



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

September 28, 2023

JKM Realty, LLC
PO Box 971
Portsmouth, New Hampshire 03802

RE: Site Plan Approval for property located at 700 Peverly Hill Road (LU-23-109)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, September 21, 2023**, considered your application for 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 shown on Assessor Map 252 Lot 2-10 and lies within the Industrial (I) District. As a result of said consideration, the Board voted 1) 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; *and* 2) 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.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with a large, sweeping initial "R" and a long, horizontal flourish extending to the right.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

John Chagnon, Ambit Engineering

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 12 September 2023

Property Address: 700 Peverly Hill Road; To Be Known as 10 West Road

Application #: LU 23 - 109

Decision: **Approve with Conditions**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> TAC Approval August-1-2023
2	Provision for the safe development, change or expansion of use of the site.	Meets	TAC Approval August-1-2023 No issue with city Departments
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	Sheets C3 and D1 address the required BMPs for Erosion Control and Stormwater Management. A detention area will be expanded.
4	Adequate protection for the quality of groundwater.	Meets	No change in impervious surface.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
5	Adequate and reliable water supply sources.	Meets	City Water system supply
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	City Sewer system connection
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	Building containment features to be included in building design
8	Adequate provision for fire safety, prevention and control.	Meets	Fire Department / TAC approval
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	No impacts to wetlands or natural features
10	Adequate protection of historical features on the site.	Meets	No historical features on the site
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	Minor Trip Generation increase; TAC Approval.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	Access to site not changing / no history of unsafe conditions.
13	Adequate insulation from external noise sources.	Meets	Project is in the Industrial District

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	Private waste disposal. TAC Approved.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	No change in Open Space
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	This is a drive to facility – nonresidential
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	This was vetted in the TAC approval process
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	The site has robust landscaping along Peverly Hill and West Roads
19	Compliance with applicable City approved design standards.	Meets	Approved by TAC
	Other Board Findings:		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

September 28, 2023

Clyde C. Logue and Mary Duff Kastel
27 Shaw Road
Portsmouth, New Hampshire 03801

RE: Lot Line Relocation & Subdivision Request for property located at 27 Shaw Road (LU-23-102)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of Thursday, September 21, 2023, considered your application for 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 shown on Assessor Map 223 Lot 18 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 1) 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; and 2) 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; and 3) 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.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with a large, sweeping initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

Eric Weinrieb, Altus Engineering

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: September 21, 2023

Property Address: 27 Shaw Road

Application #: LU-23-102

Decision: **Approve with Conditions**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information (provided by applicant)
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets	A plat was initially submitted August 28, 2023 based on TAC August 1, 2023 review and approval.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	A digital format of the final subdivision will be submitted to the City's GIS department upon final approval.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application was recommended for approval on August 1, 2023 at the Technical Advisory Committee Meeting.
4	SECTION VII - DESIGN STANDARDS	Meets	The application was recommended for approval on August 1, 2023 at the Technical Advisory Committee Meeting with the following stipulations: <ul style="list-style-type: none"> 1. The lot lines and setbacks need to be adjusted based on the frontage. [Completed]

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information (provided by applicant)
			<ol style="list-style-type: none"> 2. The applicant will provide a stormwater management note on plans describing the location and requirements of the rain garden prior to PB approval. [Completed] 3. The applicant will provide a note on plans indicating that regular maintenance reports for the infiltration ponds will be submitted to DPW. [Completed] 4. A stormwater maintenance management plan shall be updated and provided prior to PB approval. [Completed] 5. Correct the size and location of the utilities and drain on plans. [Completed]
5	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

September 28, 2023

928 S Street NH LLC
1135 E Veterans Highway, Suite 1
Jackson , New Jersey 08527

RE: Preliminary and Final Subdivision approval for Lot Line Relocation for property located at 928 South Street (LU-23-144)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, September 21, 2023, considered your application for 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 shown on Assessor Map 90 Lots 87, 88 & 90 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 1) 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. 2) 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, and 3) 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.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been

completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized and cursive, with a large initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC
Eric Weinrieb, Altus Engineering, Inc.

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: September 21, 2023

Property Address: 928 South Street

Application #: LU-23-144

Decision: **Approve with Conditions**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets	A plat was initially submitted August 30, 2023 review and approval.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	A digital format of the final subdivision will be submitted to the City's GIS department upon final approval.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The Lot Line Adjustment does not require reviewed by the Technical Advisory Committee (TAC).
4	SECTION VII - DESIGN STANDARDS	Meets	The Lot Line Adjustment does not require reviewed by the Technical Advisory Committee (TAC).
5	<u>Other Board Findings:</u> Not Applicable		

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information