

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearing Begins

September 21, 2023

ACTION SHEET

I. APPROVAL OF MINUTES

- A.** Approval of the August 17, 2023 meeting minutes.

The August 17, 2023 meeting minutes were approved as amended.

- B.** Approval of the August 30, 2023 Work Session minutes.

The August 30, 2023 meeting minutes were approved as amended.

Motion: B. Moreau, **Second:** C. Clark. Motion passed unanimously.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. REQUEST TO POSTPONE** The request of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting to Subdivide one lot into two lots to create the following: Proposed Lot 1 with 6.65 acres of lot area and 354 feet of street frontage and Proposed Lot 2 with 7.96 acres of lot area and 200 feet of street frontage. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE**

Motion: B. Moreau to postpone all items related to 375 Banfield to the October meeting. **Second:** K. Conard Motion passed unanimously.

- B.** The request of **Clyde C. Logue and Mary Duff Kastel (Owners)**, for property located at **27 Shaw Road** requesting Preliminary and Final Subdivision approval for a lot line relocation and subdivision as follows: Tax Map 223 Lot 18 decreasing from 34,205 square feet and 230 feet of frontage to 20, 1999 square feet and 129 feet of frontage; Map 223 Lot 18-1 decreasing from 23,149 square feet and 127 feet of frontage to 21, 241 square feet and 101 feet of frontage; and creation of a new lot with a lot area of 15,812 square feet and 100 feet of frontage. Said property is located on Assessor Map 223 Lot 18, 18-1 and lies within the Single Residence B (SRB) District. (LU-23-102)

The Board voted to determine that the above application is 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 C. Clark; **Second:** B. Moreau. *Motion passed unanimously.*

- C. The request of **928 S. Street NH LLC (Owner)**, for property located at **928 South Street** requesting Preliminary and Final Subdivision approval for Lot Line Relocation as follows: Tax Map 221 Lot 88 increasing from 69,272 square feet and 165 feet of frontage to 102,228 square feet and 343 feet of frontage; Map 221 Lot 87 increasing from 505,739 square feet and 337 feet of frontage to 537,966 square feet and 120 feet of frontage; and Tax Map 221 Lot 90 decreasing in size from 284,452 square feet to 219,116 square feet with no change to street frontage. Said property is located on Assessor Map 221 Lots 87, 88, 90 and lies within the Single Residence B (SRB) District.

The Board voted to determine that the above application is 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: C. Clark; **Second:** K. Conard. *Motion passed unanimously.*

SITE PLAN REVIEW

- A. **REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. **REQUEST TO POSTPONE**
- B. The request of **JKM Realty LLC (Owner)**, for property located at **700 Peverly Hill Road** requesting Site Plan Review Approval for the construction of a 3,385 square foot addition to an existing commercial building with associated site improvements. Said property is located on Assessor Map 252 Lot 2-10 and lies within the Industrial (I) District. (LU-23-109)

The Board voted to determine that Item B is 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 application for consideration.

Motion: A. Samonas; **Second:** C. Clark. *Motion passed unanimously.*

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. **REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse

building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities, and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE (LU-20-259)**

*The Board voted to grant the request to **postpone** to the **October** meeting.
Motion: B. Moreau; **Second:** K. Conard. 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. REQUEST TO POSTPONE** The request of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting to Subdivide one lot into two lots to create the following: Proposed Lot 1 with 6.65 acres of lot area and 354 feet of street frontage and Proposed Lot 2 with 7.96 acres of lot area and 200 feet of street frontage. Said property is shown on Assessor Map 266 Lot 7 and 7-1 and lies within the Industrial (I) District. **REQUEST TO POSTPONE (LU-23-107)**

*The Board voted to grant the request to **postpone** to the **October** meeting.*

- B. REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for 7,910 square feet of impact within the 100' wetland buffer for stormwater management in association with the proposed development. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE (LU-20-259)**

*The Board voted to grant the request to **postpone** to the **October** meeting.*

- C.** The request of **Jeffrey M. and Melissa Foy (Owners)**, for property located at **67 Ridges Court** will be heard at the **October 19, 2023** Planning Board meeting due to a noticing error. (LU-22-199)

No action by the Board.

- D.** The request of **JKM Realty LLC (Owner)**, for property located at **700 Peverly Hill Road** requesting Site Plan Review Approval for the construction of a 3,385 square foot addition to an existing commercial building with associated site improvements. Said property is located on Assessor Map 252 Lot 2-10 and lies within the Industrial (I) District. (LU-23-109)

*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: C. Clark; **Second:** B. Moreau. Motion passed unanimously.*

*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 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.*
- 2.5) *Include language on the plan adhering to invasive species management.*

Conditions to be satisfied subsequent to a building permit but prior to the issuance of a Certificate of Occupancy.

- 2.6) *Provide a drainage and flow easement to the City to permit stormwater drainage through drain infrastructure to be constructed and maintained by the applicant. The applicant shall provide the City with the right, but not the obligation, to maintain drainage infrastructure at the applicant's expense.*
- 2.7) *Ownership and maintenance responsibility for drainage infrastructure to be detailed on plans and in easements.*
- 2.8) *Any easement plans and deeds shall be recorded at the Registry of Deeds by the City as deemed appropriate by the Planning Department.*

Motion: C. Clark; **Second:** G. Mahana. Motion passed unanimously.

- E.** The request of **Clyde C. Logue** and **Mary Duff Kastel (Owners)**, for property located at **27 Shaw Road** requesting Preliminary and Final Subdivision approval for a lot line relocation and subdivision as follows: Tax Map 223 Lot 18 decreasing from 34,205 square feet and 230 feet of frontage to 20, 1999 square feet and 129 feet of frontage; Map 223 Lot 18-1 decreasing from 23,149 square feet and 127 feet of frontage to 21, 241 square feet and 101 feet of frontage; and creation of a new lot with a lot area of 15,812 square feet and 100 feet of frontage. Said property is located on Assessor Map 223 Lot 18, 18-1 and lies within the Single Residence B (SRB) District. (LU-23-102)

*The Board voted to **grant** Waiver A to the Subdivision Standards from Section IX.1 Improvements and Installation Bonds because strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

Motion: C. Clark; **Second:** G. Mahana. Motion passed unanimously.

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: C. Clark; **Second:** G. Mahana. Motion passed 8-1 with J. Almeida voting in opposition.

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

- 3.1) 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.
- 3.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 3.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3.4) Stormwater management system for Lot 18-0-1 shall be approved by DPW prior to issuance of a building permit.
- 3.5) Correct front setback notation on Shaw Road.
- 3.6) Applicant may construct a privacy fence along the eastern property line of the new lot that conforms to zoning requirements.

Motion: C. Clark; **Second:** G. Mahana. Motion passed 8-1 with J. Almeida voting in opposition.

- F. The request of **928 S. Street NH LLC (Owner)**, for property located at **928 South Street** requesting Preliminary and Final Subdivision approval for Lot Line Relocation as follows: Tax Map 221 Lot 88 increasing from 69,272 square feet and 165 feet of frontage to 102,228 square feet and 343 feet of frontage; Map 221 Lot 87 increasing from 505,739 square feet and 337 feet of frontage to 537,966 square feet and 120 feet of frontage; and Tax Map 221 Lot 90 decreasing in size from 284,452 square feet to 219,116 square feet with no change to street frontage. Said property is located on Assessor Map 221 Lots 87, 88, 90 and lies within the Single Residence B (SRB) District. (LU-23-144)

The Board voted to grant the requested waivers to the Subdivision Standards from Section IX.1 Improvements and Installation Bonds. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Motion: C. Clark; **Second:** G. Mahana. Motion passed unanimously.

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: C. Clark; **Second:** G. Mahana. Motion passed unanimously.

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.*

Motion: C. Clark; **Second:** G. Mahana. *Motion passed unanimously.*

VI. OTHER BUSINESS

- A. The request of **Richard P. Fusegni (Owner)**, for property located at **201 Kearsarge Way** requesting an additional six-month extension to the Subdivision approval, originally granted by the Planning Board on October 20, 2022. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. (LU-22-150)

*The Board voted to **grant** an additional six-month extension to the Planning Board Approval of the Subdivision.*

Motion: C. Clark; **Second:** B. Moreau. *The motion passed unanimously.*

- B. The request of **Port Harbor Land LLC (Owner)**, for property located at **2 Russell Street** requesting an additional six-month extension to the Subdivision approval, originally granted on December 15, 2022; and 1-year extensions to the Site Plan approval, and Conditional Use Permit approvals originally granted on December 15, 2022. Said property is shown 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 lies within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

*The Board voted to **grant** an additional six-month extension to the Planning Board Approval of the Subdivision and a one-year extension for the Site Plan Approval and two Conditional Use Permits granted on December 15, 2022.*

Motion: K. Conard; **Second:** P. Harris. *The motion passed 8-1 with J. Hewitt voting in opposition.*

- C. Chairman updates and discussion items
No action by the Board.

- D. Planning Board Rules and Procedures
No action by the Board.

- E. Board discussion of Regulatory Amendments, Master Plan Scope & other matters
No action by the Board.

VI. ADJOURNMENT

The meeting was adjourned at 8:24