

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM Public Hearings Begin**

**June 15, 2023**

**ACTION SHEET**

**REGULAR MEETING 7:00pm**

**I. APPROVAL OF MINUTES**

- A. Approval of the May 18, 2023 meeting minutes
- B. Approval of the May 25, 2023 Work Session minutes

*The Board voted to **approve** both sets of minutes as presented.*

**II. 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 **Eversource Energy (Applicant)** and **Public Service of New Hampshire (Owner)**, for properties located off **Gosling Road, Greenland Road, Borthwick Avenue** and **Ocean Road** requesting a proposed Wetland Conditional Use Permit under Section 10.1017 for utility structure replacement project involving the replacement of wooden utility poles with steel poles and associated equipment. This work would be throughout the Portsmouth transmission corridor between Gosling Road to Echo Avenue and between Borthwick Avenue and the Ocean Road Substation. In total, the proposed project requires approximately 208,734 sq. ft. of temporary wetland impact for the placement of timber matting and structure replacements. There will be approximately 3,310 sq. ft. of temporary impact to Pickering Brook in order to span the stream with timber matting. The project also proposes 78,642 sq. ft. of temporary buffer impact in uplands for clearing and grading to gain access to structures. Said properties are located on Assessor Map 238 Lots 2, 3 and 20, Map 239 Lots 7-1, 8, 13-2, 16 and 18, Map 240 Lots 2-1, and 3, Map 258 Lot 54, Map 259 Lot 12 and lies within the Gateway-1 (G1), Waterfront Industrial (WI), Office Research (OR), Industrial (I), and Rural (R) Districts. (LU-23-60)

*The Board Voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and to adopt the findings of fact as presented.*

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

- 2.1) *Silt sock shall be used wherever practical.*
- 2.2) *Plans and documents need to clarify the mat cleaning process to remove invasive species.*
- 2.3) *Prior to construction, a pole inspection shall be conducted to identify any other poles within the project area as discussed during the Planning Board hearing that might need to be replaced within two years of the date of inspection. This information shall be provided in a letter report to the Planning Department, including the locations of any such additional poles.*

- B.** The request of **Mojo's West End Tavern (Applicant)**, for property located at **95 Brewery Lane** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use. Said property is located on Assessor Map 146 Lot 27 and lies within the Character District 4-W (CD-4W) and Character District 4-L2 (CD4-L-2) (LU-23-75)

*The Board Voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented.*

*The Board Voted to **approve** the conditional use permit as presented.*

- C.** **Ryan T. and Heidi E. K Mullen (Applicants)**, and **RTM Trust (Owner)**, for property located at **253 Odiorne Point Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for proposed improvements to existing drainage issues on the property including the installation of crushed stone to help with infiltration into two existing French drains and an additional French drain installation. The proposal includes an extension of existing stone walls, a concrete slab addition under the deck, an expansion of a deck and the relocation of deck footings and stairs which totals approximately 2,500 s.f. of impact within the wetland buffer. The applicant proposes additional native buffer plantings and a rain garden to help slow and infiltrate stormwater before it reaches the wetland source on the property. Said property is located on Assessor Map 224 Lot 10-19 and lies within the Single Residence a (SRA) District. (LU-23-36)

*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.*

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

- 2.1) *A silt sock shall be used in addition to the existing silt fence to help mitigate construction impacts.*
- 2.2) *No plantings shall be planted within the wetland itself, just the buffer, and no removal of invasive shall be performed within the wetland.*
- 2.3) *A final planting site plan shall be submitted to the Planning Department for review and approval prior to construction.*

- 2.4) *In accordance to Section 10.1018.40 of the Zoning Ordinance, the applicant shall install wetland boundary markers during the construction process. The signs can be purchased through the City of Portsmouth Planning and Sustainability department.*
- 2.5) *The Conservation Commission recommends the homeowner to follow NOFA land care management standards at 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)

- D.** The Planning Board will consider a recommendation to City Council to adopt amendments to Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum Building Footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth.

*The Board voted to **continue** the public hearing to **June 22, 2023**.*

### **III. PRELIMINARY CONCEPTUAL CONSULTATION**

- A.** The request of **Prospect North 815 LLC (Owner)**, for property located at **815 Lafayette Road** requesting preliminary conceptual consultation for the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking and a 2-story, 15,000 SF office building. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting and landscaping. Said property is located on Assessor Map 245 Lot 3 and lies within the Gateway Corridor (G1) District. (LUPD-23-4)

*No Board action taken.*

### **IV. OTHER BUSINESS**

- A.** The request of **Granite State Convenience LLC (Applicant)**, and **Mastoran Restaurants INC (Owner)**, for property located at **2255 Lafayette Road** requesting a 1-Year Extension of the Site Plan Approval, Conditional Use Permit, and Wetland Conditional Use Permit granted on **June 23, 2022**. (LU-22-13)

*The Board voted to **grant** a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to **June 23, 2024**.*

- B.** The request of **RIGZ Enterprises LLC**, for property located at **806 US Route 1 Bypass** requesting a 1-Year Extension of the Site Plan Approval granted on June 23, 2022. (LU-22-81)

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*The Board voted to **grant** a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to **June 23, 2024**.*

**C.** Chairman updates and discussion items

*No Board action taken.*

**D.** Planning Board Rules and Procedures

*No Board action taken.*

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

*No Board action taken.*

**V. ADJOURNMENT**

*Meeting was adjourned at 10:34 p.m.*