

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings Begin

May 18, 2023

ACTION SHEET

REGULAR MEETING 7:00pm

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

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)

The Board voted 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.

Motion: B. Moreau; Second J. Almeida

Motion passed with all in favor.

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 **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)

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; Second J. Almeida

Motion passed with all in favor.

*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) *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.*

Motion: B. Moreau; Second J. Almeida

Motion passed with all in favor.

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 **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)

The Board voted 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.

Motion: B. Moreau; Second A. Samonas

Motion passed with all in favor.

*The Board voted to **grant** the conditional use permit with the following **condition**:*

Prior to the issuance of Certificates of Occupancy:

2.1) Each tenant or owner who occupies a residential unit shall provide evidence of offsite parking for each vehicle they use. Such evidence will be provided to the applicant or to applicant's successor within thirty days of the beginning of the occupancy of the unit.

Upon receipt of such evidence provided by tenants or owners, the applicant or its successor shall provide that evidence to the Planning Department or to such other City department as the Planning Department indicates to the applicant in writing.

For a period of five years starting at the time of the issuance of the first certificate of occupancy for residential use, the applicant or its successor shall annually issue a letter report to the Planning Department documenting: a) the evidence previously supplied regarding offsite parking of vehicles used by tenants or owners; and, b) describing any changes by tenants or owners of the number and parking locations of any vehicles they use. .

Motion: B. Moreau; Second J. Hewitt

Motion passed with all in favor.

- 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)

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: B. Moreau Second J. Almeida

Motion passed with all in favor.

*The Board voted to **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 others areas where appropriate.*
- 2.3) The property owner shall 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.*

*Motion B. Moreau, Second J. Almeida
Motion passed with all in favor.*

- 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)

*The Board voted to 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.*

*Motion: B. Moreau, Second J. Almeida
Motion passed with all in favor.*

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, Second J. Almeida
Motion passed with all in favor.*

*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.*

*Motion B. Moreau, Second J. Almeida
Motion passed with all in favor.*

- 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)

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: B. Moreau, Second J Almeida.

Motion passed 8-1 with Member Begala voting against.

*The Board voted to **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.*

Motion: B. Moreau, Second J. Almeida

Motion passed 8-1 with Member Begala voting against.

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)

The Board discussed the conceptual layout with the applicant, mentioning concerns about traffic flow and site layout. No Board action taken.

VII. CITY COUNCIL REFERRALS

There were no referrals.

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)

*The Board voted to **grant** a one-year extension to the Planning Board Approval of the Conditional Use Permit to June 16, 2024.*

Motion: B. Moreau, Second A. Samonas

Motion passed with all in favor.

- B.** Chairman updates and discussion items

Action Sheet, Planning Board Meeting, May 18, 2023

No Board action taken.

C. Planning Board Rules and Procedures

No Board action taken.

D. Board discussion of Regulatory Amendments, Master Plan & other matters

No Board action taken.

IX. ADJOURNMENT

The meeting was adjourned at 10:25 pm.