

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

April 20, 2023

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

A. Approval of the March 16, 2023 Minutes

*The Board voted to **approve** the March 16, 2023 Minutes*

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A.** The request of **Frederick J. Bailey III** and **Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)
- B.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to subdivide 10.9 acres (474,333 square feet) to create a lease lot area for the applicant. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

The Board voted to determine the applications to be complete according to the Subdivision Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the application for consideration.

Motion: B. Moreau; K. Conard.

SITE PLAN REVIEW

- A.** The request of **Frederick J. Bailey III** and **Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living unit structures, two (2) two-unit structures, 18 parking spaces where 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)
- B. REQUEST TO POSTPONE** The request of **Nicole J. Giusto** and **David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. **REQUEST TO POSTPONE** (LU-22-196)
- C.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of a ±209,750 SF advanced manufacturing building including ±18,145 SF of office space, two (2) parking areas, two (2) loading dock areas, and associated site improvements consisting of underground utilities, landscaping, lighting, and a stormwater management system. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

The Board voted to determine that Item A and C are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration.

Motion B. Moreau; K. Conard.

*The Board voted to **postpone Item C** to the May regular meeting.*

Motion: B. Moreau; K. Conard.

III. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A.** The request of **Frederick J. Bailey III** and **Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square

feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)

The Board voted to hear Items III. A. and II. C. and New Business Item IV. A. together and vote on them separately.

Motion: B. Moreau; K. Conard.

The Board voted 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.

Motion: B. Moreau; J. Almeida.

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

- 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;*
- 2.4) Verify the height of the deck on Lot 2 to determine if it is less than 18". If it exceeds 18" in height, that portion of the deck within the setback shall be removed.*

Motion: B. Moreau; J. Almeida.

- B. The request of Frederick J. Bailey III and Joyce Nelson (Owners), and Tuck Realty Corporation (Owner and Applicant), for properties located at 212 Woodbury Avenue requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)**

The Board voted 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.

Motion B. Moreau; J. Almeida.

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

Conditions to be satisfied subsequent to final approval of site plan but prior to 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.*
- 2.2) 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.*
- 2.3) 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>*
- 2.4) DPW will review and approve the locations of domestic and fire service lines entering all buildings.*

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

- 2.5) *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.*
- 2.6) *Stormwater Operation and Maintenance manual shall be included in condo documents.*

Motion: B. Moreau; K. Conard.

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 **Frederick J. Bailey III** and **Joyce Neslon (Owners)**, for property located at **212 Woodbury Avenue** requesting a Conditional Use Permit in accordance with Section 10.674 Highway Noise Overlay District (HNOD) for a residential development within the HNOD. Said property is located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)

*The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as presented.
Motion: B. Moreau, Second K. Conard. The motion passed with all in favor.*

*The Board voted to **grant** the Conditional Use Permit as **presented**.
Motion: B. Moreau; K. Conard.*

- B.** The request of **Jacob J. Sullivan (Owner)**, for property located at **86 Newcastle Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. The proposal includes the removal of an existing deck and landscaping and replacing with a 405 s.f. two-story addition, 630 s.f. of pervious pavers and patio space, as well as replacement of existing landscaping with native plantings for a disturbance of approximately 2,764 s.f. within the inland wetland buffer and no impact in the tidal wetland buffer. Said property is located on Assessor Map 207 Lot 70 and lies within the Single Residence B (SRB) district. (LU-23-20)

*The Board voted 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.
Motion: C. Clark; A. Samonas*

*The Board voted to **grant** the Wetland Conditional Use permit with the following **conditions**:*

- 2.1) *The applicant shall post wetland boundary marker signs along or near the buffer.*
- 2.2) *The applicant shall follow NOFA standards- http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf*
- 2.3) *The existing area of meadow shall remain undisturbed and will continue to be a meadow.*

Motion: C. Clark; K. Conard. The motion passed with all in favor.

- C. REQUEST TO POSTPONE** The request of **Nicole J. Giusto** and **David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including

stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. **REQUEST TO POSTPONE** (LU-22-196)

*The Board voted to grant the request to **postpone** the application to the May meeting.*

- D.** The request of **Crystal A. and Aaron D. Nersesian (Owners)**, for property located at **96 Buckminster Way** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of approximately 200 s.f. of the inland wetland buffer. This application proposes the construction of a 12x16' shed, associated crushed stone fill for a base, and addition of native wetland buffer plantings to help filter stormwater and offset impervious impacts. Said property is located on Assessor Map 282 Lot 6-7 and lies within the Single Residence A (SRA) district. (LU-23-19)

The Board voted 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.

Motion: C. Clark, Second K. Conard.

*The Board voted to **grant** the Wetland Conditional Use permit with the following **conditions**:*

2.1) Native plantings shall be planted to help with storm-water flow - this will consist of at least five shrubs that are four feet on center.

2.2) The foundation of the shed will be crushed stone base and concrete blocks - not a poured foundation. The applicant shall remove the section of application that misrepresents the foundation.

2.3) NOFA standards shall be used in landscaping and lawn care.

http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

2.4) Wetland boundary markers shall be placed along or near the buffer.

Motion: C. Clark; K. Conard.

- E.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of a ±209,750 SF advanced manufacturing building including ±18,145 SF of office space, two (2) parking areas, two (2) loading dock areas, minor realignment of a portion of Rochester Avenue, and associated site improvements consisting of underground utilities, landscaping, lighting, and a stormwater management system. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

*The Board voted to recommend Site Plan **Approval** to the PDA Board with the following **conditions**:*

2.1) Applicant shall monitor pedestrian safety for the first six months or up to a year after full occupancy and report back to City staff. Applicant will coordinate with PDA, DPW and City

staff to set up and schedule monitoring.

- 2.2) *Require all truck deliveries to use the Interstate I-95 and Route 33 entrance.*
- 2.3) *Request the PDA look at traffic on Route 33 towards Greenland, taking into account the TA Truck Stop.*
- 2.4) *Request the PDA conduct an overall analysis of existing and projected traffic conditions for all of Pease for the next 5-10 years post construction with a report back to the Portsmouth Planning Board.*
- 2.5) *Applicant shall monitor trip generation for 1 – 2 years after full building occupancy.*

Motion: B. Moreau; J. Almeida (Member Conard abstained)

- F.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to subdivide 10.9 acres (474,333 square feet) to create a lease lot area for the applicant. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

*The Board voted to recommend Preliminary and Final Subdivision **Approval** to the PDA Board with the following **conditions**:*

- 2.1) *The subdivision plan shall be recorded at the Registry of Deeds by the PDA.*
- 2.2) *Property monuments shall be set as required by the PDA prior to release of bond.*
- 2.3) *GIS data shall be provided to the PDA and the Department of Public Works in the form as required by the City.*

Motion: B. Moreau; J. Almeida (Member Conard abstained)

VI. OTHER BUSINESS

- A.** The request of **Andrew Harvey (Owner)**, for property located at **710 Middle Rd** requesting a 1-year extension to the Planning Board Conditional Use Permit originally granted on June 23, 2021, and extended to May 14, 2022, by the Rockingham County Superior Court denial of the appeal of the CUP. (LU-21-112)

*The Board voted to **grant** a one-year extension to the Planning Board Approval of the Conditional Use Permit to May 14, 2024.*

Motion K. Conard; B. Moreau. (Member Hewitt abstained)

VII. ADJOURNMENT

The meeting was adjourned at 9:17 pm.