



City of Portsmouth
Planning Department
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Portsmouth, NH
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Memorandum

To: Planning Board
From: Peter Stith, Planning Manager
Date: November 16, 2023
Re: Recommendations for the November 16, 2023 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the September 28, 2023, October 19, 2023 and October 26, 2023 minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the September 28, 2023 work session and the October 19, 2023 and October 26, 2023 regular meetings and vote to approve meeting minutes with edits if needed.

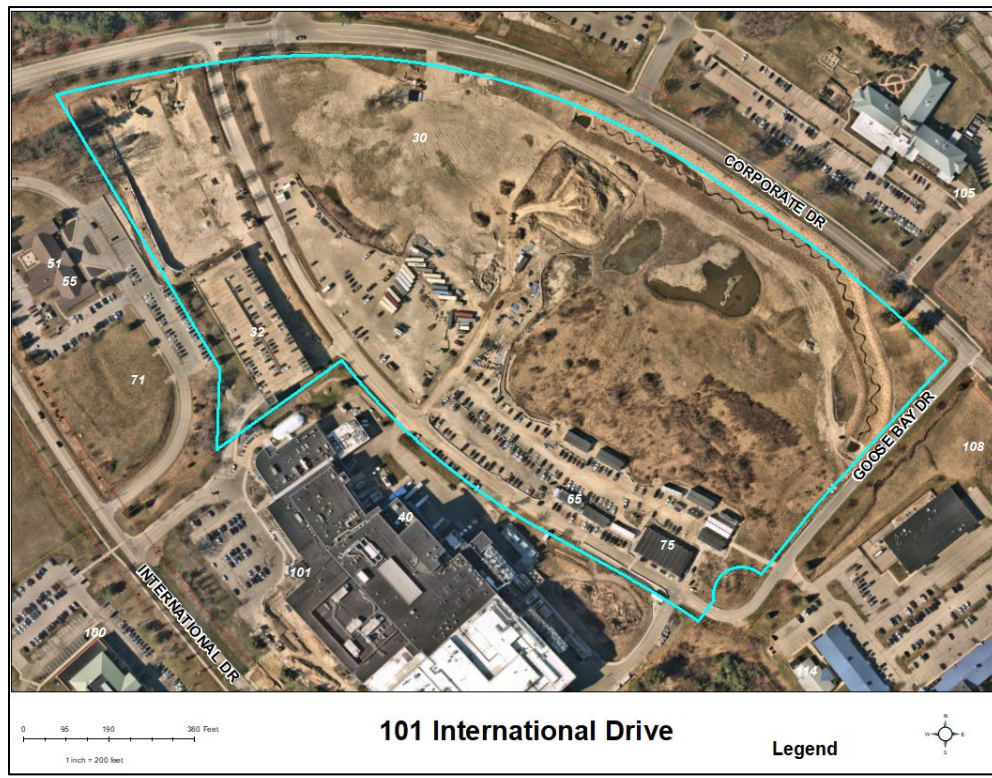
II. PUBLIC HEARINGS – OLD BUSINESS

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 **Lonza Biologics (Owner)**, for property located at **101 International Drive** requesting 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 located on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. (LU-23-108)

Project Background

The project received Site Plan approval in 2019 and received 2 administrative approvals from the PDA since the original approval. This project was planned in phases and the original approval was for Phase 1A and Phase 1B which included the daylighting of Hodgson Brook. Phase 1A has been completed and Phase 1B has started. The current application includes the fit-up of Building #1, final fit up of the utility building, construction of the temporary surface lot and temporary gravel area for construction trailers, parking, and laydown area. The application was postponed in October in order to respond to the third part reviews for stormwater and traffic. The applicant has since satisfied the stormwater and traffic peer review.



Project Review, Discussion, and Recommendations

The project was before the Technical Advisory Committee in August. See below for details.

Technical Advisory Committee

The applicant was before TAC for at their regularly scheduled meeting of Tuesday, August 1, 2023 meeting and recommended approval.

As part of the discussion at TAC, the applicant was asked to complete new third-party reviews for stormwater and traffic. Altus Engineering provided the third-party stormwater review and TEC provided the third-party traffic review.

The recent amendments to RSA 676:3 with regards to adopting findings of fact for a project apply to local planning boards making decisions based on the municipality's regulations. Pease falls exclusively under RSA 12-G and the Pease Land Use Controls, therefore the requirement to vote on and adopt findings of fact do not apply for this application.

Site Plan Approval

- 1) *Vote to recommend Amended Site Plan Approval to the PDA Board.*

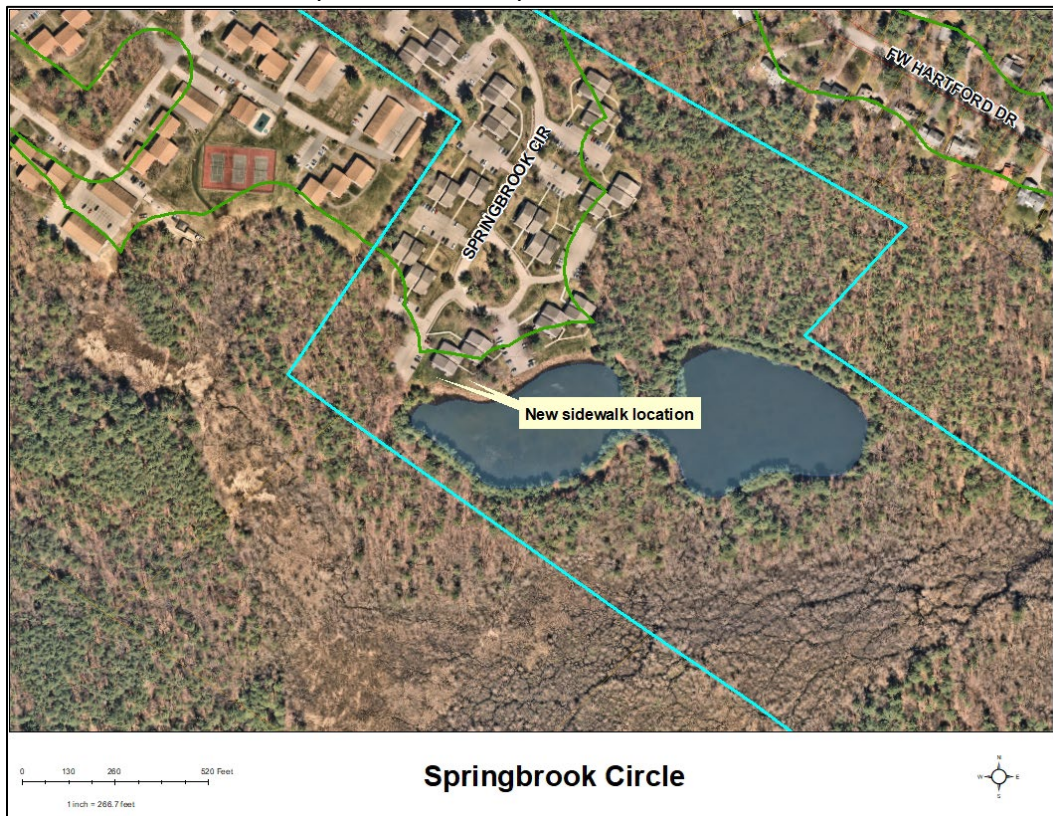
III. PUBLIC HEARINGS – NEW BUSINESS

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 **Springbrook Condominium Association (Owner)**, for property located at **0 Springbrook Circle** requesting a 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 located on Assessor Map 272 Lot 6 and lies within the Gateway Corridor (G1), Single Residence A (SRA), and Rural (R) Districts. (LU-23-157).

Project Background

The applicant is proposing to construct a new sidewalk connection between an existing sidewalk and a parking lot for some of the units on the property. The existing sidewalk and parking area are both located in the buffer and the new connection will add an additional 870 square feet of impervious surface in the buffer.



Project Review, Discussion, and Recommendations

The applicant has been before the Conservation Commission prior to coming before the Planning Board. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, October 11, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following conditions:

- 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 vegetative buffer (25' back from the edge of the pond) of the northern side of the pond.*
- 2. Applicant shall install signage indicating no salt is to be used on sidewalks within the wetland buffer.*
- 3. The proposed sidewalk shall be moved from where it is proposed to connect on the eastern end, to instead connect approximately 8 ft closer to Building #5 to reduce sidewalk length and proximity to the pond.*
- 4. The sidewalk shall be, at a maximum, 5 ft wide.*
- 5. The proposed silt fence shall be extended to encompass the entire length of the sidewalk project.*
- 6. Downcast bollard lighting shall be installed along the path.*
- 7. A restoration plan will be submitted for restoration of the vegetation within the buffer surrounding the pond within one year to the Conservation Commission.*
- 8. 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>*

Conditions 3, 4 and 5 have been addressed in the Planning Board packet. The applicant has provided in their memo, some concerns and potential options to the other conditions imposed by the Conservation Commission.

Staff Analysis

1. The land is reasonably suited to the use activity or alteration.

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. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

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.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

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. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*

The natural vegetative state will not be altered aside from the change of mowed grass to concrete sidewalk.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

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. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The proposed sidewalk appears to stay out of the 25' buffer. It was recommended that the applicant enhance this area through additional native buffer plantings and potential phragmites/invasive species control. The applicant has agreed to a restoration plan to enhance buffer plantings.

Planning Department Recommendation

Wetland Conditional Use Permit

1) *Vote 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.*

(Alt.) Vote 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 amended and read into the record.

2) *Vote 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 vegetative buffer*

- (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 sidewalks within the wetland buffer.*
 - 2.3) **Downcast bollard lighting shall be installed along the path.*
 - 2.4) *A restoration plan will be submitted for restoration of the vegetation within the buffer surrounding the pond 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 Planning Board may want to revise conditions 2.2 and 2.3 after discussions with the applicant during the public hearing.***

III. 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.

- B. The request of **2422 Lafayette Road Association (Owner)**, for property located at **2454 Lafayette Road** requesting 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 located on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-23-160)

Project Background

The applicant was before the Board of Adjustment for a Special Exception to allow a motor vehicle sales office use for electric vehicles at the subject property. The use would take over a portion of the building that was previously occupied by a retail establishment, which required 11 spaces. The change of use to motor vehicle sales requires 6 spaces and with the use occupying 2 parking spaces for their demonstration vehicles, the net decrease in required parking is 3 spaces. The display cars will access the interior space via a portable ramp against the existing curb. Other than the installation of the two chargers, no additional site work is proposed.



Project Review Discussion and Recommendations

The project has been before the Board of Adjustment and the Technical Advisory Committee for review. See below for details.

Board of Adjustment

The Board of Adjustment reviewed the proposal at their regularly scheduled meeting of Tuesday, October 17, 2023 and voted to approve the Special Exception with the following conditions:

- 1) *The showroom shall be no greater than 3,500 square feet.*
- 2) *The site plan amendment shall be routed through both TAC and the Planning Board.*
- 3) *There shall be only EV vehicles.*

Technical Advisory Committee Review

The Technical Advisory Committee reviewed the proposal at their regularly scheduled meeting of Tuesday, November 7, 2023 and recommended approval to the Planning Board for amendments to the site plan and parking CUP.

Planning Department Recommendation

- 1) *Vote to grant Amended Site Plan Approval.*

- 2) *Vote to find that the number of off-street parking spaces are adequate for the property and to amended Parking Conditional Use Permit approval as presented.*

IV. CITY COUNCIL REFERRALS

A. Electric Vehicle Ordinance

Background

At their May 2, 2022 meeting, The City Council referred draft zoning ordinance amendments for Electric Vehicle Charging Stations to the Planning Board for a referral back for first reading. Attached is the draft sent by Council to the Planning Board. Staff reviewed the proposed amendments and provided a redlined version for consideration and discussion.

Currently, an Electric Vehicle Charging station as a principal use is allowed by special exception in the GB, G1, B, CD4-W and I zones under a motor vehicle service station as described in the definition below. Amending the Zoning ordinance to allow EV chargers as a principal use in more zones could ease the installation of EV Charging infrastructure in Portsmouth. As an accessory use, EV charging station are currently allowed as an accessory use to any permitted principal use.

<p>Motor vehicle service station</p> <p>An establishment that sells fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) to individual vehicles. A motor vehicle service station may include the following:</p> <ul style="list-style-type: none">▪ retail sale of propane and kerosene;▪ retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items;▪ minor automotive maintenance such as the addition of fluids, replacement of wiper blades and similar activities; and▪ retail sale of over-the-counter consumer merchandise.

Planning Department Recommendation

- 1) *Vote to schedule a public hearing for December 21, 2023.*

V. OTHER BUSINESS

A. Request for Extension – 1 Congress Street Site Plan Review Approval

The Planning Board granted Site Plan Approval on February 16, 2023 for the project. The applicant has been working with the City on an agreement for the off-site improvements for High Street and Ladd Street.

Site Plans may be extended for a year prior to the expiration date per Section 2.14 (2) below:

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

B. Chairman's Updates and Discussion Items

C. Planning Board Rules and Procedures

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

VI. ADJOURNMENT