

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearing Begins

January 18, 2024

ACTION SHEET

REGULAR MEETING 7:00pm

I. ELECTION OF OFFICERS

II.

*The Board voted to Elect **Rick Chellman** as Chair.*

***Motion:** G. Mahanna, **Second:** B. Bowen. Motion passed with all in favor.*

*The Board voted to Elect **Greg Mahanna** as Vice Chair.*

***Motion:** J.Almeida, **Second:** A. Samonas. Motion passed with all in favor.*

III. APPROVAL OF MINUTES

A. Approval of the December 21, 2023 meeting minutes.

The December 21, 2023 meeting minutes were approved as presented/as amended.

***Motion:** B. Moreau, **Second:** G. Mahanna. Motion passed with all in favor.*

III. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A.** The request of **Portsmouth Submarine Memorial Association (Owners)**, for property located at **569 Submarine Way** requesting Amended Site Plan Approval to construct an approximately 1,588 square foot addition attached to the existing visitor center building and associated site improvements. Said property is located on Assessor Map 209 Lot 87 and lies within the Single Residence B (SRB) District.

The Board Voted to determine that Item A was complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the application for consideration.

***Motion:** B. Moreau, **Second:** G. Mahanna. Motion passed with all in favor.*

- B.** The request of **Prospect North 815 LLC (Owners)**, for property located at **815 Lafayette Road** requesting Site Plan Review Approval for the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking. The project will include associated site improvements such as parking, pedestrian access, community space, utilities, stormwater

management, lighting and landscaping. Said property is located on Assessor Map 245 Lots 3 & 4 and lies within the Gateway Corridor (G1) District.

The Board Voted to determine that Item B was complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the application for consideration.

Motion: B. Moreau, **Second:** G. Mahanna. Motion passed with all in favor.

IV. 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 **Portsmouth Submarine Memorial Association (Owners)**, for property located at **569 Submarine Way** requesting Amended Site Plan Approval to construct an approximately 1,588 square foot addition attached to the existing visitor center building and associated site improvements. Said property is located on Assessor Map 209 Lot 87 and lies within the Single Residence B (SRB) District. (LU-23-165)

The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.

Motion: G. Mahanna, **Second:** B. Moreau. Motion passed with all in favor.

*The Board voted to **grant** Amended Site Plan Approval with the following **condition**:*

2.1) *The applicant will provide documentation that it has issued and recorded a license authorizing the City to utilize its existing water line easement, the terms and conditions to be approved by the Planning & Sustainability Director.*

Motion: G. Mahanna, **Second:** B. Moreau. Motion passed with all in favor.

- B. The request of **Prospect North 815 LLC (Owners)**, for property located at **815 Lafayette Road** requesting Site Plan Review Approval for the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking. The project will include associated site improvements such as parking, pedestrian access, community space, utilities, stormwater management, lighting and landscaping; and a Development Site Conditional Use Permit under Section 10.5B43.10. Said property is located on Assessor Map 245 Lot 3 & 4 and lies within the Gateway Corridor (G1) District. (LU-23-149)

The Board voted to hear Items IV B and C together and vote on them separately.

Motion: B. Moreau, **Second:** G. Mahanna. Motion passed with all in favor.

1) *The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.*

Motion: B. Moreau, **Second:** J. Almeida. Motion passed with all in favor.

2.) The Board voted to **grant** Site Plan Approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) The site plan, 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 agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.
- 2.3) Owner 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.
- 2.4) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit:
<https://www.cityofportsmouth.com/publicworks/stormwater/ptap>
- 2.5) The applicant shall work with the Planning Department to look into the fall zone of the tower to ensure the safety of the residents.

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

- 2.6) 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.
- 2.7) 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.

Motion: B. Moreau, **Second:** J. Almeida. Motion passed with all in favor.

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5B43.10 and to adopt the findings of fact as presented.

Motion: B. Moreau, **Second:** J. Almeida. Motion passed with all in favor.

2) The Board voted to **grant** the conditional use permit for a Development Site subject to the requirements and conditions of site plan review approval.

Motion: B. Moreau, **Second:** J. Almeida. Motion passed with all in favor.

C. The request of **Prospect North 815 LLC (Owners)**, for property located at **815 Lafayette Road** requesting a Wetland Conditional Use Permit under Section 10.1017.50 of the Zoning Ordinance for work within the 100 ft wetland buffer is limited to the removal of existing impervious surfaces, existing leach field and septic system, and the restoration and enhancement of these areas with native grasses, shrubs, and trees. Said property is located on Assessor Map 245 Lot 3 & 4 and lies within the Gateway Corridor (G1) District. (LU-23-149)

1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017 and to adopt the findings of fact as presented.*

Motion: B. Moreau, Second: J. Almeida. Motion passed with all in favor.

2) *The Board voted to **grant** the Wetland Conditional Use permit with the following **conditions**:*

2.1) *The applicant shall submit seasonal updates to the Planning & Sustainability Department once invasive species removal begins until plantings have gone in, and the buffer is stabilized. One year after plantings, if at least an 80% success rate has not been reached, 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.*

2.2) *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.*

2.3) *The final alignment of the trail is subject to review and approval by the planning and sustainability director and any subsequent modification will be subject to a site plan amendment.*

2.4) *Remove note 9 on the proposed community space trail sign that limits use to Portsmouth residents only.*

Motion: B. Moreau, Second: J. Almeida. Motion passed with all in favor.

D. The request of **HCA Health Services of New Hampshire DBA: Portsmouth Regional Hospital & C/O Ducharme McMillen & Associates (Owners)**, for property located at **333 Borthwick Avenue** requesting Amended Site Plan approval to amend the conditions of approval from July 21, 2022. Said property is located on Assessor Map 240 Lot 2-1 and lies within the Office Research (OR) District. (LU-22-35)

The Board voted to modify prior conditions of approval 2.6 and 2.8 from the letter of decision dated July 27, 2022 and add condition 2.9:

2.6) *Prior to the bond release and in conjunction with the new site review agreement in condition 2.9, the wetland area adjacent to the emergency area will be dredged from Borthwick to the oxygen tank area to restore free flowing drainage. This will be done in conjunction with an associated wetland enhancement along the edges of this same area.*

2.8) *Prior to the bond release, the Engineer of Record shall submit a written report (with*

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photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.

2.9) The applicant will execute a new site review agreement for the completion of the dredging work within the next 30 days, to be completed by December 2025. The new agreement will be secured by surety, in the same amount as the current bond.

Motion: B. Moreau, **Second:** J. Almeida. *Motion passed with all in favor.*

V. CITY COUNCIL REFERRALS

A. Solar Panel Zoning Amendments

B. EV Charging Station Zoning Amendments

No action taken on the referrals, the Board will hold a work session on January 25, 2024 at 6 pm to discuss both referrals.

VI. OTHER BUSINESS

A. Chairman updates and discussion items

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://files.cityofportsmouth.com/agendas/2024/Planning+Board/01-18-2024+Meeting/PL+Bd+rules++procedures+12.19.23+final+draft_pb_01182024.pdf

The Board voted to adopt the Planning Board Rules & Procedures as amended.

Motion: B. Moreau, **Second:** G. Mahanna. *Motion passed with all in favor.*

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

VII. ADJOURNMENT

The meeting was adjourned at 8:40 PM