

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM**

**December 21, 2023**

**MINUTES**

**MEMBERS PRESENT:** Rick Chellman, Chair; Corey Clark, Vice-Chair (via Zoom); Joseph Almeida, Facilities Manager; City Council Representative Beth Moreau; Karen Conard, City Manager; Members Greg Mahanna, James Hewitt, and Jayne Begala

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**ALSO PRESENT:** Peter Britz, Director of Planning and Sustainability

**MEMBERS ABSENT:** Alternates William Bowen and Andrew Samonas

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Chair Chellman stated that Vice-Chair Corey Clark was ill but would be present via Zoom.

*Mr. Mahanna moved to allow Vice-Chair Clark to join the meeting via Zoom, seconded by Mr. Almeida. The motion **passed** unanimously.*

**I. PRESENTATIONS**

- A. Receive a presentation and consider a recommendation to the City Council to adopt the proposed FY 2025-2030 Capital Improvement Plan.

[Video Timestamp 7:37] City Manager Karen Conard reviewed the 2025-2030 Capital Improvement Plan (CIP) definition and process. She said it was a planning tool to provide the City with a 6-year horizon to support city-wide capital investments and that a variety of funding sources made up the CIP. She said that evening’s meeting was the first opportunity to solicit public input, and that the City Council would hold its CIP session on January 17 as well as another public hearing in February and then adopt the CIP in March.

[Timestamp 14:48] Members of the City’s various departments were present to submit their requests, including the Fire Department, Police Department, Public Works, Schools, Finance and Administration, Library, Economic and Community Development, Health, Recreation, Information, and Sustainability.

**QUESTIONS FROM THE BOARD**

[Timestamp 1:02:02] Councilor Moreau asked why the Coast Guard was involved in the new project added for Marine One by the Fire Department. Fire Chief Bill McQuillen said the Coast

Guard was having a difficult time finding recruits so they scaled back, and he thought it was prudent to move it up in the planning process.

Councilor Moreau asked if a grant was available for the new police vehicle body cameras and if the \$50,000 proposed was State dollars. Police Chief Mark Newport said the State money would be \$50,000 for the grant. Ms. Moreau said the Police Department was asking for another \$400,000 for the current police space, and what areas would be updated. Chief Newport said as part of the remediation, they still had to work on the redundant dispatch center and work on Fire Station No. 2, and there would still security issues with the back parking lot. He said there were several other projects that the money would be used for.

[Timestamp 1:05:55] Ms. Begala referred to Item 25, land acquisition, and said there was \$500,000 set aside twice in the five-year period to augment the City's conservation plan. She asked for more information. Planning Director Peter Britz said the money would be set aside so when someone wanted to sell their open space, the City could purchase it.

[Timestamp 1:07:05] Mr. Hewitt asked if the 2015 build-out plan for the multifield complex at the end of the DPW property that showed three soccer fields and another field was still in the plan and if there was a provision for softball fields there. DPW Director Peter Rice said the intent was to have three fields including a softball field. Mr. Hewitt asked if that field would be dedicated to softball. Mr. Rice said it would be a multi-use field with the ability to have softball on it. Mr. Hewitt asked Mr. Rice to confirm that the City had two red listed bridges, the Cates St bridge and the Maplewood Avenue culvert bridge. Mr. Rice said there were three, including the Copley Road bridge. Vice-Chair Clark asked if the Monroe Street stormwater item would address the issues of stormwater affecting the baseball field there and was told that it would.

[Timestamp 1:10:16] Councilor Moreau asked if the monies put aside for three years for the City Hall's HVAC system would be incrementally phased to fully replace it. Mr. Rice said the work they were presently doing was to maintain the existing system and get it functional, and the intent was to eventually get a new system. Ms. Moreau said there were additional funds for the Hanover Garage and asked if that would be the last part of the phase. Mr. Rice said it was a 3-year program that they were over a year into and costs had escalated and were higher than budgeted for. Ms. Moreau said a Hillside Avenue resident at the November subcommittee meeting asked if the Hillside Avenue project could be added. Mr. Rice said they did an initial design and that there was a section near Lafayette Road that they would need an easement for. He said the anticipated cost was close to \$290,000 for a 500-ft long sidewalk and it wasn't in the CIP. Councilor Moreau said it be added and recommended to the City Council.

[Timestamp 1:13:32] Ms. Begala said the biggest section of the CIP were the buildings, at 160 million dollars, and the 38 million dollars for the new police station. She asked what kind of building was needed that would cost 38 million dollars. Police Chief Newport said it would cover a new police facility, which they were trying to refine based on the amount of funds they had. Ms. Begala asked if it was forecasted on the current size of the police station and noted that it was a huge line item. Chief Newport said the initial costs were based on 2014 but costs had gone up significantly and the updated price was almost 20 million dollars over the 42 million dollars they were proposing. He said it was a cost per square foot approach, and the square

footage was 40,000 sf in 2014, with the most recent at 57,700 sf. He said they were working to refine the costs. Chair Chellman asked whether that was a placeholder on a design of years ago and if it would change. He was told that it was cost per square footage but the number would get refined and improved and was anticipated to be in that range.

Chair Chellman opened the public hearing.

## **PUBLIC HEARING**

Greg Hebert of 183 Hillside Drive said the owners of the ABC Buildings blocked off the cut-through access with a fence. He said school children and other citizens normally used that safe access to the south Lafayette Road intersection. He said the neighborhood did a survey and determined that there were 400 trips per week happening through the cut-through. He read a letter that the group submitted to the City Council about how a sidewalk should be installed in that area because people were now forced to cross Greenleaf Avenue where the average speed was 50 percent over the posted limit. He said the fence created an urgent need for a pedestrian sidewalk but that the ABC owners were not interested in participating.

No one else spoke, and Chair Chellman closed the public hearing.

## **DISCUSISON AND DECISION OF THE BOARD**

*Councilor Moreau moved to ask the City to incorporate a safe pedestrian sidewalk for Hillside Avenue into the plan as a project for \$350,000. Mr. Hewitt seconded the motion.*

Mr. Hewitt asked if the Board understood why the owner of ABC Buildings blocked the access and whether all means were exhausted as to working something out. Mr. Rice said he attended the City's Legal Department meetings and the owner of ABC Buildings was not interesting in providing a public path. He said the City would run the risk of someone saying the public wasn't allowed on private property, so the City was better off creating an alternative route.

*The motion **passed** by a unanimous roll call vote of 8-0.*

[Timestamp 1:30:00] Mr. Hewitt said the Water Master Plan was voted on by the Planning Board in 2022 to include it in the CIP, but the City Council removed it. He asked if it should be put back in. Public Works Deputy Director Brian Goetz said there were four components underway and if they were going to complete the master plan, it didn't have to be in the CIP. He said it would combine all the elements for the CIP and update that 2012 master plan with all the components and that it wasn't necessary to include it as a standalone item in the CIP. He said they would do infrastructure capacity studies in addition to tank inspection, water system modeling, lead service line inventory, and a seacoast emergency interconnection study, and would also hire two interns to apply projections and demographics.

Mr. Hewitt said he thought the City's water system was well run but noted that there were master plans for Prescott Park, Market Square, the pump station, recreational fields, and so on, and out of all those plans, the State of NH only recommended that two plans be regularly updated, the

City's Master Plan and the Water Master Plan. He said the Master Plan was 11 years old and he couldn't see why it couldn't be updated. Mr. Mahanna said making it a Water Master Plan made it a City plan, so he was in favor. Ms. Conard said it would be foolish to identify funding in the CIP when it could be done by existing personnel. Chair Chellman asked if a consultant was needed if the DPW produced a report and titled it a master plan produced by the Planning Department. Mr. Hewitt said one of the Planning Board's greatest responsibilities was to ensure that the City had an adequate supply of good drinking water, and that's what master plans were for. Ms. Begala said it would provide an opportunity for citizen input regarding availability, demand, pollution issues and so on, and that water was an area where impact fees should be considered due to the increasing demands and costs reflected that were due to large developments coming into town. She said she'd like to see planning that was more than just costing out and included a public forum and a look at other issues, like share costing in terms of impact fees. Chair Chellman said the City could consider impact fees but only if there was a master plan and a CIP plan. He said if the City prepared a document within the budget, it would give the public the change for input. He said a 2024 document that is the DPW's Water Master Plan would include public participation and would be vetted by the public soon.

[Timestamp 1:40:16] Mr. Hewitt said the EPA would announce serious PFAS rules down the road that would affect most of the City's drinking wells, and that a new lead and copper rule was also coming out. These said those were things that had to be planned for and needed a public document that citizens were aware of. Public Works Deputy Director Brian Goetz said they had been tracking PFAS for the last ten years for several projects and that they also had a quarterly meeting that the public was invited to. Chair Chellman said he would be satisfied if the DPW was prepared to produce a report that updated the 2012 Water Master Plan.

*Mr. Hewitt moved that the FY 2025 CIP include an updated Water Master Plan for \$100,000.  
Mr. Mahanna seconded the motion.*

[Timestamp 1:33:44] Mr. Mahanna said more effort needed to be spent on water for Portsmouth. Mr. Almeida asked if the work would be done by DPW staff or an outside consultant. Mr. Hewitt said there were ongoing activities to address PFAS and lead and copper, and all that information should be in a document for the sake of transparency. Chair Chellman said it was a report. Councilor Moreau said she would not support the motion because she trusted the DPW staff's ability to update the document and that the Safe Water Advisory Committee could also address any issues from public feedback. She said the DPW staff felt that they had the funds, expertise, and ability to reach out to the public and that the Board should give them the opportunity to do so. Vice-Chair Clark agreed. He said the staff had the knowledge and a consultant would take a lot of time to be brought up to speed to put together a new master plan. He said a master plan might be more prudent down the road because of changing regulations, however.

*The motion **failed** by a roll call vote of 3-5, with Mr. Almeida, Councilor Moreau, Vice-Chair Clark, City Manager Conrad, and Chair Chellman voting in opposition to the motion.*

*Councilor Moreau moved to recommend adoption of the Capital Improvement Plan to the City Council, seconded by Mr. Almeida. The motion **passed** by a unanimous roll call vote of 8-0.*

## II. APPROVAL OF MINUTES

### A. Approval of the November 16, 2023 meeting minutes.

Mr. Hewitt asked for two amendments to the first paragraph on page 2 of the minutes.

He asked that the phrase “he said the capacity chart had a pink rash of Level Service F” be added to a sentence so that it now reads:

“Relating to the traffic study, Mr. Hewitt said he noticed significant impacts to the Regional Transportation Network, NH Route 33, and the Spaulding Turnpike, and he said the capacity chart had a pink rash of Level Service F.”

Relating to the second change, he asked that his question further on in the same paragraph about how much water per day would be used by the new Pease facility and Mr. Hansen’s response that he didn’t know be reflected in the minutes. The added sentence reads:

“Mr. Hewitt asked how much water per day would be used by the new Pease facility, and Mr. Hansen said he didn’t know.”

*Councilor Moreau moved to approve the minutes as amended, seconded by Ms. Conard. The motion **passed** by a unanimous roll call vote of 8-0.*

## III. DETERMINATIONS OF COMPLETENESS

Chair Chellman read the two site plan review requests into the record.

### SITE PLAN REVIEW

- A. The request of **Pease Development Authority (Owner)**, for property located at **360 Corporate Drive** requesting Site Plan Review approval for construction of a three-story Healthcare Complex with approximately 52,000 GSF. to allow space for up to 10 tenants which include an Ambulatory Surgical Center, Imaging Center and Plastic Surgery Center. The project includes (125) vehicle parking spaces, (2) loading docks as well as associated paving, stormwater management, lighting, utilities, and landscaping. Said property is located on Assessor Map 315 Lot 5 and lies within the Airport Business Commercial (ABC) District.
- B. The request of **Maureen Oakman and Michael A. Valinski (Owners)**, for property located at **1155 Sagamore Avenue** requesting Site Plan Review Approval for the demolition of the existing building and construction of a 4-unit residential condominium with the associated paving, stormwater, lighting, utilities and landscaping. Said property is located on Assessor Map 224 Lot 18 and lies within the Mixed Residential Office (MRO) District.

Ms. Begala said she questioned the completeness of the 360 Corporate Drive application. Therefore, the two petitions were voted on separately.

[Timestamp 1:59:15] Ms. Begala said the length traffic impact assessment report was 99 percent descriptive to the Lonza Biologics traffic, so she didn't think it was complete because she wasn't sure if the question of traffic impact particular to 360 Corporate Drive had really been addressed. She said the impact on the intersections was not clear. Chair Chellman said the applicant provided traffic information and it was agreed at the TAC meeting that it could be used and that there was a component in the Lonza study for the site. Mr. Hewitt said he was also concerned about completeness and wondered why the Board had a traffic report that said Lonza instead of 360 Corporate Drive. He said it was confusing and that he didn't find any mention of 360 Corporate Drive in the document. He said he was shocked that the mitigation plan was missing and asked if that was a completeness issue. Mr. Mahanna read Section 403.04, No. 9 of the site plan submission requirements indicating that a traffic impact analysis may be required as deemed necessary by the Board due to the project's proposed size, location, and traffic generating characteristics in accordance with the transportation model to be derived from the PDA Transportation Master Plan. He said the intersection was a nightmare and had been mentioned in the regional impact traffic study and the Lonza traffic study and it had not been updated.

Chair Chellman further explained what completeness was, noting that drainage was also part of the site plan review. It was further discussed [timestamp 2:02:30].

*Councilor Moreau moved that the Board vote to determine that the application is complete according to the Pease Plan Review Regulations and to accept the application for consideration. Ms. Conard seconded. The motion **passed** by a roll call vote of 5-3, with Mr. Hewitt, Ms. Begala, and Mr. Mahanna voting in opposition to the motion.*

*Councilor Moreau moved that the Board vote to determine that Item B is complete according to the Site Plan Review Regulations and to accept the application for consideration. Mr. Almeida seconded. The motion **passed** by a unanimous roll call vote of 8-0.*

#### **IV. PUBLIC HEARINGS – NEW BUSINESS**

- A.** The request of **Pease Development Authority (Owner)**, for property located at **360 Corporate Drive** requesting Site Plan Review approval for the construction of a three-story Healthcare Complex with approximately 52,000 GSF to allow space for up to 10 tenants which include an Ambulatory Surgical Center, Imaging Center and Plastic Surgery Center. The project includes (125) vehicle parking spaces, (2) loading docks as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 315 Lot 5 and lies within the (Airport Business Commercial (ABC) District. (LU-23-135)

#### **SPEAKING TO THE APPLICATION**

[Timestamp 2:10:39] Jeff Kilburg of Apex Design was present on behalf of the applicant and reviewed the site plan. He noted that there was a trip generation study included in the submission packet, and that Planning Director Peter Stith and City Engineer Eric Eby determined that it was based on the traffic trip generation study and Lonza's previous traffic study, along with TAC. He said it would not provide new information beyond the Lonza study.

[Timestamp 2:15:10] Ms. Begala asked Mr. Kilburg to explain what the impact of 360 Corporate Drive's various businesses in the medical complex, with 125 cars coming and going at the intersection of Corporate Drive and Grafton Road and the impact to Corporate Drive and the intersection north of that would be. Mr. Kilburg said there was a 23-hour recovery room but no overnight care in the facility, so the ambulance would be traditional business hours. He said because that, a trip generation study was done and submitted to TAC, with a copy of the Lonza study, and discussed with Mr. Eby and Mr. Stith. He said they didn't have the specifications Ms. Begala was looking for because it had already been accommodated for in the Lonza traffic study, and the trip generations required by their facility had already been accounted for in the study. Ms. Begala asked how Lonza knew the 360 Corporate Drive building would be built and that it included all those trips. Mr. Kilburg said Lonza had to provide a traditional growth rate of traffic specific to Lonza's generated traffic, but that rate was accommodating of the traffic generated by 360 Corporate Drive and also accommodated future growth, like new employees and additional truck traffic. He said Mr. Eby had said it didn't make sense to pursue another traffic study.

[Timestamp 2:20:22] Property consultant Gregg Mikolaities said he had been permitting projects at Pease since 1994 and the standard process was to generate a trip generation study, which went into a master plan. He said the data got updated every 2-5 years. He said Lonza was such a big project that they did ask for the comprehensive study, and traffic had been accommodated for in that study. Mr. Mahanna said the trip generation comparison said it would generate 1,686 more vehicle trips per day and thought that warranted another traffic study. Mr. Mikolaities said they deferred to Mr. Eby. Mr. Hewitt said the only original traffic work he had seen in the application was the trip generation study that said a weekday had 1,948 trips, and he asked what the trip generation number in the Lonza report was. Chair Chellman said he spoke with Mr. Eby before the meeting, who said no traffic study beyond the Tighe and Bond one was needed. Ms. Begala said the trip generation was based on the 2018 turnaround numbers, so it seemed that even the assumptions were old. She said additional information was needed that delineated what part of the study was due to 360 Corporate Drive, and she wanted it in 2023 standards. Councilor Moreau said she felt that the Lonza growth rate included the new buildings and projects proposed in the area. Ms. Begala asked how Lonza would know that.

[Timestamp 2:29:51] Dr. Alex Slocum said there was no emergency facility and no 24-hour access except for when a patient had to stay overnight, for which they were planning to be able to accommodate that. Mr. Kilburg said the growth rate extended to the year 2035, so if they were to require a traffic study for a new traffic analysis yearly for every development, it would be redundant in terms of projects across the board, where Lonza had accommodated for it in their analysis. Mr. Mahanna referred to a November 2018 letter from the Rockingham County Planning Commission, which was a regional impact committee, and said the letter talked about the Lonza proposed expansion and recommended that the PDA and City of Portsmouth should utilize traffic impact studies for development proposals in the Pease Tradeport to gauge impacts

on the transportation network and to gain an understanding of when the thresholds will be released and so on. He concluded that the Rockingham County Planning Commission was recommending further traffic study in that area, beyond the Lonza study, and it was discussed

[Timestamp 2:34:13] Ms. Begala said she was used to seeing a traffic impact study relating to a project. Vice-Chair Clark said the site was constrained due to wetlands and things had been designed so that the project wouldn't go into the wetlands, and they were adhering to a 25-ft buffer. He asked what mitigation was being done as part of that so that the wetlands would not be impacted. Mr. Kilburg said they went through multiple iterations of building style and design as well as site plan design, and each iteration impacted less and less wetlands so that the current iteration had no wetland impact. He said they set the building back an additional distance from the wetland buffer itself and discussed with TAC having a construction fence along the wetlands to prevent any infiltration into the buffer itself. Mr. Mahanna asked if there was a building permit for the project yet and was told that there wasn't. He asked about the construction trailers parking screening and bike racks at the back of the building. The project surveyor Brian Jones said there was screening vegetation along Corporate and International Drives that were reviewed by the PDA and TAC multiple times and approved. He noted that there was also a continued strip of plantings behind the parking spaces. Mr. Mahanna said one plan showed it as snow storage. Mr. Jones said the shrubs were a hardy species and could handle the snow storage.

[Timestamp 2:41:44] Mr. Hewitt asked when the Conservation Commission had jurisdiction at the PDA and when they did not. Mr. Britz said Pease had a 25-ft buffer width, so there was no Conditional Use Permit required. He said Pease worked with the applicants to stay out of the buffer so that they didn't have to go before the Conservation Commission, and any State wetlands permit in Portsmouth was reviewed by the Conservation Commission. Ms. Begala asked what the plan was for snow removal off the building's roof. Mr. Kilburg said the roof was designed to accommodate any snow load. Vice-Chair Clark asked what the status of the NHDES AOT permit was. Mr. Kilburg said they prepared the drainage study and responded to review comments but hadn't heard back. However, he anticipated approval. Vice-Chair Clark asked if there were concerns with snow storage within the stormwater treatment basin, and Mr. Kilburg said they did not make that comment. It was further discussed. [Timestamp 2:44:55]

Mr. Hewitt asked the applicant if their traffic report would be updated to make it specific to 360 Corporate Drive. Mr. Kilburg said if Mr. Eby's recommendation was not agreed to, they would be forced into that situation, but there were many parties involved and groundbreaking and construction would be delayed for 8-12 weeks.

[Timestamp 2:47:40] Developer Dan Humphrey said they addressed the traffic concerns and were confident that the existing data was complete and what was developed was not outside that scope. Ms. Begala asked what the requirements were in terms of what happened at the intersections and what the recommendation was regarding mitigating traffic impacts due to 360 Corporate Drive. Mr. Jones said the Planning Department and Mr. Eby said the project was within the boundary conditions of the anticipated increase. Mr. Mahanna said the intersection was a two-lane road with only stop signs and went into Route 33, and they were already red marked "F". Mr. Hewitt said he would want a site-specific traffic report for 360 Corporate Drive that includes all existing proposed uses, and suggestions for mitigation at all the impact intersections.



[Timestamp 2:51:21] Chair Chellman said he understood the concerns and said there were different problems within the Pease Development, and the intersections were failing. He thought that adding the 360 Corporate Drive data would refine things but the failed intersections would still fail. He said there was a bigger issue about not holding the applicants up which was the issue of external impacts of Pease and that it needed to be discussed with the PDA, Greenland and Newington folks, and the Rockingham Planning Commission, but it wasn't the applicant's issue. He said the Board recently approved the Lonza project, which was a much bigger project that demonstrated severe traffic problems within the Pease development. He said that was PDA's purview, which was very insular, and they weren't required to look outside the Pease limits. He said the impacts on Route 33 should be able to be considered outside the applicant's proposal but it had to be discussed. He said the Board could recommend to the PDA to advance the project, with the additional traffic information that Ms. Begala requested. He said traffic was an issue and the Board could suggest that Pease do something about it internally but couldn't require them to do it. He said the Board had 60 days to act and should try to do what they could before that.

Ms. Begala said she was concerned about the internal impacts on the intersections and thought the applicant needed to improve the traffic flow and the safety provisions of those intersections. Mr. Hewitt said things might not change dramatically with an updated traffic report but thought it still needed to be updated to be accurate and to have subjective mitigation. Mr. Mahanna suggested putting a traffic light at the intersection. Chair Chellman said that was engineering decision and that there was a difference between the regulatory aspects and the maintenance ones. Councilor Moreau said the Board could recommend that the applicant look at regulating those intersections due to traffic concerns and let them figure out the best way to do that.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

*Councilor Moreau moved that the Board recommend Site Plan Approval to the PDA Board and that the PDA look at the intersections in and around the facility for traffic calming management and manage the traffic impacts and safety. Ms. Conard seconded the motion.*

*The motion **passed** by a unanimous roll call vote of 8-0.*

- B.** The request of **120-0 Wild Rose Lane LLC (Owner)**, for property located at **60 Pleasant Point Drive** requesting a Wetland Conditional Use Permit from Section 10.1017.50 of the Zoning Ordinance for the demolition of the existing home and construction of a new dwelling. The project consists of 5,368 sf of impervious surface including a dock, two sets of stairs, a pool, patio, cabana, and a portion of the home, which results in a reduction of 31 sf from the existing conditions. The project includes pervious pavers within the buffer, a long-term storm-water maintenance plan, landscaping plan within the buffer, a bank restoration plan, replacement of the

existing lawn with a micro-clover seed mix and the removal of invasive species on site. Said property is located on Assessor Map 207 Lot 13 and lies within the Single Residence B (SRB) District. (LU-23-180)

### **SPEAKING TO THE APPLICATION**

[Timestamp 3:02:23] Project engineer Eric Weinrieb was present on behalf of the applicant and reviewed the application.

*At this point in the meeting, Councilor Moreau moved to continue the meeting past 10:00, seconded by Ms. Conard. The motion **passed** by a roll call vote of 7-2, with Ms. Begala voting in opposition.*

[Timestamp 3:04:31] Ms. Begala said the original house was 2,632 sf and the expansion made it 5,368 sf and was now designed as a tee. She said the new building wasn't put in the same footprint and was coming into the buffer more. She asked why the applicant decided to put the pool and cabana in the 150-ft buffer, noting that it was a huge site and they could have been put somewhere else. She asked the reason for the pervious driveway. Mr. Weinrieb said part of the driveway was permeable and part of it was hard construction, and the pool was in the location it was because it was up on a bluff and was presently in the 50-ft buffer. He said they were moving it back further and reducing the overall impervious in the 100-ft buffer. He said a significant portion of the house was outside the buffer, but the house belonged in that prominent high location because it was a valuable piece of land and had views. He said the pool couldn't be put on the other side of the house because it had to be near the living space. Ms. Begala said the lot was more than 9,000 sf and asked if the wetlands Conditional Use Permit request was for aesthetics. Mr. Weinrieb said they were before the Board because the existing house was invasive, the bank was eroding, and it had no stormwater management and they were making the lot much better. Vice-Chair Clark said the land management plan was one of the better ones he had seen but seemed that it was lacking in the areas that would be maintained, like the grass areas, and there was no discussion about fertilizer. Mr. Weinrieb said the person who helped with the invasive management plan was on Zoom and would address it.

[Timestamp 3:11:15] Devin (no last name given) via Zoom explained that the lawn didn't need fertilizer because the micro clover turf lawn fixed nitrogen for the turf grass. He said it was a safer use in a sensitive buffer. Vice-Chair Clark said he didn't see that mentioned in the land management plan. Devin said the plan focused on the area within the 25-ft buffer and the bank, but they would commit to not recommending no fertilizer on the lawn anywhere on the property. Vice-Chair Clark said that would be acceptable but thought something needed to be put into the document that went with the property's perpetuity. Devin said the homeowners would avoid the use of fertilizer within any resources. He said if the pool were located on the north and northwest sides, it would be close to the abutters and would impact their views.

[Timestamp 3:13:05] Ms. Begala referred to Point No. 5 in the analysis about the proposal having the least adverse impact to areas and environments under the jurisdictions. She said the house could be stacked on the original footprint, therefore reducing the footprint of the house. She said the applicant more than doubled the size of the house and enlarged the pool, so she didn't feel that point was complied with. She said she still didn't understand why there wasn't a

porous driveway and why the impervious surface for the entire building was only reduced by 200 feet. Mr. Weinrieb said he disagreed and that they worked hard with the City Staff. He said there was a portion of the lot within the 100-ft buffer, but due to the shape of the lot, he believed the entire lot was as important beyond or within the 100-ft buffer and they treated every bit of it the same way and as a holistic site. He said they were protecting and maintaining the entire parcel, even though the footprint was larger. He said they could have added a second-story to the house and not had to come before the Board, the pool would still be in the 50-ft buffer, the driveway would be fully impervious, and there would be no stormwater improvement. Chair Chellman said it seemed like some grade of the impervious part of the driveway had to be maintained. Mr. Weinrieb agreed and said that portion would not be sanded. Mr. Almeida said he appreciated all the improvements being done on the site and wasn't concerned with the size of the building because it was a premier site and it was a sign of the times in Portsmouth.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

*Vice-Chair Clark moved that the Board find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and adopt the findings of fact as presented. Councilor Moreau seconded the motion.*

*The motion **passed** by a roll call vote of 7-1, with Ms. Begala voting in opposition.*

*Vice-Chair Clark moved that the Board 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 along the 25' vegetative buffer during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*
- 2.2) Applicant shall provide monthly invasive management and planting updates to the Planning and Sustainability Department once removal begins and until the end of the restoration process (see Management Calendar for Treatment and Planting). These updates shall be a report summarizing the activities performed, the success rates, any proposed plan changes, and any upcoming activities involving the 25' vegetative buffer on site. If plants have not achieved an 80% success rate or greater after one year, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each subsequent year until an 80% planting success rate has been achieved.*
- 2.3) No fertilizers shall be used within any resources and/or buffer areas.*

Vice-Chair Clark said the site was a premier one in Portsmouth and it was an opportunity to show the level of effort that the Conservation Commission does for the Planning Board in reviewing difficult sites and working with the applicant to come up with unique solutions.

*The motion **passed** by a roll call vote of 7-1, with Ms. Begala voting in opposition.*

- C. The request of **Maureen Oakman** and **Michael A. Valinski (Owners)**, for property located at **1155 Sagamore Ave** requesting Site Plan Review Approval for the demolition of the existing building and construction of a 4-unit residential condominium with the associated paving, stormwater, lighting, utilities, and landscaping. Said property is located on Assessor Map 224 Lot 18 and lies within the Mixed Residential Office (MRO) District. (LU-23-178)

### **SPEAKING TO THE APPLICATION**

[Timestamp 3:21:25] Project engineer John Chagnon was present on behalf of the applicant to review the petition. He noted that the parking would be moved to the side yard, the utilities would be upgraded to underground electric, the new structure would be connected to the public sewer, the drainage would be directed toward a raingarden, and the driveway's existing grade would remain the same. He said it was approved by TAC in November and that the water line easement was needed to serve the four units with City water and would be worked out with the City's Legal Department before the building permit was granted.

[Timestamp 3:23:30] Mr. Mahanna said the survey didn't show any encroachments but all the aerials made it look like the lot encroached on the driveway going to the adjacent condominiums. Mr. Chagnon said Sea Star Cove's sidewalk came off Sagamore Avenue and was constructed across the applicant's lot. He said an easement was granted to DOT and the City for that sidewalk and the property line came close but did not cross over the sidewalk.

[Timestamp 3:25:17] Councilor Moreau said the Board received feedback from the public and one issue was the height and whether the roof was flat or pitched. Mr. Chagnon said the building's height was measured halfway between the peak of a pitched roof and the level of the eave, so it was about 37-1/2 feet where 40 feet was allowed. Ms. Moreau said she assumed the patios would be 18 inches off the ground and not subject to setbacks. Mr. Chagnon agreed and said the final plan tucked the patios back in a bit off the property line and were less than 18 inches above grade. Mr. Mahanna said the corner closest to Sagamore Avenue showed a 13-ft setback where 15 ft was required and asked what it meant. Mr. Chagnon said it was a side, so it was 13 feet where 10 feet was required. Councilor Moreau asked if there would be a fence dividing the two properties. Mr. Chagnon said the applicant would work with them but it wasn't a requirement and it was outside the approval of TAC. Mr. Mahanna said it looked like there was a separate sewer tap for the sprinkler line coming in underneath Sea Star Cove and out to Sagamore Avenue vs the other utility. Mr. Chagnon said when Sea Star Cove was permitted, the sewer to Sagamore Avenue ended just beyond the development and it was extended by Sea Star Cove up to a manhole at the end of the driveway. As part of that, he said Sea Star Cove agreed to provide a sewer connection for the applicant's lot. He said it was in place and a separate line was

dedicated to the lot. Mr. Mahanna said Sea Star Cove was alleging that the new development would use a private hydrant. Mr. Chagnon said there was a fire hydrant which was Sea Star Cove's and the issue was that Sea Star Cove had a private driveway. He said Sea Star Cove wanted the City to take over the road, which wouldn't happen. Mr. Mahanna asked if the new development would share in the maintenance. Mr. Chagnon said there were hydrants on Sagamore Avenue available and the building was a sprinkler one. Ms. Begala asked about the raingarden. Mr. Chagnon said it was part of the common area but there was room for a few chairs. Mr. Hewitt asked if a highway access permit had been applied for. Mr. Chagnon said they had not applied for one but there was an existing driveway permit for the daycare facility and they were told that they had to apply for a new permit.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Mary Pappas via Zoom said she was a Sea Star Cove resident and that the Board had addressed a lot of her concerns. She asked about the building's height and what would be between each patio. She said the setback didn't look like it was met. She said Sea Star Cove would also like some fencing and had concerns about the fire hydrant's maintenance and whether it could be shared. She noted that the November 16 letter seemed to have different numbers.

[Timestamp 3:39:18] Mr. Chagnon said 45 feet was the peak of the building and there would be vegetation between the patios and landscaping. He said they had a fence between the patios at one point but the new plan was to vegetate the areas between the patios. Relating to the differences in the survey, he said there was a survey prepared for the site plan for the daycare center to show all the other features and get site plan approval. He said further survey information led to differences of opinion. He passed out copies of the survey to the Board. Chair Chellman said the survey stamp on the plan was good enough for him. He said the slight difference was in the rear northwest corner and was very de minimis.

No one else spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

*Councilor Moreau moved that the Board 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. Mr. Almeida seconded.*

*The motion **passed** by a unanimous roll call vote of 8-0.*

*Councilor Moreau moved that the Board 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, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

- 2.2) *The applicant shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*
- 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>*

**Prior to the issuance of a Certificate of Occupancy or release of the bond:**

- 2.4) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
- 2.5) *A stormwater inspection and maintenance report shall be completed annually, and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

*Mr. Almeida seconded the motion.*

Councilor Moreau said the building's top height was 45 feet and the base of the roof was 30 feet, which made it 37-1/2 feet tall where 40 feet was allowed. She said as long as there was no structure above 18 inches in height, the patio was not considered a structure and wasn't attached to the building and was allowed to go beyond the actual setback. She said the applicant would add vegetation between the patios and had agreed to work with the abutter about the fence issue.

*The motion **passed** by a roll call vote of 8-0.*

## **V. OTHER BUSINESS**

### **A. Chairman Updates and Discussion Items**

Chair Chellman said Vice-Chair Clark was resigning and thanked him for his service on the Board. Vice-Chair Clark thanked everyone and said it had been a great seven years.

Chair Chellman said he would bring back further information to the Board on the Pease application as to whether the Board should have a meeting to discuss the regional aspects.

### **B. Planning Board Rules and Procedures: The Planning Board will consider general amendments to the Planning Board Rules & Procedures. The proposed rules may be reviewed in the Planning Department at City Hall, or online by visiting the Planning Board meeting date on the City's Municipal Meetings Calendar here:**

<https://www.cityofportsmouth.com/planportsmouth/events/planning-board-meeting-57>

There was no discussion.

**C. Board Discussion of Regulatory Amendments, Master Plan Scope & Other Matters**

There was no discussion.

**VI. ADJOURNMENT**

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Joann Breault  
Secretary for the Planning Board