



CITY OF PORTSMOUTH

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

PLANNING BOARD

November 22, 2023

Dave Morgan
Lonza Biologics
230 Corporate Drive
Portsmouth, New Hampshire 03801

RE: Amended Site Plan approval request for property located at 101 International Drive (LU-23-108)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, November 16, 2023, considered your application for Amended Site Plan approval for Phase 2 which includes fit-up of Building #1 and the utility building, construction of a temporary surface parking lot and gravel area for construction trailers, parking and laydown area in the location of Proposed Building #2. Said property is shown on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted recommend Amended Site Plan Approval to the PDA Board with the following **condition**:

1.1) A recommendation for the PDA to request a review of the project by the Rockingham Regional Planning Commission for a project of regional impact for traffic and water use.

This approval is granted subject to all conditions of approval by the Planning Board on January 17, 2019 and to all other requirements stated in the Planning Board letter of decision dated January 18, 2019.

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.

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

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

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 fluid and cursive, with the first name "Rick" written in a smaller, more legible script than the last name "Chellman", which is more stylized and overlapping.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

Neil Hansen, Tighe & Bond



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PLANNING BOARD

November 22, 2023

Springbrook Condominium Association
Attn: David Wajda, President
871 Islington Street, Suite 1A
Portsmouth, New Hampshire 03801

RE: Wetland Conditional Use Permit for property located at 0 Springbrook Circle (LU-23-157)

Dear Mr. Wajda:

The Planning Board, at its regularly scheduled meeting of **Thursday, November 16, 2023**, considered your application for Wetland Conditional Use Permit from Section 10.1017.40 for the installation of a concrete sidewalk within the City's 100-ft wetland buffer. The 5' wide by 174' long sidewalk will add an additional 870 s.f. of impervious surface to the buffer. New buffer plantings are proposed to offset the impacts of the new impervious surface and a culvert is proposed where the sidewalk will cross over an existing drainage ditch. Said property is shown on Assessor Map 272, lot 6 and lies within the Single Residence A (SRA) and Rural Districts. As a result of said consideration, the Board voted 1) 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; and 2) to **grant** the Wetland Conditional Use permit with the following **conditions**:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department. They should be installed every 50 ft along the existing vegetative buffer approximately 25' back from the edge of the pond of the northern side of the pond.

2.2) Applicant shall install signage indicating no salt is to be used on the new sidewalk within the wetland buffer.

2.3) The new sidewalk shall be properly lighted with dark sky compliant and/or motion detected lights.

2.4) A restoration plan will be submitted for restoration of the vegetation within the buffer directly abutting the development as shown on Sheet C-2 within one year to the Conservation Commission.

*2.5) It is recommended that all future winter landscaping contracts include Green SnowPro certification as a requirement. See NHDES webpage for more details:
<https://www.des.nh.gov/land/roads/road-salt-reduction/green-snowpro-certification>*

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.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All conditions of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

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

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: November 16, 2023

Property Address: Springbrook Circle

Application #: LU-23-157

Decision: **Approve with Conditions**

Findings of Fact:

Per RSA 676:3, I: 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 the all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	The applicant is proposing to increase the impervious surface within the buffer. The existing surface is mowed lawn which connects to existing sidewalks. This area is already manicured and disturbed.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets	The applicant is proposing a sidewalk to remove the impediment of residents walking from the overflow parking lot to their homes via the street. While there are alternative locations for the sidewalk, the applicant has selected the shortest route for the proposed sidewalk.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	Any increase in impervious surface within the buffer will have an adverse impact on wetland health. The applicant is proposing to install more plantings near the building. The applicant should only plant native buffer plantings. In addition to plants by the building, they should also consider increasing the native buffer plantings along the edge of the pond.
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	The natural vegetative state will not be altered aside from the change of mowed grass to concrete sidewalk.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	The applicant is proposing the location of the new sidewalk be a balance between staying far from the pond but not so close to the building that it could encroach upon residents' privacy. In doing so, they have proposed a location that appears to stay outside of the 25' buffer. Additional native buffer plantings and downcast lighting will help to minimize the impacts to the pond environment.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	The proposed sidewalk appears to be located out of the 25' buffer. The applicant has agreed to a restoration plan to enhance the buffer.
7	<u>Other Board Findings:</u>		



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PLANNING BOARD

November 22, 2023

2422 Lafayette Road Assoc LLC
c/o Waterstone Retail
322 Reservoir Street
Needham, Massachusetts 02494

RE: Amended Site Plan Review & Amended Conditional Use Permit approval requests for property located at 2454 Lafayette Road (LU-23-160)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of Thursday, November 16, 2023, considered your application for Amended Site Plan Review Approval and Amended Conditional Use Permit from Section 10.1112.14 for a new motor vehicle sales office. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted 1) find that the Amended 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** Amended Site Plan Approval.

With respect to the Amended Conditional Use Permit, the Board voted to 1) 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; and 2) to find that the number of off-street parking spaces are adequate for the property and to **grant** the amended Parking Conditional Use Permit approval as presented.

This approval is granted subject to all conditions of approval by the Planning Board on and to all other requirements stated in the Planning Board letter of decision dated .

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.

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

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

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 large, flowing loops and a long horizontal tail stroke.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

John K. Bosen; Bosen & Associates P.L.L.C.

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: November 16, 2023

Property Address: 2454 Lafayette Rd.

Application #: LU-23-160

Decision: **Approve**

Findings of Fact:

Per RSA 676:3, I: 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 the 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> The proposed application is in compliance with City ordinances.
2	Provision for the safe development, change or expansion of use of the site.	Meets	The applicant has received Zoning Board Approval for the use and will require a building permit that will be reviewed for life, safety codes.
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	No site work is proposed that will cause erosion and sediment or stormwater issues.
4	Adequate protection for the quality of groundwater.		Not applicable.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
		Meets	
5	Adequate and reliable water supply sources.	Meets	Not applicable.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	The existing building is served with water and sewer connections and will not change with this use.
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	None of the undesirable elements will be associated with the proposed use.
8	Adequate provision for fire safety, prevention and control.	Meets	Project reviewed by TAC. Building permits will be reviewed by the fire department for fire safety, prevention and control.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	No wetlands are on the property.
10	Adequate protection of historical features on the site.	Meets	No historical features are on the property.
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	The site is fully developed and contains proper traffic controls for navigating throughout the site.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	The site is fully developed and contains proper traffic controls for navigating throughout the site.
13	Adequate insulation from external noise sources.	Meets	Tenant-fit up will be in an existing structure and will not be impacted by external noise.

	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	The only new infrastructure associated with this proposal is the installation of 2 EV chargers. No other site work is proposed.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	The site contains outdoor spaces and will add additional community space areas for the public. This is associated with a separate project on this parcel.
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	No change to accessways or sidewalks as part of this project.
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	The site is currently developed, and the use is in an existing building.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	No site work outside of the installation of two EV chargers is proposed. The site is currently developed with existing landscaping.
19	Compliance with applicable City approved design standards.	Meets	No site work outside of the installation of two EV chargers is proposed. The proposed use will be located in an existing building.
	Other Board Findings:		

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: November 16, 2023

Property Address: 2454 Lafayette Rd

Application #: LU-23-160

Decision: **Approve**

Findings of Fact:

Per RSA 676:3, I: 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 the all conditions necessary to obtain final approval.

Parking Conditional Use Permit

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61, or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.1112.141 An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use.	Meets	TAC reviewed the application at their November 7, 2023 regular meeting and recommended approval to the Planning Board. The change in use will result in less demand on parking.
2	10.1112.142 An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/microtransit services or bikeshare station(s) servicing	Meets	The site is currently served by a COAST bus stop and contains bicycle and pedestrian access throughout the site.

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62.		
3	10.1112.143 The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.	Meets	The change from retail to motor vehicle sales results in a decrease in parking demand for the site.
4	10.1112.144 At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.	Meets	The 793 spaces will be adequate to continue to meet the parking demand for this property with the proposed change of use from retail to motor vehicle sales.
5	<u>Other Board Findings:</u>		
6	<u>Additional Conditions of Approval:</u>		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
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03801

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PLANNING BOARD

November 22, 2023

Mark McNabb
One Market Square LLC
3 Pleasant Street, Ste 400
Portsmouth, New Hampshire 03801

RE: Request for a 1-Year Extension to the Site Plan approval for property located at 1 Congress Street (LU-22-12)

Dear Mr. McNabb:

The Planning Board, at its meeting of Thursday, November 16, 2023, considered your request for 1-Year Extension to the Site Plan approval, originally granted on February 16, 2023.

As a result of said consideration, the Board voted **grant** a one-year extension to the site plan approval, now to expire on **February 16, 2025**.

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.

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

Very truly yours,

Rick Chellman, Chairman of the Planning Board

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

Tracy Kozak, JSA Design
Francis Bruton, Bruton & Berube, PLLC
John Chagnon, Ambit Engineering