

**SITE PLAN REVIEW TECHNICAL ADVISORY COMMITTEE  
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**2:00 PM**

**August 1, 2023**

**MINUTES**

**MEMBERS PRESENT:**

Peter Stith, Chairperson, Principle Planner; Shanti Wolph, Chief Building Inspector; Peter Britz, Environmental Planner; Director of Planning & Sustainability Department; Zachary Cronin, Assistant City Engineer, Eric Eby, Parking and Transportation Engineer; Mike Maloney; Deputy Police Chief

**MEMBERS ABSENT:**

Patrick Howe, Deputy Fire Chief; David Desfosses, Construction Technician Supervisor

**ADDITIONAL**

**STAFF PRESENT:** Chad Putney, Fire Prevention Officer; Stefanie Casella, Planner 1; Kate Homet, Associate Environmental Planner

The meeting began at 2:01 p.m.

**I. APPROVAL OF MINUTES**

A. Approval of minutes from the July 5, 2023 Site Plan Review Technical Advisory Committee Meeting.

E. Eby made a motion to approve the minutes as presented. P. Britz seconded the motion. The motion passed unanimously.

**II. NEW BUSINESS**

A. The request of **Clyde Logue (Owner)**, for property located at **27 Shaw Road** requesting 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 101 feet of frontage. Said property is located on Assessor Map 223 Lot 18 and lies within the Single Residence B (SRB) District. (LU-23-102)

### **SPEAKING TO THE APPLICATION**

Eric Weinrub of Altus Engineering and Clyde Logue, property owner, presented this application. Mr. Weinrub explained the details behind the recent subdivision of the site that had been approved last year and he noted that they had recently learned from the legal department that the setbacks for this property are applied at the right of way edge. He went on to describe the previous designs/plans and how easements would affect their new plan. He also described new plans to contain stormwater management to the project's upper parcel, 170 Walker Bungalow Road.

[16:20] P. Britz mentioned that they would need stronger language on the plans for the design of the future rain garden as the committee would not be reviewing it again before the project begins.

Mr. Weinrub agreed that they would rework the language to satisfy what the committee wants it read as.

[16:53] S. Wolph asked what the mechanism would be to ensure the stormwater plan be presented, reviewed and approved by the City.

Mr. Weinrub noted that it would likely fall to the Land Use Compliance Officer within the City to ensure that gets done properly. P. Britz noted that the conditions granted with any Planning Board approval would go through that process as well.

[18:40] Z. Cronin mentioned that DPW would be performing work on Walker Bungalow Road and that any utility work associated with this project would have to wait until the DPW work is complete.

Mr. Weinrub noted that they planned to use Shaw Road for utility access. Mr. Logue also mentioned that the water line has already been installed on the upper lot, the sewer had already been installed and the poles for power lines would be installed soon.

[20:19] S. Casella asked the applicant if they knew that they were a few feet short for the frontage on the new lot.

Mr. Weinrub noted that they did know this and that they were planning to push it out 2.5 feet for the next submission.

### **PUBLIC HEARING**

[21:07] Chairman Stith opened the public hearing.

[21:27] Brady Byrd and Brian Neste, the owners of 184 Walker Bungalow Road and direct abutters, came to speak. They noted how the area being subdivided would impact their property value and would not be in line with the character of their neighborhood. Mr. Clark expressed concern for the existing stormwater users in the neighborhood.

Mr. Neste expressed concern for property values as well, along with privacy impacts and a change of the neighborhood's character. He noted that he would like to see a building envelope or footprint for any proposed buildings and expressed concerns about potential flooding.

[26:05] Sheridan Lloyd, a close abutter, expressed concern for drainage impacts and how another home could negatively impact the new sewer lines going into the neighborhood. She also expressed concern for the drain line not having aeration to percolate and not being a direct line, noting the multiple elbows before it reached the lower property were also of concern.

[34:50] Chairman Stith closed the public hearing.

### **DISCUSSION AND DECISION OF THE BOARD**

[35:12] P. Britz asked the applicant if they had looked at the size of the piping for its use with stormwater and whether it would be a good fit.

Mr. Weinrub noted that it had previously been sized and approved by DPW for the new sewer project. Mr. Logue noted that the pipe had increased from 6" to 8" which should help with stormwater.

[39:34] P. Britz made a motion to recommend approval with the following stipulations:

1. The lot lines and setbacks need to be adjusted based on the frontage.
2. The applicant will provide a stormwater management note on plans describing the location and requirements of the rain garden prior to Planning Board approval.
3. The applicant will provide a note on plans indicating that regular maintenance reports for infiltration ponds will be submitted to DPW.
4. A stormwater maintenance management plan shall be updated and provided prior to Planning Board approval.
5. Correct the size and location of the utilities and drain on plans.

E. Eby seconded the motion. The motion passed unanimously.

- B.** The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** requesting to amend the Master Plan to reduce the overall square footage to 800,000 square feet in three buildings and reduce the height of building #1 from 3 stories to 1 story. 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. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. (LU-23-108)

[42:30] Chairman Stith introduced this application.

### **SPEAKING TO THE APPLICATION**

[43:12] Neil Hansen and Colter Krzcuik of Tighe & Bond and Dave Morgan of Lonza came to present this application. Mr. Hansen went over the prior approvals received for this project from 2019 and the more recent administrative approvals. He explained that the reason they returned was due to stipulation #2.8 (the Planning Board's recommendation of approval only applies to Phases 1A and 1B) from the previous approval as they are moving beyond Phase 1B. Previous administrative approvals included changing a proposed parking garage to a utility building and increasing the stories of another garage. In Phase 1B, they amended the utility building and parking garage to be done in the first phase. In January 2023, they reduced the height of Building #1 and only half of the approved utility building was built.

Mr. Hansen explained that Phase 1A was nearly complete and that site fencing was going up for Phase 1B work. He went on to describe the status of the conditions from the last full approval along with Mr. Morgan who described the upcoming use planned for the proposed new building.

[1:08:56] Mr. Hansen went on to respond to staff comments.

- *Trailer utilities need to be cut and capped once they are removed from site.*

Understood.

- *A 10" valve must be used on the water main connection to Corporate Drive. An 8x8 tapping sleeve and valve may be used but a 10" valve must be installed after the reducer.*

They will use the 10" valve.

- *Third party oversight of any work performed in the right of way.*

They agreed.

- *A grease trap will be required if any food preparation is planned in the proposed buildings.*

There is no food preparation planned for the first building so no grease trap is needed.

- *Third party review of the storm water design and stamped review of post construction conditions to verify that it will perform as designed.*

They are currently waiting for a third-party review to come in, their design engineer will do a review.

- *Third party review of traffic study.*

They noted this would be fine as it was performed for the entire master plan.

- *Easement required over water mains on the property for leak detection and access to valves/shutoffs.*

This was standard.

Mr. Hansen noted that the rest of the staff's comments had been answered in terms of the conditions and past stipulations.

[1:10:50] Z. Cronin suggested leaving the 8" valve open without a box to be able to access the valve.

[1:11:31] C. Putney noted that they would be requiring an NFK 241 Plan for site access, construction, and site occupancy. He also requested confirmation of the utility bridge which should be at least 13' 6". Mr. Morgan mentioned that the bridge would be about 22' and should be okay. Additionally, C. Putney noted that the fire department should have the code or key to the guard houses and gates.

## **PUBLIC HEARING**

[1:14:51] Chairman Stith opened the public hearing. No one spoke. The hearing was closed.

## **DISCUSSION AND DECISION OF THE BOARD**

[1:15:20] P. Britz made a motion to recommend approval. Z. Cronin seconded the motion. The vote was unanimous.

- C. The request of **Banfield Realty LLC (Owner)**, for property located at **375 Banfield Road** Preliminary and Final Subdivision approval to subdivide one lot into two lots to create the following: Proposed Lot 1 with 6.65 acres of lot area and 354 feet of street frontage and Proposed Lot 2 with 7.96 acres of lot area and 200 feet of street frontage. Said property is located on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. (LU-23-107)

[1:15:53] Chairman Stith introduced the application.

## **SPEAKING TO THE APPLICATION**

Rob Graham, a representative of the owner, and Joseph Coronati of Jones and Beach Engineering came to present this application for a subdivision. Mr. Coronati explained the subdivision proposal and the need for an easement for utilities on the lots which need grading and outfall. He proceeded to respond to staff comments:

- *All stormwater conveyances and utilities must be constructed as previously designed and approved.*

This is fine, there are no proposed changes.

- *How do you intend to resolve the doctrine of merger? This must be resolved prior to Planning Board consideration*

They will either prepare a declaration of covenant for both lots and/or form a new entity so that the second lot could receive an easement from the first lot and vice versa.

- *Please update plans to reflect City ownership of 100 Campus Dr*

Oversight, they will fix.

- *Are you requesting any waivers? If so, which ones? If there are no public improvements, the bond and maintenance requirement can only be waived by the Planning Board*

No waivers being requested at this point but they will be requesting a waiver from the maintenance bond requirement as requested by the legal department's consultation.

[1:19:47] Z. Cronin asked how the responsibility for cleaning up the site due to NHDES requirements would change if the lot was subdivided.

Mr. Graham responded that both lots would be owned by the same group who holds responsibility. He also mentioned that their bank for this project was Kennebunk Savings Bank who advised them that in order to finance the project, they should divide the lot. They will confirm their continued responsibility to both lots.

## **PUBLIC HEARING**

[1:22:22] Chairman Stith opened the public hearing.

[1:22:35] David Ecker of 422 Banfield Road expressed his concern for the contamination on this property and the 14" culvert that flows directly onto his property. He would like to see that everything is cleaned up before anything moves forwards such as a subdivision, which might create a conflict in the future.

[1:27:19] Chairman Stith closed the public hearing.

## **DISCUSSION AND DECISION OF THE BOARD**

[1:27:26] Mr. Graham noted that they were within full compliance of NHDES requests.

[1:27:58] P. Britz said that he had reached out to NHDES about this request for a subdivision to better understand the implications and they had relayed that it is important for the owners to do the development project and the remedial testing for this site. They wanted to emphasize that it is often difficult to get responsible parties to clean up these sites and the owners of this site are agreeing to do the work and comply with NHDES recommendations and requirements.

[1:29:38] S. Wolph noted that while these types of subdivisions could come off as suspicious, this is a logistical move that is required in order to fund the cleanup and get it moving. He would vote to move this application forward to the Planning Board to get the cleanup started.

[1:30:56] P. Britz made a motion to recommend approval to the Planning Board with the following stipulations:

1. The necessary waivers are requested prior to Planning Board approval.
2. Proof of clean up responsibility required prior to Planning Board approval.

S. Wolph seconded the motion. The motion passed unanimously.

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

[1:32:36] Chairman Stith introduced this application.

### **SPEAKING TO THE APPLICATION**

[1:33:03] John Chagnon of Ambit Engineering, Stuart Mitchell of SJM Construction Management and Chris Sawyer, the property, came to present this application. Mr. Chagnon noted that they had previously come before the committee for a work session on this project and he proceeded to give a brief description of the proposal and then addressed staff comments:

- *Repair existing perimeter fencing where damaged.*

They have added Note #2 to Sheet C3.

- *Show existing water service to the building.*

They have added this to the updated Existing Conditions Plan.

- *The existing driveway for the main building should be moved farther from the intersection of West Road and Peverly.*

They noted that this driveway has worked for the last forty years and they intend to keep it as is in that location.

- *Please provide a green building statement and update the application checklist or request a waiver.*

They will provide one.

- *Please provide a landscape plan and update the application checklist or request a waiver.*

A landscaping schedule has been added to the Site Plan.

- *Please note on plans where public and private infrastructure starts and ends along West Rd.*

A condition of approval will be added regarding this.

- *Maintenance and inspection log will require regular reporting to DPW. Please update inspection and maintenance plan to reflect this requirement.*

They have since deleted the “if required” from their last maintenance plan and have added “as required”.

[1:48:50] C. Putney reminded the applicants that during the building permit process they would need to discuss access for the fire department through their driveway gate.

## **PUBLIC HEARING**

[1:49:12] Chairman Stith opened the public hearing. No one spoke. The public hearing was closed.

## **DISCUSSION AND DECISION OF THE BOARD**

[1:49:38] Z. Cronin made a motion to recommend approval to the Planning Board with the following stipulation:

1. Ownership and maintenance responsibility for drainage infrastructure to be detailed on plans and in easements.

C. Putney seconded the motion. The motion passed unanimously.

## **III. ADJOURNMENT**

The meeting adjourned at 3:52 PM



Respectfully submitted,

Kate E. Homet  
Secretary for the Technical Advisory Committee