

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

May 18, 2023

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Greg Mahanna (via Zoom), Peter Harris, James Hewitt, Jayne Begala; Andrew Samonas, Alternate; Ernest Carrier, Alternate

MEMBERS ABSENT: Corey Clark, Vice-Chair

ALSO PRESENT:
.....

Note: Items in brackets denote recording timestamp.

Chairman Chellman called the meeting to order at 7:06. He announced that Alternate Andrew Samonas would take a voting seat for the entire meeting and that Alternate Ernest Carrier would take a voting seat for Section II, Petitions A and B, and Section III Petition A for Mr. Mahanna, who was not able to attend the meeting via Zoom at that point.

I. APPROVAL OF MINUTES

A. Approval of the April 20, 2023 Minutes.

*The Board voted to **approve** the minutes as amended.*

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

SITE PLAN REVIEW

Chairman Chellman read Petitions A and B together.

A. 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. (LU-22-196)

- B.** The request of and **Thomas E, Marybeth B, James B, and Meegan C. Reis (Owners)**, for property located at **305 Peverly Hill Road** requesting Site Plan Approval for redevelopment of the property including the addition of two new dwelling units for a total of three units with associated site improvements. Said property is shown on Assessor Map 255 Lot 5 and lies within the Single Residence B (SRB) and Natural Resources Protection (NRP) Districts. (LU-23-18 and LU-22-25)

*Councilor Moreau moved to determine the applications to be 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, seconded by Mr. Almeida. The motion **passed** with all in favor, 9-0.*

III. PUBLIC HEARINGS -- OLD BUSINESS

- A.** 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. (LU-22-196)

SPEAKING TO THE APPLICATION

[11:59] Project engineer Eric Weinberg was present, along with project designer Jennifer Ramsey, owner David Sinclair, Attorney Tim Phoenix, and landscape architect Vicky Martel. He reviewed the petition, noting that at one time the property was two parcels but was merged and a pool was constructed on the northerly lot, so the parcels could not be unmerged. He said the property also would have had site line and access issues if it was subdivided. He said they were granted variances to allow the additional dwelling unit and garage and also rear setback and lot density variances. He said they also got approval from TAC and were waiting to finish the HDC process. He said there were no wetlands on the property or within 100 feet. He said the garage would have an apartment above and three parking spaces and the driveway would be constructed using pavers. He said a drainage study was completed for the site.

[16:20] Ms. Martel reviewed the landscape plan. Ms. Begala asked what tree would maintain the large mature tree that would be removed. Ms. Martel said they would plant a magnolia tree that was a more moderate size than the large tree. Councilor Moreau asked how the drainage off the roof would be maintained and where it would go. Mr. Weinberg explained that they had a ridgeline, so everything from the front goes toward the driveway and there was an underground infiltration basin under the paver. He said they have an oversized stone drip edge and reservoir that allows the water in the back to infiltrate. He said that any overflow would be equal or less than what was running off the site now.

[19:43] In response to Mr. Hewitt's question, Mr. Weinberg said all three units would be under the same ownership, and the owner would live in the large building and would rent out the duplex. He said there would be no condos. Chairman Chellman said the ordinance talked about detached dwellings, not principal, and he asked if the applicant considered the main house to be the principal dwelling and the other detached dwellings. Mr. Weinberg agreed. Ms. Begala noted that the packet said the variance was to allow three principal dwellings on the lot, and she asked why. Attorney Phoenix said there used to be and still were two principal dwellings, the single-family home, and the carriage house that is two dwelling units. He said the BOA approval was to add another detached building, which makes it a dwelling with a unit it, so there are three dwellings and four dwelling units. Ms. Begala said it should be noted in the meeting notes because it wasn't the way it was written in the packet. Mr. Stith said that's how it was presented to the BOA. He said the ordinance allowed for three freestanding dwellings. Chairman Chellman said it was the same thing from a use perspective.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

No one spoke, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

*Councilor Moreau moved 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, seconded by Mr. Almeida. The motion **passed** by unanimous vote, 9-0.*

Councilor Moreau moved to vote that the Board 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) *A licensed utility engineer will determine the appropriate sizing for the fire service and domestic water lines.*

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

- 2.3) *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.*

*Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

[26:20] Chairman Chellman discussed the unusual situation of having a Planning Board member attend the meeting via Zoom (in this case, Mr. Mahanna) and whether the two alternate members should be used instead. It was further discussed.

The Board voted to include Mr. Mahanna via Zoom. The motion passed by a roll call vote of 5-4, with Councilor Moreau, City Manager Conard, Mr. Carrier, and Mr. Almeida opposed.

At this point, Mr. Mahanna joined the meeting via Zoom and Mr. Carrier went back to alternate status.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A.** The request of **238 Deer Street, LLC (Owner)**, for property located at **238 Deer Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where 11 spaces are required. Said property is shown on Assessor Map 125 Lot 3 and lies within the Character District 4 (CD4) District. (LU-20-238)

SPEAKING TO THE APPLICATION

[33:08] Attorney Sharon Somers was present on behalf of the applicant, with project engineer and the two owners. Attorney Somers said they wanted to receive a Conditional Use Permit (CUP) to replace an expired one.

[35:00] Mr. Chagnon explained that TAC reviewed the application on May 2 and made a recommendation for approval by the Planning Board subject to parking demand and a different land use code of 221 instead of 223. He reviewed the parking spaces required and allowed, the parking demand and peak periods, the ITE data studies, the census tracking data, and the site plan. He emphasized that there were plenty of parking options near the development and that a lot of the tenants would not have cars.

[48:25] Chairman Chellman asked if the same arrangement was proposed as the conditions of approval from the prior Planning Board vote. Mr. Chagnon said it was not because that was part of the previous approval. He said they were now requesting that the parking CUP be approved without requiring that leases be entered into. Councilor Moreau asked how a tenant who had a car could be prevented from parking on a side street or using other free parking in the neighborhood. Mr. Chagnon said there were plenty of nearby parking lots but that the leasing of the unit would require the tenant to disclose whether they needed a parking space, in which case they would have to prove they had a parking pass.

[51:07] Attorney Somers said the units would be 500 square feet and occupied by some people who may not have cars because they live in the city and prefer to walk. She said if the dwelling units each had a tenant with one car, the applicant thought the Foundry Parking Garage across the street could be used. She said the applicant couldn't guarantee that there would be a monthly pass available for every tenant but thought it was reasonable to assume so. She said they couldn't put off-street parking on the property, which meant they couldn't develop the project as it was. She noted that the Staff Report indicated that the HDC supported the buildings and site design and would not like to see the project fail to gain the CUP. Relating to intensity of use, she said that a few other lots were larger and every other property had onsite parking, so the project would not overburden the existing parking properties.

[56:14] Ms. Begala said the hypothesis was a forecast and that a lot of statements made by the applicant indicated how there would be no parking demand or a lower parking demand than normal. She asked what would happen if a tenant worked in the next town. She thought there could be some discrimination if it was assumed that certain tenants who could only afford small units would not be able to afford a car. She asked if it was possible to meet the limited parking demand by substituting the first-floor commercial business with parking. She also noted that the applicant used ITE parking data from the 1980s for a commercial apparel store demand. She said the concentric circles in the exhibit showed neighborhoods with unmetered parking and asked how the applicant would not increase the burden of parking in front of nearby private residences. Mr. Chagnon said they weren't claiming that 100 percent of the tenants would not have vehicles. He said there were opportunities for parking. He said characterizing people who didn't have cars in a derogatory manner was not appropriate. He said younger people starting their careers might want to live without a car. He said there were trends that indicated large groups of people who did not want to own vehicles in a city center. He said putting in first-floor parking would take up a large portion of the property to build a ramp. He said the ordinance was clear that parking on the first floor was not allowed or desired and that the first floor should be enlivened with commercial uses and sidewalk activation. He said their ITE parking data was not chosen from the 1980s but was updated and they didn't have a general code for unspecified office or retail space. He said it could even be a restaurant. Councilor Moreau said she liked the idea of having tenants prove that they had a leased parking space.

[1:06:22] Ms. Begala said the packet included a statement that the 238 Deer Street project proposes microunits under 500 square feet in floor area, which by their nature will decrease parking demand as their small size will attract occupants who wish to minimize housing costs while at the same time providing immediate access to the city. She asked whether that was a hypothesis. She said the price point for the leases in the downtown area had lots of residential options, including high-end ones, and the project had microunits. She said she thought that the price point would be high enough to assume that there would be a lot of parking demand by the project's tenants who could afford a higher price point. Mr. Chagnon said the size of the units was such that someone who wants a two-bedroom luxury apartment would not want to rent a 500-sf unit. He said the size of the unit was related to how much rent it would gather in the marketplace. Ms. Begala said the parking demand might be higher than what the applicant projected and that she had an issue with zero parking spaces. Mr. Chagnon said many applicants came before the Board and utilized parking calculated and estimate parking demands. He said it wasn't hypothetical but was how each project with a parking demand was reviewed. He said the numbers presented were the standard. Chairman Chellman said the request was for a CUP and not a variance, and the Board had the authority to require more parking than the ordinance said or down to zero. He said the ITE was not a standard but a database of information that was meant to be used by engineers. He said in considering the CUP request, one had to look at not just the parking aspect but the effect of people living in these units in that part of downtown.

[1:12:20] The market rate and affordability of the units was discussed. Chairman Chellman asked if the applicant would be willing to have a system in place whereby a certain number of unit owners or renters with vehicles were required to seek a permit in a garage to park their vehicles. It was further discussed. Mr. Mahanna asked what happened to the seven or eleven spaces that

the project was previously committed to go and if the community space deck would be accessible to anyone on the street. He noted that a studio at Portwalk rented for \$3500 a month and asked how many people who paid that for rent lived without a car. Attorney Somers said Portwalk wasn't relevant. She said the community space would be shared by the residents and would not be open to the public. She said the seven spaces was a condition of approval for the 2021 CUP but it wasn't one they were seeking on the current application because the earlier CUP had gone by the wayside. Mr. Mahanna said normally a CUP required a benefit to the city. He said the applicant was asking for a CUP with no affordable housing, no community space, and no public benefit. Attorney Somers disagreed and said they would provide an easement to the city on the alley between their building and the adjacent one. Mr. Chagnon said the easement to provide more access and community space was required in the site plan approval and the seven parking spaces requirement was part of the previous approval. He said those spaces had to be leased, which was difficult because until a person was a resident, they couldn't lease a space in the Foundry Place Garage. He said people who own private lots for lease won't say that they will lease the applicant seven spaces in perpetuity before the building is even up. He said TAC thought the project's lot size was very small.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

SPEAKING TO, FOR, OR AGAINST THE PETITION

[1:24:15] Elizabeth Bratter of 159 McDonough Street passed out samples of what could be done with different sizes. She said she was a landlord and knew other landlords who had apartments with more one bedroom and one space for each unit, and they provided the parking permits for their tenants to park on the street. She said all her one-bedroom units shared one parking space. She said if there was a unit, there was a car associated with it.

Chairman Chellman also noted that the Board received a letter that was not in support of the application. He called for second-time speakers.

SECOND-TIME SPEAKERS

[1:26:25] Ms. Bratter said the building could be smaller to allow for parking. She said other projects received CUPs for first-floor parking in the rear. She discussed how Portsmouth came up with the least number of parking spaces needed for the number of apartments in the city. She said Foundry Place Garage was predicted to be full within three years, and the units were likely to be higher than market rates and the tenants would have cars. She asked that the Board not grant the CUP and that they ask for ten parking spaces.

[1:32:40] Attorney Somers said she spoke to the client, who were willing to assure as part of the conditions of approval that whoever resides in the units will need to state whether they have a car or not before moving in and have evidence of a parking pass. She said the applicant would not be amenable to being required to have seven spaces because the mechanics were next to impossible. She said they contacted people who were not willing to commit to leasing spaces, but she said

the applicant could work with City Staff to arrange off-site parking. She said there were other options out there besides the Foundry Place Garage.

There were no third-time speakers, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[1:35:56] Mr. Samonas said 132 Middle Street was a 21-unit apartment building about a ¼-mile away and had seven parking spaces, with four off site and three on site. He said he found it pertinent that the project was in the same geographical context. He said the Middle Street building had four studio apartments, three one-bedrooms and one 3-bedroom and was a good example of a parking situation. He said he didn't think it was suitable for the Board to shed the seven parking spaces that were previously stipulated. Mr. Stith explained why certain groups were allowed blocks of spaces versus individuals in the Foundry Place Garage. He said DSA owned that property and as part of the sale, they secured 68 parking spaces. He said no one else had an arrangement like that and individuals had to get a monthly parking pass. Ms. Begala agreed with Mr. Samonas and said the location of the applicant's building was such that other uses could be done if the CUP wasn't approved. She said the CUP should include the original condition of seven parking spaces being procured or found by permit prior to having occupancy. She said market price was based on prime location, so she felt that the project would have a high price point even for small units and the tenants would have cars. It was further discussed. Ms. Begala said she thought the pressure of parking had to be on the applicant and not the tenant, especially since there wasn't an extensive bus system in town. Councilor Moreau said she created the stipulation the previous time and thought there had to be a way for the applicant to prove that if a tenant had a car, they had parking available. It was further discussed.

*Councilor Moreau moved 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. Mr. Samonas seconded. The motion **passed** unanimously, 9-0.*

Councilor Moreau moved to vote that that the Board grant the Conditional Use Permit with the following condition:

2.1) For a period of 5 years, the applicant shall provide an annual monitoring report documenting that occupants with vehicles have secured off-site parking.

*Mr. Hewitt seconded. The motion **passed** unanimously, 9-0.*

At this point in the meeting, Ms. Conard moved to take Item IV. D out of order so that it could be addressed next, and Councilor Moreau seconded. The motion passed unanimously, 9-0.

- B. Request of Nobles Island Condominium Association, (Owner), and CP Management, Inc. Applicant,** for property located at **500 Market Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to remove and replace existing decks on Buildings A, B, and C including the addition of new structural supports with no expansion of the existing footprint resulting in 27 square feet of permanent impact and up to 1,240 square feet of temporary impacts all within the 100' tidal wetland

buffer area. Said property is shown on Assessor Map 120 Lot 2 and lies within the Character District 4-L1 (CD4-L1) and the Historic District. (LU-23-34)

SPEAKING TO THE APPLICATION

[2:42:20] Property manager Mike Street was present. He said the previous project approval lapsed due to skyrocketing lumber prices. He said the steel beams were corroded so that the sliding doors on the first floor didn't work. He said they wanted to demolish the existing cantilevered decks and build a raise deck on concrete piers. He said they would meet the Conservation Commission's conditions.

[2:45:05] Councilor Moreau said the steel was being cut off at the foundation and she asked if part of that steel would be left inside the building. Mr. Street said the raised deck would be attached to a ledger and the joist for the deck would go into that and be supported by a joist hanger. He said the cantilevered beams were not built to code. It was further discussed. Ms. Begala noted that the application said there was no flood storage and she asked why, given that the property was close to the high mean tide. Mr. Street said he saw it in the 100 Year Floodplain. Ms. Begala asked if the project would be able to meet the demands for the projected 25- and 50-year flooding. Mr. Street said it was more of an engineering question.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

No one spoke, and Chairman Chellman closed the public hearing.

DECISION OF THE BOARD

*Councilor Moreau moved 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. Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

Councilor Moreau moved to find that the Board grant the Wetland Conditional Use permit with the following conditions:

- 2.1) The Applicant shall submit plans for approval to the Planning & Sustainability Department prior to building permit issuance for the two storm-water outfall areas off the parking lot. These areas should be provided with some sort of infiltration before it reaches the North Mill Pond. This can include digging down into the soil and placing crushed stone or the planting of native buffer species to slow storm-water.*
- 2.2) Native buffer plantings shall be placed along the bank behind Building B as a replacement of portions of the grass as well as other areas where appropriate.*
- 2.3) 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

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

*Mr. Almeida seconded the motion. The motion **passed** by unanimous vote, 9-0.*

- C. The request of and **Thomas E, Marybeth B, James B, and Meegan C. Reis (Owners)**, for property located at **305 Peverly Hill Road** requesting Site plan Approval for redevelopment of the property including the addition of two new dwelling units for a total of three units with associated site improvements. Said property is shown on Assessor Map 255 Lot 5 and lies within the Single Residence B (SRB) and Natural Resources Protection (NRP) Districts. (LU-23-18 and LU-22-25)

SPEAKING TO THE APPLICATION

[2:54:30] Project engineer Erik Saari was present on behalf of the applicant. He reviewed the petition and said they wanted to add two units to the property. He said an existing section of the house would be demolished and a new structure would be placed for a one-bedroom apartment. He said a new detached 2-bedroom home would house the Reis family. He said the utilities would be upgraded and there would be a new leach field, which was approved by DES. He said TAC and the city's fire department looked at the property and the applicant added extra turning space. He reviewed the waivers for the lighting, stormwater management and landscaping plans.

[2:57:25] Mr. Samonas asked how heavy rain or snowmelt would be contained. Mr. Saari said it was in the low spot for that section of the neighborhood and didn't believe there was an outlet for it, but he thought the city would do something about it. He said there were no concerns about it being the low point of the neighborhood because the area was 100 percent contained on the site and wouldn't impact any abutters. Mr. Hewitt noted that there would be two septic systems for the two new buildings, and he asked whether there was sewer on the road. Mr. Saari said there was but it was too far from the site, so it was cheaper to do the septic systems.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

No one spoke, and Chairman Chellman closed the public hearing.

DECISION OF THE BOARD

Councilor Moreau moved that the Board find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations:

1. *Section 2.5.4.3J – outdoor Lighting; Section 10.1 – Dark Sky Lighting Measures; Section 2.5.4.3K – Landscaping; Section 7.6.5 – Stormwater Management; and Section 7.6.5 – Inspection and Maintenance Plan.*

*Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0*

*Councilor Moreau moved 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. Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

Councilor Moreau moved to find that the Board 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.

*Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

- D.** The request of **Ken Linchey (Applicant)**, and **The City of Portsmouth (Owner)**, for property located at **50 Andrew Jarvis Drive** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the reconfiguration of the existing four tennis courts at the high school along with resurfacing work and the addition of two more courts over existing wetland buffer area which will result in 84,676 s.f. of impact to the wetland buffer. The applicant is proposing pervious surfaces and improved stormwater infiltration from crushed stone areas to help mitigate and slow impacts to the wetland. Said property is shown on Assessor Map 229 Lot 3 and lies within the Municipal (M), Single Residence B (SRB), and Natural Resource Protection (NRP) Districts. (LU-23-32)

SPEAKING TO THE APPLICATION

[2:06:50] Facilities Director for Portsmouth Schools Ken Linchey said they wanted to upgrade the tennis courts at the high school to two more courts. He discussed the proposed changes, environmental impacts, and the five requirements of the wetlands CUP request.

[2:16:49] In response to Mr. Hewitt's question, Mr. Linchey said the tennis courts were oriented to minimize glare as well as any other impacts. Ms. Begala said the project would impact 85,000 square feet of wetland buffer and asked why the left side of the property, where there was a lot of space, couldn't have the tennis courts. Mr. Linchey said the 85,000-sf impact already included the existing impact and they were in the buffer. He said the new area was 33-35,000 square feet. It was further discussed. Ms. Conard said the two tennis courts at the community campus were being converted to eight pickleball courts. She said there was ample space in the turf field, but an additional turf field was slated for that part of the campus. She said the school board deemed the

site the most appropriate for six new tennis courts. Ms. Begala said her issue was the 85,000 square feet of wetland buffer. Mr. Linchey said each NHA sport had its own criteria and that they had to provide so many courts or so much field to play at the NHA level, otherwise it would be just an extracurricular activity. He said they would only impact a certain corner of wetland. Ms. Begala asked why shelters and 10-ft wide walkways were needed. Mr. Linchey said they already reduced the walk from 12 feet and that it would provide access for emergency vehicles. He said the structures would be bolted down. He said any tree roots within the tennis court could damage the court. He said the budget was \$850,000 and there would be a total of 60 players.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

No one spoke, and the Chair closed the public hearing.

DECISION OF THE BOARD

*Councilor Moreau moved that the Board 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. Mr. Almeida seconded. The motion **passed** by a vote of 8-1, with Ms. Begala voting in opposition.*

Councilor Moreau moved to find that the Board grant the Wetland Conditional Use Permit with the following conditions:

- 2.1) A planting plan shall be submitted to and approved by the Planning and Sustainability Department prior to issuance of a building permit or any site work.*
- 2.2) The applicant shall reduce walkways from 12 feet wide to 10 feet wide where possible.*
- 2.3) The applicant shall consider the use of pervious pavement wherever possible.*
- 2.4) The applicant shall replace the proposed silt fences and use silt socks during construction.*
- 2.5) The applicant shall replace all Maple trees to be removed with new Maple trees and replace all trees over 4" dbh with new trees around the site and school property.*

*Mr. Almeida seconded. The motion **passed** by a vote of 8-1, with Ms. Begala voting in opposition.*

(NOTE: Councilor Moreau cited Conditions as 2.7 thru 2.7 in error).

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Giri Portsmouth 505 INC (Owner)**, for property located at **505 US Route 1 Bypass** requesting demolition of the existing motel and the construction of a 5-story, 122-key hotel with first floor parking and a 1-story fast food restaurant/coffee shop with an accessory drive-through including associated site improvements for parking, pedestrian access, utilities, stormwater management, lighting, and landscaping. Said

property is shown on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LUPD-23-2)

[3:03:39] Project engineer Patrick Crimmins was present on behalf of the applicant, along with owner Karen Whitman and Attorney John Bosen. Mr. Crimmins said they wanted to redevelop the existing motel with a 122-key hotel and a Starbucks coffee shop by demolishing the existing building. He said they would pull everything further away from Hodgdon Brook to create buffer enhancements. He reviewed the petition and addressed the stormwater improvements, parking demand, traffic flow, driveway, and other items. He said the site would need a traffic study with TAC and the State of NH.

[3:11:39] Councilor Moreau said she liked the fact that the curb cuts directly to Route One would be closed and liked that the building would be pulled further away from Hodgdon Brook. She said the new traffic flow was positive but would like to see the drive-thru window on one of the two sides instead of the front. She suggested screening the dumpsters. She asked Mr. Crimmins if he was aware that the intersection outside the property would be changed within five years, and Mr. Crimmins agreed. Mr. Almeida said the exit from the drive-thru onto Coakley Road looked so close to the intersection that a vehicle might not be able to get out if traffic was queuing. He asked if it could be moved to the left. Mr. Crimmins said they were trying to align it with the drive-thru and the existing curb cut but that they would further research it.

[3:13:37] Mr. Samonas said there was a large hospital and office space nearby, and during the day when people were trying to make a left or right turn south at the intersection toward the bypass, they got caught in the middle of the intersection. He said the queue would only exacerbate it. Mr. Crimmins said they would mitigate it as needed when they performed the traffic analysis. In response to further questions from Mr. Samonas, Mr. Crimmins said the front setback was 30 feet and the aisles were 24 feet. He said they would look at ways to reorientate the building to make it closer to Coakley Road or angled toward the bypass and pulled out of the 50-ft buffer more. Mr. Harris asked if the building was presently within 25 feet of the wetlands. Mr. Crimmins said the edge of pavement was right up to the edge of the brook and the building came down into that 25 feet. He said there would be no building in the 25-50 feet but there would be some pavement of 7,322 square feet between 25-50 feet where there was presently 10,700 square feet. He noted that those were preliminary numbers.

[3:17:35] Mr. Hewitt said the maximum building height indicated that it was existing greater than 60 and the proposed height was greater than 60. Mr. Crimmins said it should be less than 60. Mr. Hewitt said Portsmouth parking regulations overestimated the demand by about 60 spaces, and he assumed that the applicant did a parking demand already. He said it was interesting that Portsmouth's parking requirements were overestimated at the applicant's site, yet at Western Yard they were at about 50 percent under and 122 spaces short. It was further discussed. Mr. Hewitt said there were 1.25 spaces for guests and asked if .8 was more reasonable. Mr. Crimmins said .75 or .8 was the right number for ITE and that the peak parking demand at night would be 98 spaces. Mr. Samonas asked if Starbucks could be put on the back side of the property. Mr. Crimmins said it would create challenges with queuing because they would have to push more pavement down in the buffer.

[3:20:30] Chairman Chellman asked if the gap between the two buildings would be attached. Mr. Crimmins said they would not be attached and that it was a shared patio open space for both users. Chairman Chellman said the building had two different owners and said the building development for building sites was a definition for subdivision, so he thought subdivision approval might be needed. He noted that the back corner of the hotel building was closest to the brook and asked if parking would be on the first floor, with hotel rooms above. Mr. Crimmins said the original concept had rooms in that location, and to reduce surface parking and asphalt pavement, they pulled the building out and created parking underneath, so all the rooms would be above. Chairman Chellman asked if the soils would preclude going down, and Mr. Crimmins said he didn't know the answer to that yet. Mr. Mahanna suggested that he consider pervious pavement on the southern edge of the property next to the brook.

No Board action was taken.

VII. CITY COUNCIL REFERRALS

This was not addressed.

VIII. OTHER BUSINESS

- A.** The request of **2082 IL-50 VZ, LLC** and **PWBARRETT, LLC (Owners)**, for property located at **Martin Hill Inn, 404 Islington Street** requesting a 1-year extension to the Planning Board Parking Conditional Use Permit originally granted on **June 16, 2022**. (LU- 22-74)

*Councilor Moreau moved that the Board vote to grant a one-year extension to the Planning Board Approval of the Conditional Use Permit to June 16, 2024. Mr. Samonas seconded. The motion **passed** by unanimous vote, 9-0.*

- B.** Chairman updates and discussion items

No Board action was taken.

- C.** Planning Board Rules and Procedures

No Board action was taken.

- D.** Board Discussion of Regulatory Amendments, Master Plan & Other Matters

No Board action was taken.

IX. ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Joann Breault
Secretary for the Planning Board