

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

February 20, 2025

ACTION SHEET

REGULAR MEETING 7:00pm

A motion was made to allow Vice-Chair Coviello to attend remotely via zoom.

Motion: P. Giuliano, **Second:** J. Almeida

Motion passed with all in favor.

I. APPROVAL OF MINUTES

A. Approval of the January 16, 2025 meeting minutes.

The January 16, 2025 meeting minutes were approved as presented with Members Wolf, Perier and Coviello abstaining.

Motion: P. Giuliano **Second:** J. Almeida

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 **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** requesting Site Plan Review Approval for the demolition of the existing structures and construction of 4 single family dwellings with associated site improvements. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-22-209)

Site Plan Approval

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: A. Samonas, **Second:** P. Giuliano

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) *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>*
- 2.4) *Key elevations should be added to the stone infiltration basins under the decks for Units 3 and 4. Add notes to the plan requiring inspection of the subgrade by the City to ensure that the design criteria is met.*
- 2.5) *The sitework details for both the sand absorption area and the infiltration stone underneath deck specify uncompacted in-situ soil or suitable backfill from subject parcel native material is placed beneath and adjacent to the systems. The Designer should provide gradation, compaction, and infiltration rate requirements for the placement of the fill adjacent, below and down gradient of the infiltration practice. The sand absorption area for unit 3 is in 5-foot fill section. The detail should include a minimum depth of native material below the treatment area as well as down gradient.*
- 2.6) *Trees to remain shall be clearly marked before site work can commence.*
- 2.7) *Developer shall pay \$20,900 to cover the cost of the installation of the fire hydrant extended to the site, which was installed exclusively for the benefit of this site.*
- 2.8) *Developer shall provide fair share contribution for catch basin installed up gradient to the Tidewatch intersection. The catch basin was installed partially for the benefit of this site. The fair share contribution is \$15,208.*
- 2.9) *Applicant will revise plan to create additional parking (at least room for 3 vehicles) northeast of unit 2.*
- 2.10) *Applicant will revise plan to add a 2-3% landing area for one vehicle at the entrance of the driveway while maintaining a transition to an 8% grade into the site.*
- 2.11) *Applicant will confirm landscaping at maturity along Sagamore Avenue will not impede sight distance.*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

- 2.12) *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;*
- 2.13) *A stormwater inspection and maintenance report shall be completed annually (or monthly as outlined in O & M manual) and copies shall be submitted for review.*
- 2.14) *The stormwater infrastructure shall be certified after 1 year with a sufficient bond (with an amount to be determined by DPW) to correct any deficiencies found at that time.*

Motion: A. Samonas **Second:** P. Giuliano

Motion passed 6-2 with Member Perier and Chair Chellman voting in opposition.

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 **Donna J. Sullivan (Owner)**, for property located at **435 Greenside Avenue** requesting a Conditional Use Permit from Section 10.814 for an Attached Accessory Dwelling Unit (AADU). Said property is located on Assessor Map 261 Lot 12 and lies within the Single Residence B (SRB) District. (LU-25-14)

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: P. Giuliano, **Second:** J. Almeida

Motion passed with all in favor.

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

2.1) 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.

2.2) 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.

2.3) 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: P. Giuliano, **Second:** J. Almeida

Motion passed with all in favor.

- B.** Proposed Ordinance Amendment that Chapter 10, ZONING ORDINANCE, be amended by striking Article 5, Measurement Rules, Section 10.515.14; by amending Section 10.515.13; and by adding new Sections 10.811.60 and 10.811.61, relating to Accessory Uses to Permitted Residential Uses of the Ordinances of the City of Portsmouth, all in order to bring the Zoning Ordinance into better alignment with the Building Code, and to increase government efficiency.

The Board voted to recommend the City Council remove Section 10.515.14 as proposed and to not recommend approval of the other proposed zoning amendments.

Motion: Vice-Chair Coviello **Second:** A. Samonas

Motion passed with all in favor.

IV. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** and **Peverly Hill Road** requesting the subdivision of an existing 8.5-acre parcel into five new residential lots with the associated site improvements. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. (LUPD-25-1)

V. CITY COUNCIL REFERRALS

- A.** Zoning Amendments (*See above*)

VI. OTHER BUSINESS

- A. 99 Bow Street** – Requesting a 1-Year extension to the Site Plan Approval that was granted on March 21, 2024 and will expire on March 20, 2025.

- 1) The Board voted to **grant** a one-year extension to the Planning Board Approval of the Site Plan to March 20, 2026.*

Motion: B. Moreau; **Second:** P. Giuliano

Motion passed with all in favor with Mr. Samonas abstaining.

- B. WITHDRAWN 1 (15) Congress Street** -Requesting a second 1-year extension of the February 2023 Planning Board approval to February 16, 2025. **WITHDRAWN**

The request was withdrawn by the applicant.

- C.** Chairman updates and discussion items

- D.** Board discussion of Regulatory Amendments & other matters

VII. ADJOURNMENT

The meeting was adjourned at 10:39 p.m.

Action Sheet, Planning Board Meeting, February 20, 2025