

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

**7:00 PM Public Hearing Begins**

**April 25, 2024**

**ACTION SHEET**

**REGULAR MEETING 7:00pm**

**I. DETERMINATIONS OF COMPLETENESS**

**SITE PLAN REVIEW**

- A. REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located on **581 Lafayette Road** requesting Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management and a Conditional Use Permit from Section 10.5B72 for increased density, building height and footprint. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE**

*Motion to consider Items IA and II B together.*

***Motion:** B. Moreau, **Second:** A. Samonas - Motion passed with all in favor.*

*The Board voted to **postpone** to the May 16, 2024 meeting.*

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

**II. 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 **ZJBV Properties LLC (Owner)**, for property located at **180 Islington Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 2 preexisting nonconforming parking spaces where 9 are required. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic Districts. (LU-24-27)

*1) The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as presented.*

**Motion:** P. Giuliano **Second:** J. Almeida - Motion passed with all in favor.

2.) The Board voted to **grant** the Conditional Use Permit with the following **condition**:

2.1) Parking in front of the building shall be designated for moped/motorcycle parking with appropriate signage.

**Motion:** P. Giuliano **Second:** J. Almeida - Motion passed with all in favor.

- B. REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located on **581 Lafayette Road** requesting Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management and a Conditional Use Permit from Section 10.5B72 for increased density, building height and footprint. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE** (LU-23-189)

The Board voted to grant the request to **postpone** to the May 16, 2024 meeting.

- C.** The request of **Edward R. Raynolds (Owner)**, for property located on **110 Aldrich Road** requesting a Wetland Conditional Use Permit in accordance with Section 10.1017 for the construction of a 768 s.f. detached, two car garage with an accessory dwelling unit on the second floor. Approximately 522 s.f. will be impacting the 100 ft wetland buffer as a permanent impervious impact, with the edge of the proposed garage located approximately 76 ft from the wetland resource and a Conditional Use permit to construct a Detached Accessory Dwelling unit in accordance with Section 10.814.62. Said property is located on Assessor Map 153 Lot 3 and lies within the Single Residence B (SRB) District. (LU-23-174)

### **Wetland Conditional Use Permit**

The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented.

**Motion:** B. Moreau **Second:** A. Samonas Motion passed with all in favor.

2.) The Board voted to **grant** the Conditional Use Permit with the following **conditions**:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.

2.2) Applicant shall remove all debris/trash from the wetland and 25' vegetative buffer, including the wood decking/pallet structure.

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

**Conditional Use Permit for DADU**

1) The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.814.62 of the Ordinance 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** the following **modifications**:

2.1) Modification from Section 10.814.53 to allow a 16' wide garage door.

2.2) Modification from Section 10.814.436 to allow a roof dormer to occupy 57% of the roof plan where 33% is the maximum.

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

3) The Board voted to **grant** the Conditional Use Permit with the following **conditions**:

3.1) Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.

3.2) A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.

3.3) The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.

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

**D.** Consider amendments to change the definition of a home occupation found in Chapter 10, Article 15 Definitions, pursuant to Section 10.150 of the Zoning Ordinance.

1) The Board voted to recommend to City Council to hold first reading on the zoning amendments for home occupation as follows.

Proposed language shown in red

### Home occupation

An **office** or other **use** customarily conducted as an **accessory use** to a **dwelling**, complying with all the following standards:

- (a) Conducted entirely within a **dwelling** or an existing **accessory building**, and with no change to the character of the **dwelling** or **accessory building**;
- (b) Maximum floor area of 300 square feet;
- (c) No **outdoor storage** of materials or products;
- (d) Outdoor parking of no more than one vehicle related to the **home occupation**;
- (e) No deliveries by vehicles with more than two axles.

### Home occupation 1

A **home occupation** with no nonresident employees; no **sign** related to the business; no **more than 2** client, vendor or general public visitations **at one time**; and no deliveries other than by regular postal service and no more than one package delivery service truck (e.g., FedEx, UPS, etc.) per day.

### Home occupation 2

A **home occupation** with not more than one nonresident employee **and not more than 6 client, vendor or general public visitations at one time**.

Change home occupation 2 to a Conditional Use Permit where it currently requires a Special Exception.

*Motion: B. Moreau Second: P. Giuliano - Motion passed 6-1 with Member Bowen voting against.*

## III. CITY COUNCIL REFERRALS

A. Home Occupation (*See above notice*)

B. Solar Amendments

The Board voted to remove “or a place to which the public has a right of access” from the definition of Not Visible From a Public Way, schedule a public hearing on the solar amendments at the May 16, 2024 Planning Board meeting, and to include the amendments under Councilor Moreau’s name on the next City Council meeting.

*Motion: J. Almeida Second: P. Giuliano - Motion passed with all in favor.*

## IV. OTHER BUSINESS

A. Chairman updates and discussion items

## V. ADJOURNMENT

*The meeting adjourned at 8:45 PM.*