELECTION OF OFFICERS

The Chair will call for nominations for Chair and Vice Chair for the year.

Please find the section on Board Membership and Officers as found in the [Planning Board Rules and Procedures](#) below:

#### *B. Board Membership and Officers.*

...

*2. Officers: Board members shall elect annually from its membership in January of each year a Chair and Vice-Chair. Unless voted to the contrary by the Board, the vote shall be conducted by secret ballot. (While this is currently in our Rules and Procedures this procedure is inconsistent with State Law and is not followed for Planning Board Elections) The concurring votes of five members in attendance at a meeting shall be necessary to initiate the election of Officers.*

*3. Duties of the Chair: The Chair shall preside at all meetings; shall have complete voting privileges on all matters, including the election of officers; and, report any discussion or action relative to the Board that has taken place since the last meeting.*

*4. Duties of the Vice-Chair: The Vice-Chair shall assist the Chair and, in the absence of the Chair, shall have all the powers and duties of the Chair.*

...

## II. APPROVAL OF MINUTES

### A. Approval of the December 15, 2022.

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#### **Planning Department Recommendation**

*1) Board members should determine if the draft minutes include all relevant details for the decision making process that occurred at the December 15, 2022 meeting and vote to approve meeting minutes with edits if needed.*

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### III. 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 **Liberty Mutual Insurance Co. (Owner)**, for property located at **225 Borthwick Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes shoreline stabilization work for two existing ponds on site with erosion impacts. This project proposes stabilizing the slopes with an extensive native vegetation planting plan which will occur along the slope and enhance the vegetated buffer. Said property is shown on Assessor Map 240 Lot 1 and lies within the Office Research (OR) District. (LU-22-212)  
**REQUEST TO POSTPONE**

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**Planning Department Recommendation**

*Vote to postpone to the February meeting.*

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#### 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.*

- B.** The request of **Vieira Family Trust, (Owner),** and **Edward and Kathleen Vieira (Applicants),** property located at **12 Regina Road** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of 144 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 10' shed on top of a crushed stone in an area that is 12 x 12' within the wetland buffer. Said property is located on Assessor Map 225, Lot 29 and lies within the Single Residence A (SRA) District. (LU-22-221)

##### **Project Background**

Applicant is requesting a wetland conditional use permit to install a new shed on their property. The shed is located completely within the 100' wetland buffer and adjacent to the existing driveway in an area of limited grass, weeds and tree roots.

##### **Project Review Discussion and Recommendations**

This application has been before the Conservation Commission. See below for more details.

##### **Conservation Commission**

The Conservation Commission, at its regularly scheduled meeting of Wednesday, December 14, 2022, considered the application for a Wetland Conditional Use Permit under section 10.1017. The Commission voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board as presented.

##### **Staff Analysis**

##### **1. The land is reasonably suited to the use activity or alteration.**

Applicant is proposing to construct a new shed in an area of lawn just beyond the driveway. The shed itself will be 10 x 10' and will be placed on a crushed stone base that will be 12x12'. The size of the stone area will allow for infiltration of stormwater from the shed below the footprint area of the shed. The majority of this parcel is located within a 100' wetland buffer.

##### **2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.**

The majority of this lot is within the 100' wetland buffer, leaving no real alternative location outside of the buffer.

**3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.**

The small size of the shed, distance from the wetland and the infiltration proposed with the crushed stone will reduce any impacts due to the new impervious surface area of 144 square feet.

**4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.**

The applicants noted that prior to applying for a conditional use permit, they did not realize they would need permission for placing crushed stone and have already gone ahead with the fill of the stone base. They have noted that if necessary, they are prepared to remove the fill that has been placed. The shed is proposed to be located over an existing lawn area that has minimal grass and weeds. This work will amount to 144 square feet of new crushed stone in an area of lawn. The applicant is proposing to increase plantings in this area of the property by placing four or five blueberry bushes surrounding the shed to mitigate wetland buffer impacts.

**5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.**

Given the small size of the project, significant impacts are not expected. The placement of blueberry bushes, along with some additional buffer plantings would help to mitigate any impacts.

**6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.**

The applicant is not proposing any disturbance or changes to the 25' vegetated buffer strip.

---

**Planning Department Recommendation**

*1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.*

*(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.*

*2) Vote to grant the Wetland Conditional Use permit with the following condition:*

- 2.1) 2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*
-

#### 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.*

- C. The request of **Torrington Brown LLC** and **Single Venture LLC (Owners)**, for property located at **132-134 Middle Street** requesting a Conditional Use Permit Approval to provide 7 parking spaces where 17 spaces are required as permitted under Section 10.1112.14 of the Zoning Ordinance. Said property is located on Assessor Map 127, Lot 12 and lies within the Character District 4-L1 (CD4-L1), and the Historic District. (LU-22-232)

##### **Project Background**

The project involves the renovation and remodeling of an existing structure at 132-134 Middle Street, currently 20 dwelling units and 1 commercial unit. The proposed use will be 21 residential units (adding one residential unit and removing the commercial unit). There are 7 off-street parking spaces proposed (some stacked) where 17 are required and therefore the applicant is seeking a Conditional Use Permit under Section 10.241.23(c).

##### **Project Review Discussion and Recommendations**

This application has been before the Zoning Board of Adjustment and Planning Board. See below for more details.

##### **Zoning Board of Adjustment**

The Zoning Board of Adjustment granted variances on February 19, 2020 to allow a lot area per dwelling unit of 590 square feet for 134 Middle and 499 square feet for 132 middle where 3,000 square feet is required for each. A variance was granted for expansion of a nonconforming use to be extended, enlarged or changed without conforming to the Ordinance and for the use to be extended throughout other parts of the building. A one-time, one-year extension was granted on January 18, 2022 and will ultimately expire on February 19, 2023 if a building permit has not been issued. A building permit has been filed, but is on hold pending approval of the parking CUP.

##### **Planning Board**

The Planning Board granted a parking CUP on February 27, 2020 to allow 7 parking spaces where 24 were required. A one year extension was granted on February 25, 2021 and the approval expired on February 27, 2022. The 2020 request required more parking because of the size of the units, which were mainly between 500 – 750 square feet and the current request has most of the units under 500 square feet, reducing the parking requirement.

### **Conditional Use Permit for Parking**

The off-street parking standards in the City's Zoning Ordinance require 17 parking spaces for the site based on the parking requirements for residential uses as provided in Section 10.1112.31. The parking requirement is calculated using the floor area per dwelling unit requirement for the 21 dwelling units and the required one visitor parking spaces for every 5 dwelling units as shown in the table below provided by the applicant.

<u>Parking Demand Portsmouth Ordinance</u>			
<u>Unit Size</u>	<u>Parking Spaces Required</u>	<u># of units</u>	<u>Parking Spaces Required</u>
< 500 SF	0.5 per unit	17	8.5
500 to 750 SF	1 per unit	4	4
Over 750 SF	1.3 per unit	0	0
Visitor	0.2 per unit	21	4.2
<b><i>Total required:</i></b>			<b><i>17 Spaces</i></b>

Per Section 10.1112.14 of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum parking spaces required by the off-street parking standards. An application for a conditional use permit for off-street parking must include a parking demand analysis.

Per Section 10.1112.142, an application for a conditional use permit shall identify permanent measures to reduce parking demand including but not limited to proximity to public transit and shared parking on a separate lot. The applicant has noted that the property is located on a public transit route and within easy walking distance to jobs and amenities.

The applicant believes that the provided parking is sufficient for the proposed use and that while the relief seems large, it is actually quite small in that the conversion from office to residential creates the need for one additional space and it could be argued that the intensive commercial re-use of the unit may require more parking than the proposed residential use.

### **Technical Advisory Committee Review**

Per Section 10.1112.141 of the Zoning Ordinance, the parking demand analysis must be reviewed by the Technical Advisory Committee prior to submission to the Planning Board. TAC reviewed the analysis at the December 6, 2022 meeting and recommended approval with the following condition:

2.2) *Applicant will updated plans to reflect the addition of an extra bike rack.*

---

**Planning Department Recommendation**

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as presented.*

*(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as amended and read into the record.*

2) *Vote to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to grant the conditional use permit as presented with the following condition:*

*2.1) Per the requirements of the Zoning Ordinance, the six proposed tandem spaces shall be assigned to the same dwelling units and shall not be used to provide guest parking.*

**V. CITY COUNCIL REFERRALS**

Public hearing on the Accessory Dwelling Unit amendments scheduled for January 30, 2023.

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**Planning Department Recommendation**

*Vote to hold a public hearing for January 30, 2023.*

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## **VI. OTHER BUSINESS**

### **A. Chairman's Updates and Discussion Items**

### **B. Planning Board Rules and Procedures**

#### Background

The Board has had discussion about amending the Rules and Procedures over the course of this year. This is an opportunity for continued discussion of changes to the rules. The link below is for the current document.

<https://files.cityofportsmouth.com/files/planning/PB+Rules%2BProcedures+rev+Jan2014.pdf>

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#### **Planning Department Recommendation**

*Vote to schedule a public hearing for the proposed amendments to the Rules and Procedures at the February meeting.*

### **C. Board Discussion of Regulatory Amendments and Other Matters**

## **VII. ADJOURNMENT**

**From:** [Izak Gilbo](#)  
**To:** [Peter M. Stith](#)  
**Cc:** [Kimberli Kienia](#)  
**Subject:** FW: 225 Borthwick Avenue  
**Date:** Tuesday, January 10, 2023 9:18:19 AM  
**Attachments:** [image001.png](#)

---

Hi Kim and Peter,

Please see the request to postpone below.

All the best,  
Izak

---

**From:** Jennifer Brymer [mailto:[jbrymer@aqualisco.com](mailto:jbrymer@aqualisco.com)]  
**Sent:** Tuesday, January 10, 2023 9:03 AM  
**To:** Izak Gilbo <[igilbo@cityofportsmouth.com](mailto:igilbo@cityofportsmouth.com)>; Peter L. Britz <[plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)>  
**Cc:** Brock Marks <[bmarks@aqualisco.com](mailto:bmarks@aqualisco.com)>; Anthony Villedrouin <[avilledrouin@aqualisco.com](mailto:avilledrouin@aqualisco.com)>; Michael McManus <[mmcmanus@aqualisco.com](mailto:mmcmanus@aqualisco.com)>  
**Subject:** Re: 225 Borthwick Avenue

Izak / Peter, good morning;

We are still held up on the permitting process for the state and the design plans by our engineer, we would like to request a postponement for the January Planning Board meeting.

If you have any questions, please don't hesitate.

Thank you,

**Jennifer Brymer, CMCA, AMS**  
**PROJECT MANAGER**  
**SCM Inspection Cert.#:4637**

[jbrymer@aqualisco.com](mailto:jbrymer@aqualisco.com)  
D 919.646.4056 | O 888.590.9685 | M 984.286.6778

---

**From:** Jennifer Brymer  
**Sent:** Monday, November 28, 2022 12:53 PM  
**To:** Izak Gilbo <[igilbo@cityofportsmouth.com](mailto:igilbo@cityofportsmouth.com)>; Peter L. Britz <[plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)>  
**Cc:** Brock Marks <[bmarks@aqualisco.com](mailto:bmarks@aqualisco.com)>; Anthony Villedrouin <[avilledrouin@aqualisco.com](mailto:avilledrouin@aqualisco.com)>; Michael McManus <[mmcmanus@aqualisco.com](mailto:mmcmanus@aqualisco.com)>  
**Subject:** RE: 225 Borthwick Avenue

Appreciate your getting back to me, thank you Izak!

**Jennifer Brymer, CMCA, AMS**  
PROJECT MANAGER

[jbrymer@aqualisco.com](mailto:jbrymer@aqualisco.com)

D 919.646.4056 | O 888.590.9685 | M 984.286.6778

---

**From:** Izak Gilbo <[igilbo@cityofportsmouth.com](mailto:igilbo@cityofportsmouth.com)>

**Sent:** Monday, November 28, 2022 11:24 AM

**To:** Jennifer Brymer <[jbrymer@aqualisco.com](mailto:jbrymer@aqualisco.com)>; Peter L. Britz <[plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)>

**Cc:** Brock Marks <[bmarks@aqualisco.com](mailto:bmarks@aqualisco.com)>; Anthony Villedrouin <[avilledrouin@aqualisco.com](mailto:avilledrouin@aqualisco.com)>; Michael McManus <[mmcmanus@aqualisco.com](mailto:mmcmanus@aqualisco.com)>

**Subject:** RE: 225 Borthwick Avenue

Good Morning Jennifer,

My apologies for the delayed response, the deadline for the January 18, 2023 Planning Board meeting is Wednesday, December 28, 2022.

All the best,  
Izak Gilbo  
Associate Planner  
Portsmouth Planning Department  
1 Junkins Avenue  
Portsmouth, NH 03801  
**Tel: (603)-610-7235**

---

**From:** Jennifer Brymer [<mailto:jbrymer@aqualisco.com>]

**Sent:** Monday, November 28, 2022 10:14 AM

**To:** Izak Gilbo <[igilbo@cityofportsmouth.com](mailto:igilbo@cityofportsmouth.com)>; Peter L. Britz <[plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)>

**Cc:** Brock Marks <[bmarks@aqualisco.com](mailto:bmarks@aqualisco.com)>; Anthony Villedrouin <[avilledrouin@aqualisco.com](mailto:avilledrouin@aqualisco.com)>; Michael McManus <[mmcmanus@aqualisco.com](mailto:mmcmanus@aqualisco.com)>

**Subject:** RE: 225 Borthwick Avenue

Good morning Izak, I just wanted to follow up with my email below regarding our plans being added to the January Planning Board meeting.

Please let me know at your earliest convenience. I look forward to hearing from you soon.

Thank you!

**Jennifer Brymer, CMCA, AMS**  
PROJECT MANAGER

[jbrymer@aqualisco.com](mailto:jbrymer@aqualisco.com)



**D** 919.646.4056 | **O** 888.590.9685 | **M** 984.286.6778

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**From:** Jennifer Brymer

**Sent:** Tuesday, November 22, 2022 4:36 PM

**To:** [igilbo@cityofportsmouth.com](mailto:igilbo@cityofportsmouth.com); [plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)

**Cc:** Brock Marks <[bmarks@aqualisco.com](mailto:bmarks@aqualisco.com)>; Anthony Villedrouin <[avilledrouin@aqualisco.com](mailto:avilledrouin@aqualisco.com)>;

Michael McManus <[mmcmanus@aqualisco.com](mailto:mmcmanus@aqualisco.com)>

**Subject:** 225 Borthwick Avenue

Hi Izak, good afternoon:

We received a copy of the letter from the Planning Commission with their recommendation to approve our request with the Planning Board for the Wetland Conditional Use Permit, however the letter indicates that we will need to submit our package with the updated planting plan by EOD tomorrow (the 23rd) for the December meeting.

My question to you as I understand you put together the agendas is, can we be pushed to the January Board meeting as our planting plan will not be available to include with our request by EOD tomorrow?

Please let me know at your earliest convenience, it would be greatly appreciated!

Thank you,

Sincerely,

**Jennifer Brymer, CMCA, AMS**  
PROJECT MANAGER

**AQUALIS**

[jbrymer@aqualisco.com](mailto:jbrymer@aqualisco.com)

**D** 919.646.4056 | **O** 888.590.9685 | **M** 984.286.6778

2510 Meridian Pkwy, Ste 350, Durham, NC 27713

[www.aqualisco.com](http://www.aqualisco.com)



January 10, 2023

Planning Board

City of Portsmouth

1 Junkins Avenue

Portsmouth, New Hampshire 03801

Dear Chair Rick Chellman,

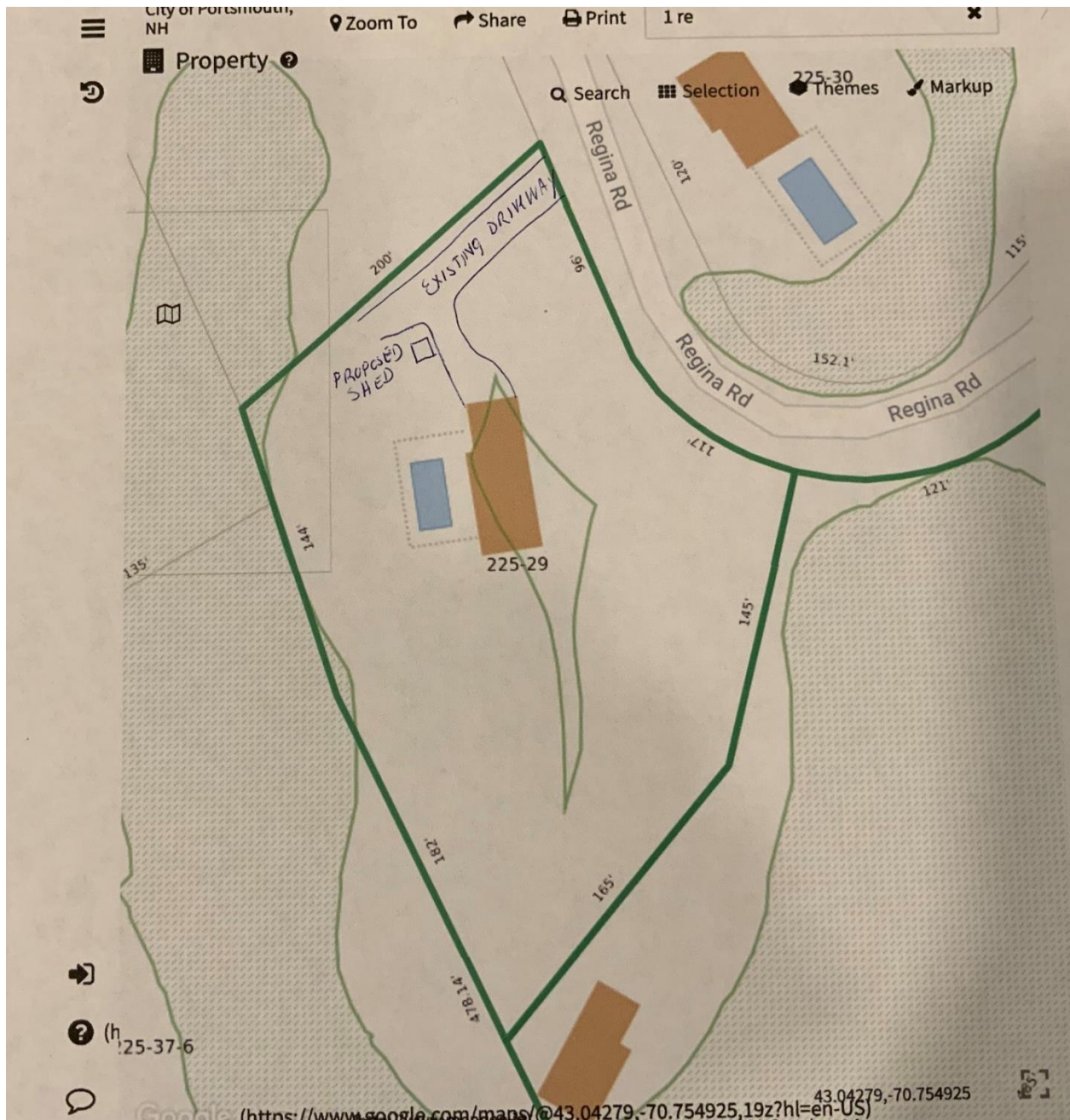
We are writing today in regards to a small shed which we would like to add to our property at 12 Regina Road. We were granted approval from the Conservation Commission on 12/14/2002 and we are now seeking your approval. We purchased this property earlier this year and found that we need additional storage for lawn tools, snow blower, etc. The shed will be 10 x 10, wood construction, and will sit on a crushed stone base of 12 x 12. The area where we would like to place the shed is directly adjacent to the existing driveway. The driveway has a turn-around cut out and the shed would tuck right into the "U" shape it creates. That area currently has some limited grass, mostly weeds, and some tree roots. Our intention is to plant 4-5 blueberry bushes next to the shed in the spring to mitigate any impact we might have on the wetlands buffer. As you can see from the plot layout most of our property is wetlands buffer and we believe this location provides the least amount of wetland buffer impact while still provide access to tools. We appreciate your consideration of our request.

Thank you,

Edward and Kathleen Vieira

12 Regina Road

Portsmouth, NH



# AMBIT ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801  
Phone (603) 430-9282 Fax 436-2315

27 December 2022

Rick Chellman, Planning Board Chair  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

## **RE: Application for Parking CUP Approval, Tax Map 127, Lots 11 & 12, 132-134 Middle Street**

Dear Chair Chellman and Planning Board members:

On behalf of Torrington Properties, we herewith submit a **Parking Conditional Use Permit (CUP)** application for approval at the above-mentioned site. Please find the attached informational package in support thereof. This application is similar to the application submitted and approved by the Planning Board in February of 2020. The current owners purchased the property in 2022 and they were not aware that the previous Conditional Use permit for this work had expired. This application does NOT include work to add units in the basement, which was a part of the prior approval.

Currently the combined property has a three-story building with 20 residential units and one commercial unit. The proposed plan is to convert the commercial unit of the 134 Middle Street building to a residential unit. Although the prior commercial use creates a higher parking demand, the change of use triggers the need for a Parking CUP under the Portsmouth Ordinance.

The application was reviewed at the Technical Advisory Committee meeting on December 6, 2022. The Committee voted to recommend approval of the CUP subject to one condition:

- 1. Applicant will update plans to reflect the addition of an extra bike rack*

The submitted plans reflect currently installed bike racks with the addition of 4 proposed bike racks.

Thank you for your time and attention to this proposal. We look forward to an in-person presentation at your January 19, 2023, Planning Board meeting.

Sincerely,

*John R. Chagnon*

John R. Chagnon, PE  
CC: 132-134 Middle Street Team

# AMBIT ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801

Phone (603) 430-9282 Fax 436-2315

23 December, 2022

## Proposed Parking Demand

### Building Remodeling

### 132-134 Middle Street

### Portsmouth, NH

The purpose of this calculation is to identify the proposed parking demand under the Portsmouth Ordinance generated by the building remodeling at 132-134 Middle Street. Currently the combined property has a three-story building with 20 residential and one commercial units. The proposed plan is to convert the commercial unit of the 134 Middle Street building to a residential unit. Although the prior commercial use creates a higher parking demand, the change of use triggers the need for a Parking CUP under the Portsmouth Ordinance.

In developing the expected parking demand Ambit Engineering considered the standard rates as outlined in the City of Portsmouth Zoning Ordinance under Section 10.1112.31 ***Parking Requirements for Residential Uses***. Also, this application will look at demand based on ITE industry data, as a back-up. The parking demand, based upon the number size of the dwelling units in the buildings are summarized below:

#### Parking Demand Portsmouth Ordinance

Unit Size	Parking Spaces Required	# of units	Parking Spaces Required
< 500 SF	0.5 per unit	17	8.5
500 to 750 SF	1 per unit	4	4
Over 750 SF	1.3 per unit	0	0
Visitor	0.2 per unit	21	4.2

***Total required:***

***17 Spaces***

Based on the calculation there is an anticipated requirement for 17 parked vehicles with this project. U.S. Census Bureau information on means of travel for residence of Portsmouth shows that approximately 7.7 percent of Portsmouth residents travel to work via walking or biking and 1.4 percent of Portsmouth residents utilize public transit services to travel to/from work. We can assume that some of this population may not have, or need to have, a vehicle. Based on this data a reduction of 9 % in parking demand could be expected, thus reducing the actual demand to 14 vehicles.

## Parking Demand ITE

In developing the expected Parking Demand Ambit Engineering considered the standard Parking Demand rates and equations published in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5<sup>th</sup> Edition. The land use category that best correlates with the proposed use is Multifamily Housing (Low Rise) (ITE Land Use Code 220). Please note that the ITE Rates are for peak periods of demand; the residential being 10:00 PM to 6:00 AM time period, where surrounding available parking is at its peak availability. The parking demand, based upon the number of dwelling units in the building is summarized below for the **Average Peak Period of Parking Demand**:

### Parking Demand Summary - PROPOSED

#### Peak Period of Demand

Multifamily Housing (Low Rise) (1.21 / unit)                      1.21 x 21 units = 25 vehicles

Total Parking Spaces required    25 vehicles

The attached site plan shows that the site is set up to support seven vehicles in off-street parking locations, leaving the site 7-10 / 18 spaces short of meeting the Portsmouth Ordinance / ITE Calculations. As allowed in the Ordinance the applicant can seek permission, in an application to the Planning Board for a Conditional Use Permit, for the amount of provided parking for a proposed use to be less than the ordinance requirement. This letter is in support of such an application.

The applicant is making a minor revision; the conversion of a small section of the building to residential use, increasing the unit count by one unit. This is a minor addition to an existing situation. While the relief seems large, it is actually quite small in that the conversion creates the need for only one additional space, per the Ordinance, and it could be argued that an intensive commercial re-use may require more parking. Also, give the desire for affordable residential apartments in the City's urban core, granting the relief will serve the purpose of allowing one more apartment in the city's urban core.

The applicant believes that the provided parking is sufficient for the proposed use. Efforts will be undertaken to increase the available parking in nearby locations by requesting shared uses with abutting business parking lots or possibly providing residents with passes to park in the Foundry Place garage.

We submit that the application conforms to the Portsmouth Ordinance Sections, repeated below with comments in **bold** text, as follows:

Section 10.1112.141: An application for a conditional use permit under this section shall include a parking demand analysis demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use. **The Parking Space Calculations (Demand Analysis) on the attached Site plan show that the parking demand at the property is being decreased with the conversion of the commercial space to a residential unit. The actual increase in demand, under the Portsmouth Ordinance, is one parking space; though there will be a reduction in supplied parking due to the**

**need to eliminate one non-conforming parking space located in the front setback in violation of the ordinance. This minor increase in demand is de minimis.**

Section 10.1112.142: An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/micro transit services or bike share station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62. **The location of the proposed dwelling unit, in close proximity to public transportation and urban core amenities, with current work at home available infrastructure, complies with this section.**

Section 10.1112.143: The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis. **Since the existing parking supply is currently sufficient for the existing residential use, and the conversion of the commercial unit to residential use only adds one unit, we submit that the available parking is adequate for this conversion.**

Section 10.1112.144: At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant or may allow fewer spaces than the maximum number requested by the applicant. **The application requests approval as presented; the maximum available given the existing site configuration.**

The proposed conversion to add one residential dwelling unit will result in a decreased Portsmouth ordinance demand for parking over the current building use and configuration. For the reasons stated above, the Parking CUP application should be granted. Denial of the request would be in contrast to the Portsmouth Master Plan, since the use revision creates additional housing in the urban core, a stated goal. Therefore, we ask that the Planning Board grant the Parking Conditional Use Permit finding that the available parking conforms to the intent of the ordinance provisions. Please feel free to call if you have any questions or comments.

Sincerely,

*John R. Chagnon*

John R. Chagnon, Project Manager  
Ambit Engineering, Inc.  
603-430-9282

## Land Use: 220 Multifamily Housing (Low-Rise)

### Description

Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and with one or two levels (floors) of residence. Multifamily housing (mid-rise) (Land Use 221), multifamily housing (high-rise) (Land Use 222), and affordable housing (Land Use 223) are related land uses.

### Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand (1) on a weekday (10 study sites) and a Saturday (11 study sites) in a general urban/suburban setting and (2) on a weekday (three study sites) and a Saturday (three study sites) in a dense multi-use urban setting.

Hour Beginning	Percent of Peak Parking Demand			
	General Urban/Suburban		Dense Multi-Use Urban	
	Weekday	Saturday	Weekday	Saturday
12:00–4:00 a.m.	100	93	86	100
5:00 a.m.	97	100	100	94
6:00 a.m.	90	98	94	91
7:00 a.m.	77	96	81	85
8:00 a.m.	56	92	58	79
9:00 a.m.	45	80	56	76
10:00 a.m.	40	78	53	71
11:00 a.m.	37	71	58	74
12:00 p.m.	36	68	56	68
1:00 p.m.	36	66	53	68
2:00 p.m.	37	65	47	68
3:00 p.m.	43	68	56	56
4:00 p.m.	45	70	53	59
5:00 p.m.	55	73	61	53
6:00 p.m.	66	77	81	50
7:00 p.m.	73	81	67	56
8:00 p.m.	77	82	61	65
9:00 p.m.	86	86	64	74
10:00 p.m.	92	87	75	85
11:00 p.m.	97	92	86	91



# Multifamily Housing (Low-Rise) (220)

## Peak Period Parking Demand vs: Dwelling Units

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban (no nearby rail transit)

Peak Period of Parking Demand: 11:00 p.m. - 6:00 a.m.

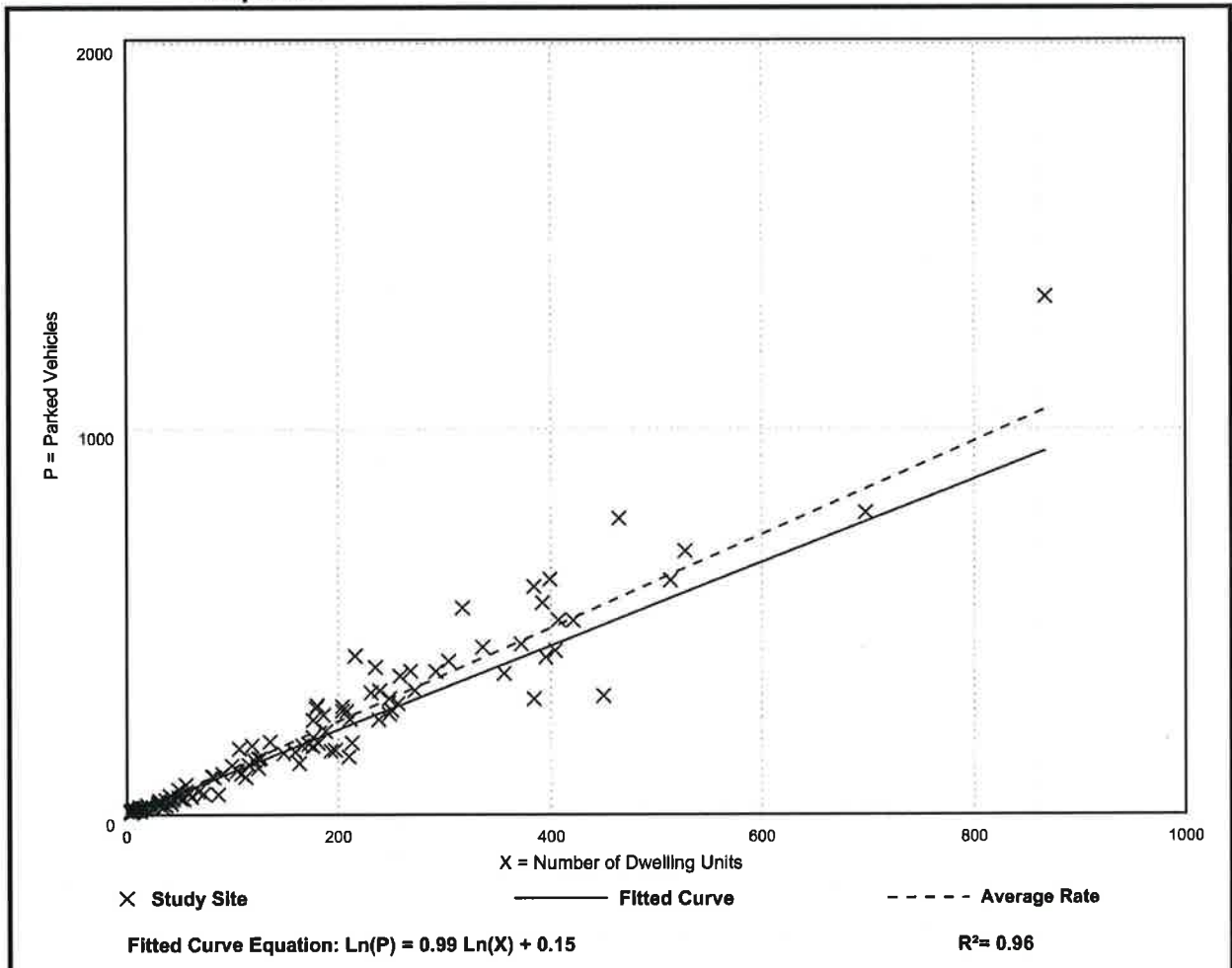
Number of Studies: 119

Avg. Num. of Dwelling Units: 156

## Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.21	0.58 - 2.50	1.03 / 1.52	1.16 - 1.26	0.27 ( 22% )

## Data Plot and Equation



# **AMBIT ENGINEERING, INC.**

CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801  
Phone (603) 430-9282 Fax 436-2315

22 November, 2022

## **Trip Generation**

### **Proposed Renovations – Conversion of Commercial Space to Housing**

**132 – 134 Middle Street**

**Portsmouth, NH**

On behalf of Torrington Properties, we hereby submit this Trip Generation in support of the applicant's filing with the Portsmouth Planning Board for a Conditional Use Permit as allowed in the Portsmouth Zoning Ordinance. The Conditional Use Permit seeks to provide 7 parking spaces (some stacked) where 17 are required. The project involves the conversion of a commercial unit to a residential unit in an existing structure at 132-134 Middle Street. The site is actually two abutting properties, however the building, which straddles the property line, is one building, therefore we are treating the request in this application as a single request. The structure is currently 20 dwelling units and 1 commercial unit. The proposed use will be 21 residential units. The applicant seeks to perform this work in accordance with the requirements of the City; hence this application for a Conditional Use Permit submitted herewith based on the revised use.

The base trip generation for the proposed 21-unit building is based on a review of the Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10<sup>th</sup> Edition. The land use code (LUC) that best resembles the proposed use is LUC 220 –Apartment. Using that description, the proposed use the site generates the following peak hour trips:

Weekday Trip Ends: 139 Trips (50% entering; 50% exiting)

Weekday Morning Peak Hour: 11 Trips (16% entering; 84% exiting)

Weekday Evening Peak Hour: 13 Trips (67% entering; 33% exiting)

Saturday Trips: 134 Trips (50% entering; 50% exiting)

The location of the building, adjacent to the downtown Portsmouth, allows the residents to be within easy walking distance to jobs and amenities. The location of the building, near public transportation, also allows residents access to the wider transportation network. The expectation is that actual trip generation (and parking demand) would therefore be reduced due to the resident's use of bicycles, walking, and available transit.

U.S. Census Bureau information on means of travel for residents of Portsmouth shows that approximately 7.7 percent of Portsmouth residents travel to work via walking or biking and 1.4 percent of Portsmouth residents utilize public transit services to travel to/from work. Based on this data a reduction of 9 % in trip generation could be expected.

The applicant has added two locations for bicycle parking, which is a suitable transportation mode given the urban location of the site. There is a COAST bus stop in close proximity to the site. There is also on-street parking on State Street, accessed via an access easement.

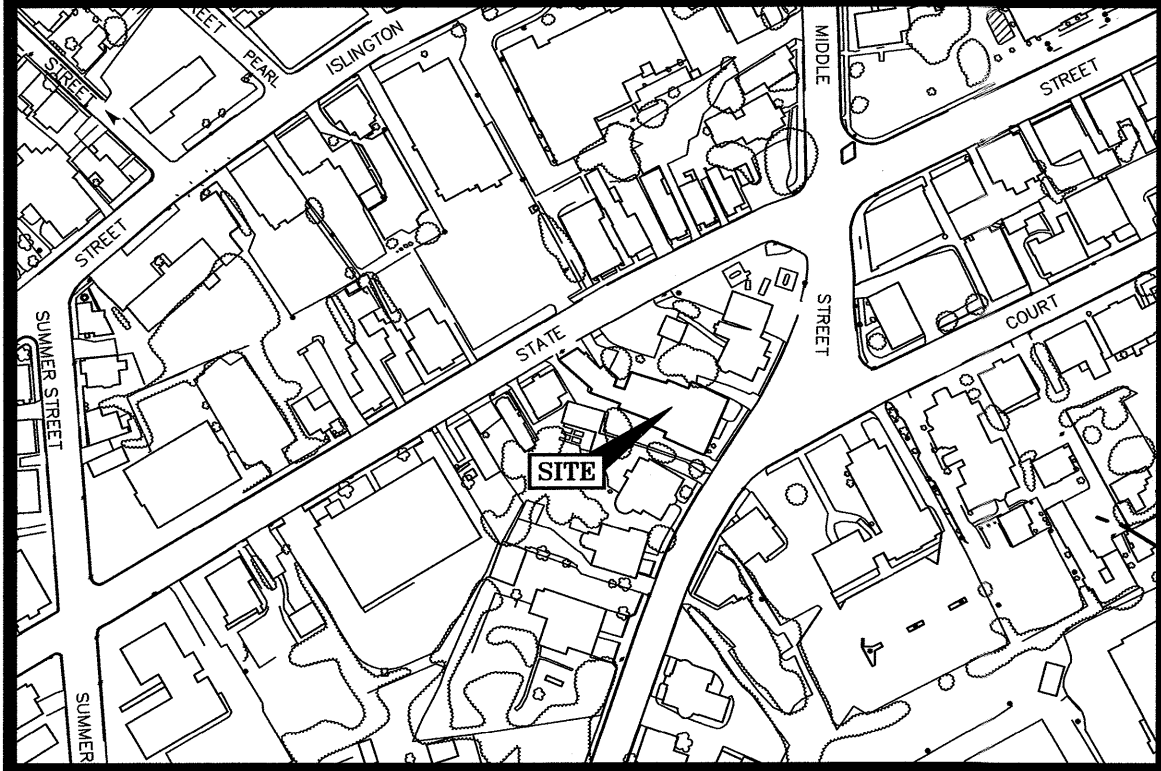
The applicant believes that the added trip generation from the site re-use is not excessive, will not impact the adjacent street networks, and respectfully requests that the Planning Board grant the Conditional Use Permit as submitted.

Please feel free to call if you have any questions or comments about this application.

Sincerely,

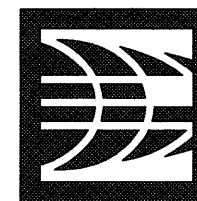
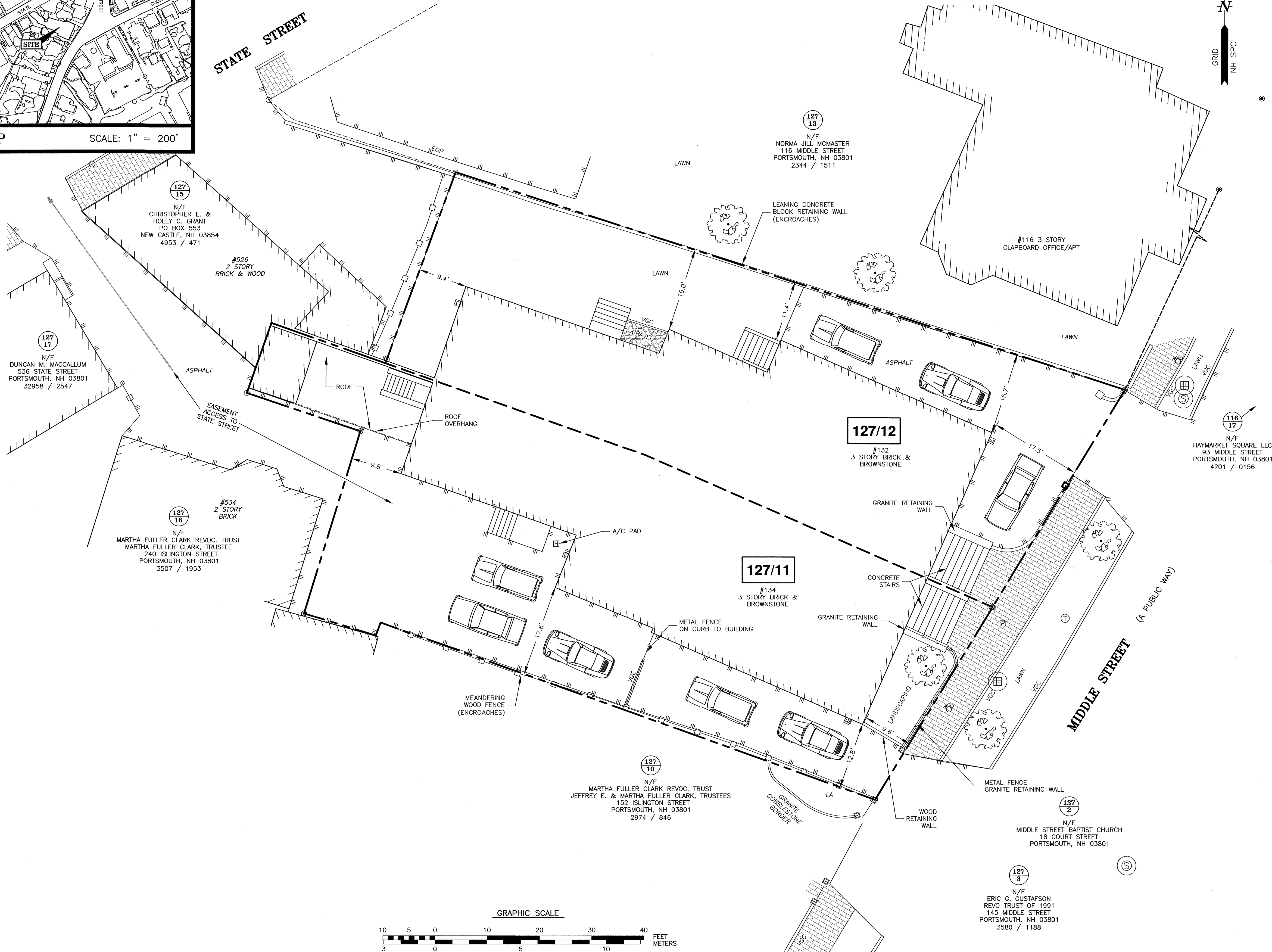
*John R. Chagnon*

John R. Chagnon, PE  
Ambit Engineering, Inc.



LOCATION MAP

SCALE: 1" = 200'



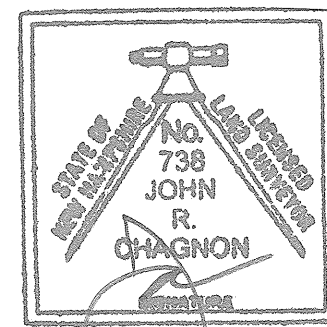
**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

NOTES:

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 127 AS LOTS 11 & 12.
- 2) OWNERS OF RECORD:  
MAP 127 LOT 11  
TORRINGTON BROWN LLC  
SINGLE VENTURE LLC  
QB SALEM HOLDING LLC  
60 K STREET, SUITE 302  
BOSTON, MA  
6417/1365  
  
MAP 127 LOT 12  
TORRINGTON BROWN LLC  
SINGLE VENTURE LLC  
QB SALEM HOLDING LLC  
60 K STREET, SUITE 302  
BOSTON, MA  
6417/1365
- 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29 2021.
- 4) EXISTING LOT AREAS:  
MAP 127 LOT 11  
5,902 SF  
0.14 ACRES  
  
MAP 127 LOT 12  
5,499 SF  
0.13 ACRES
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 LIMITED (CD4-L1) & HISTORICAL DISTRICT. SEE CITY OF PORTSMOUTH ZONING ORDINANCE FOR DIMENSIONAL REQUIREMENTS.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON MAP 127 LOTS 11 & 12.

PROPOSED RENOVATIONS  
132 & 134  
MIDDLE STREET  
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/21/22
REVISIONS		



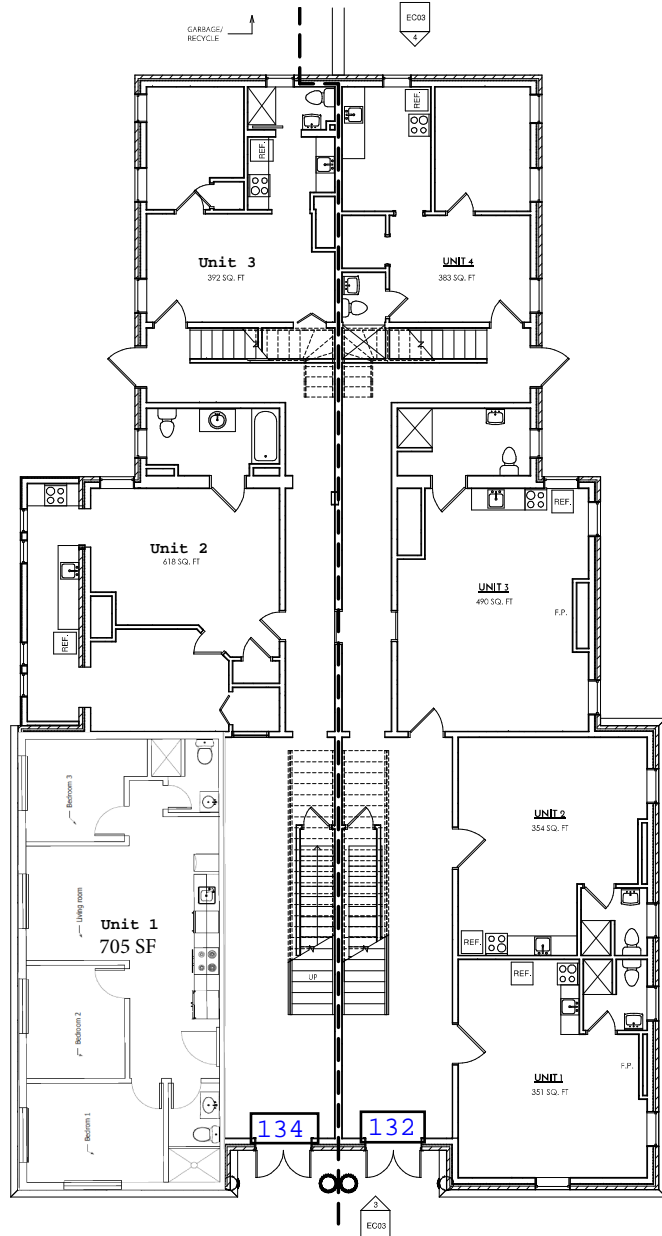
SCALE: 1"=10' NOVEMBER 2022

SITE  
PLAN

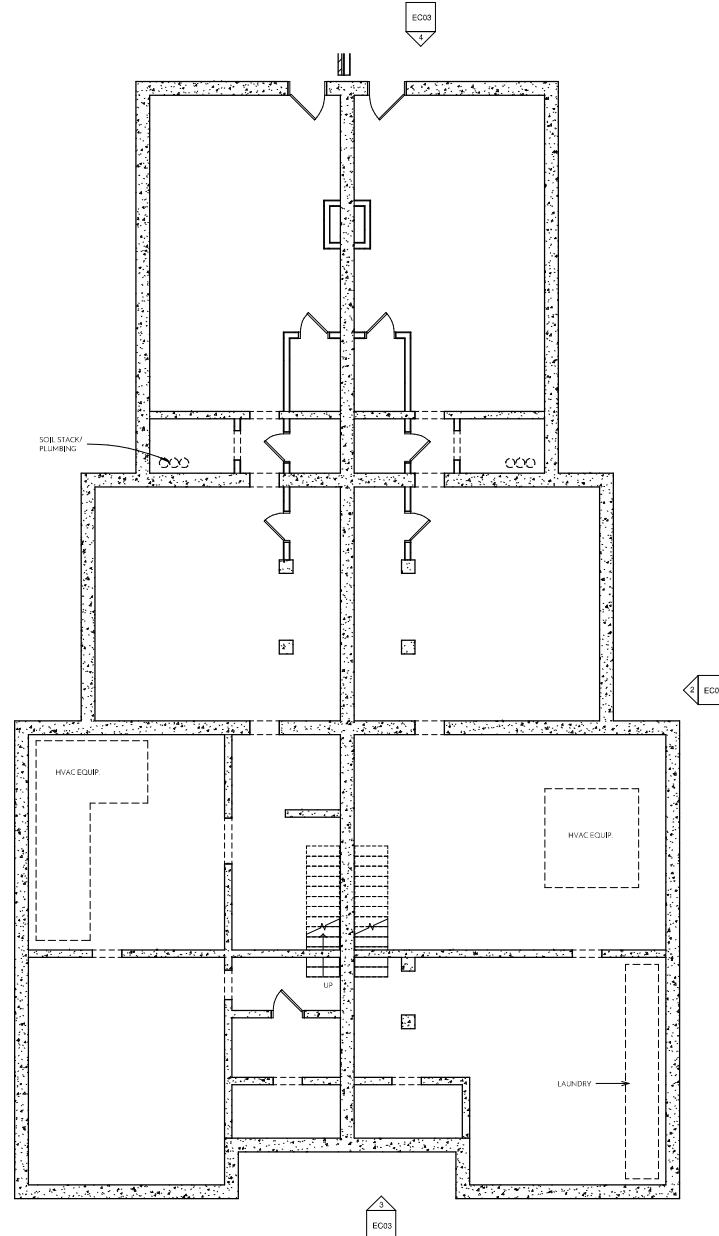
C1







1  
EXISTING FIRST FLOOR  
3/16" = 1'-0"



2  
EXISTING BASEMENT  
3/16" = 1'-0"

NOTE:  
ALL UNIT AREA SQUARE FOOTAGES MEASURED AT  
CENTER LINE OF COMMON/DEMISING WALLS, AND  
INSIDE FINISH FACE OF EXTERIOR WALLS

EXISTING CONDITIONS

132- 134 MIDDLE STREET, PORTSMOUTH NH  
134 MIDDLE STREET LLC

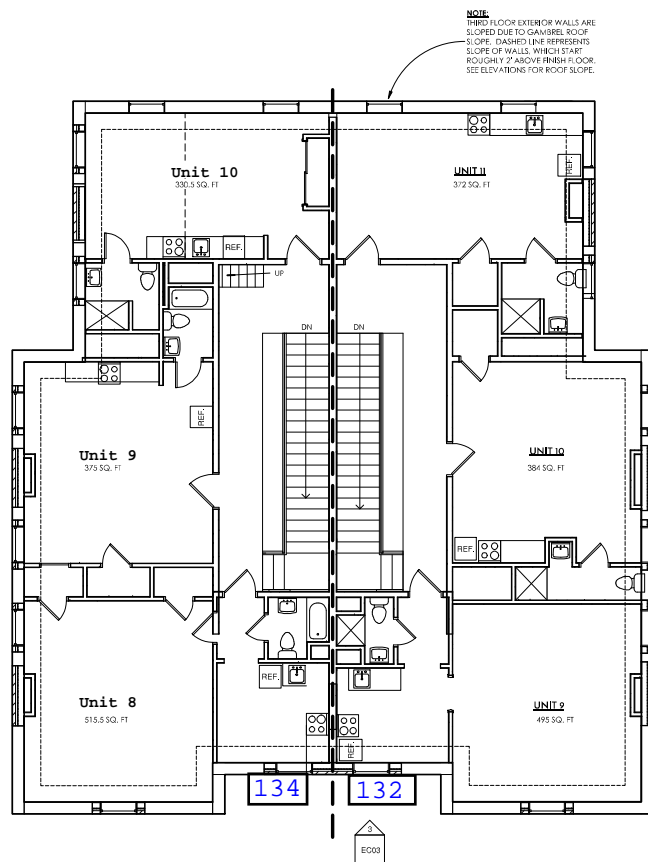
EXISTING PLANS

Revisions

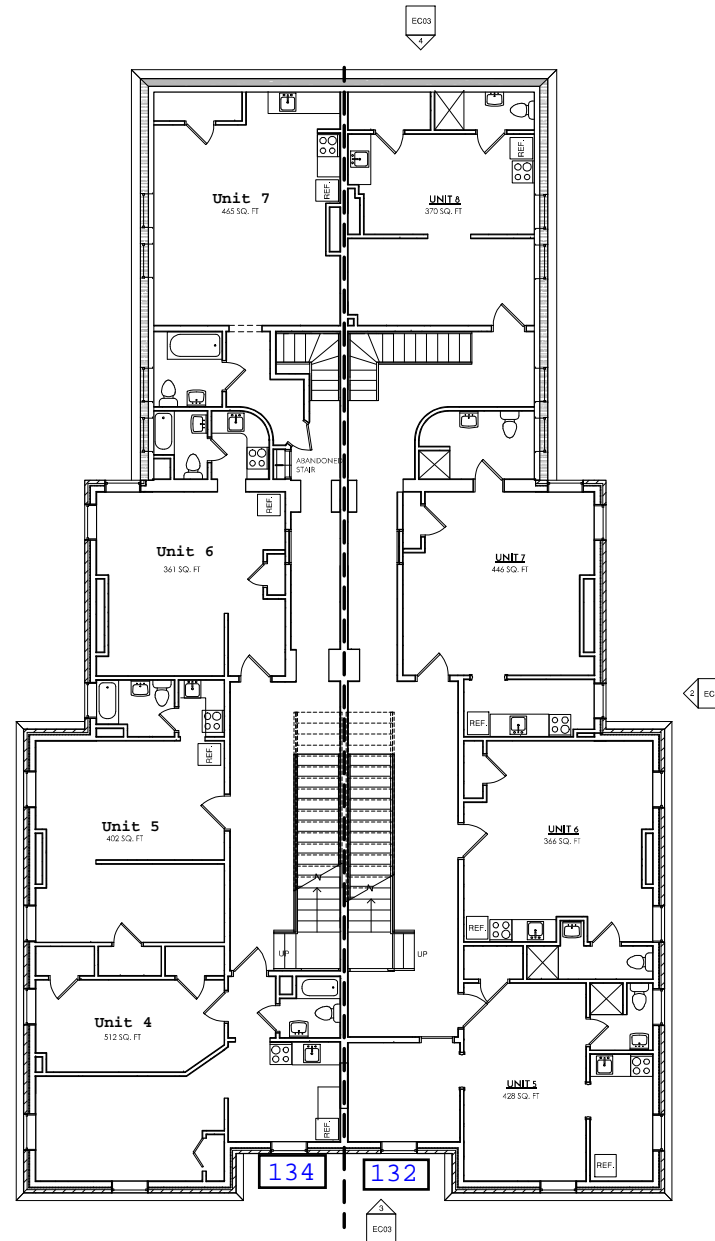
No.	Date

August, 2018

C01



**EXISTING THIRD FLOOR**  
3/16" = 1'-0"



**EXISTING SECOND FLOOR**  
3/16" = 1'-0"

**EXISTING CONDITIONS**

132- 134 MIDDLE STREET, PORTSMOUTH NH  
134 MIDDLE STREET LLC

**EXISTING PLANS**

Revisions	
No.	Date

August, 2018

**C02**