

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

AUGUST 23, 2018

MEMBERS PRESENT: Dexter Legg, Chairman; Colby Gamester; Jay Leduc; Jody Record; Jeffrey Kisiel; and Corey Clark, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner 1

MEMBERS ABSENT: Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Jane Begala, Alternate; Rebecca Perkins, City Council Representative.

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I. 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 application of **Jon and Joan Dickinson, Owners**, for property located at **220 Walker Bungalow Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to demolish the existing home and detached garage, construct a new 1,968 \pm s.f. single family residence with attached 756 \pm s.f. garage, a new septic system and the relocation of the driveway, with 8,990 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 21 and lies within the Single Residence B (SRB) District. (This application was postponed at the July 19, 2018 Planning Board Meeting.)

Steve Riker from Ambit Engineering spoke to the application. The existing conditions plan shows a single-family home and detached garage connected by an asphalt driveway. There is also an existing septic. The proposal is to construct a new home on the lot and replace the existing septic with an AOS system. The detached garage will be removed and a rain garden will be installed in its place. The proposed driveway will provide access to new attached garage. The packet has a landscape plan from Terra Firma Architecture in Portsmouth, NH. It includes a buffer planting plan along the shoreline of the property. The impact plan shows the limits of the setbacks. There will be less structure in the 50 and 100-foot buffers. This project also utilizes porous pavement for the driveway, so it is a decrease in impervious surface. This application

was presented to the Conservation Commission last month and received unanimous recommendation for approval.

Mr. Clark questioned if they were proposing to use crushed stone under the deck. Mr. Riker responded that they have not proposed that, but it could be incorporated. Mr. Clark commented that the landscape plan shows a hatched area along the buffer plantings that says "seeded area." He asked if that was the buffer area. Mr. Riker confirmed that was correct. That entire seeded area is calling out a specific seed mix of three specific grass species. Mr. Clark questioned what the fertilizer plan was. Mr. Riker responded that there was not a fertilizer plan because they were not allowed to use it. Mr. Clark commented that the plan had a standard fertilizer note. Mr. Riker responded that note 6 on sheet C3 references the ordinance.

Mr. Gamester questioned if there was a maintenance plan for the porous paver driveway. Mr. Riker confirmed that there was a maintenance plan for it in the packet. Mr. Riker added that the note referencing asphalt was a typo and would be corrected to reflect porous pavers.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker clarified that the detail did reference fertilizer. That should be removed as a stipulation.

Mr. Gamester moved to **grant** Conditional Use Permit approval, seconded by Mr. Clark with the following stipulations:

1. Any reference to asphalt for the new driveway material shall be removed from any final plans and reports submitted to the Planning Department.
2. The applicant shall provide a recordable plan showing the buffer planting and rain garden area and referencing the required maintenance. The plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. Sheet D1 and entire plan set shall be updated to remove references to fertilizer to be consistent with note 6 on Sheet C3.
4. Plans shall be updated to note use of crushed stone under the deck.

The motion passed unanimously.

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B. The application of **Robert and Whitney Westhelle, Owners**, for property located at **198 Essex Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District. (This application was postponed at the July 19, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

Mr. Gamester moved to **postpone** to the next Planning Board Meeting scheduled for September 20, 2018, seconded by Ms. Record. The motion passed unanimously.

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C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000± s.f. footprint; Proposed Building #2: 150,000 ±s.f. footprint; Proposed Building #3 with a 62,000± s.f. footprint; and two 4-story parking garages, with 55,555 ±s.f. of impact to the wetland, 66,852 ±s.f. of impact to the wetland buffer and a 1,000± l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 as Lots 1 &2 and lies within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the July 19, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

The Planning Board moved to **postpone** to the next Planning Board Meeting scheduled for September 20, 2018.

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 application of **Swirly Girl II, LLC, Owner**, for property located at **244 South Street**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the reconstruction of a retaining wall, relocation of granite steppers, relocation of low retaining wall, increased permeable walkway and driveway and increased plant and buffer enhancement areas, with 1,091 ± s.f. of impact to the wetland buffer, resulting in a net reduction of impervious surface of 133 s.f.. Said property is shown on Assessor Map 111 as Lot 3 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Amber Liljeholm spoke to the application. Steve Riker from Ambit Engineering and homeowner Lori Kennedy were also in attendance. Ms. Liljeholm was there to discuss changes to the plans. The purpose of the amendment was to show the approved landscaping plans to mitigate the disturbance in the buffer and increase functionality. The tenant’s walkway was originally approved for a 100 square feet split between standard and permeable brick. The proposed change is to make it all permeable brick. The square footage will be increased to 170 square feet. A low retaining wall was added to the side of the fence for grading purposes. Additional granite steps will be installed to accommodate grading changes. There was an existing retaining wall that was dismantled. The proposal is to rebuild the wall to maintain the grade along the tenant’s side. Any back fill for the wall will come from onsite materials. Pea stone was added to the sitting areas on tenant’s side and in the backyard. These changes won’t add to the impervious surface. The maintenance plan is the same. The plant bed and buffer areas have been increased. The steppers were relocated to the backyard. The proposed driveway was originally going to be 581 square feet of permeable surface and standard asphalt on the top. The new proposed driveway will be 621 square feet of permeable surface. The changes will result in 133 square feet reduction in impervious surface. This plan is an improvement on Ambit’s original plan.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **grant** Amended Conditional Use Permit approval, seconded by Ms. Record. The motion passed unanimously.

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B. The application of **Michael and Denise Todd, Owners**, for property located at **254 South Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the addition of a 157 s.f. deck and a 140 s.f. ground level patio in crushed stone or permeable pavers, and additional plantings on the east side to offset disturbance, with 297 + s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 111 as Lot 4 and lies within the Single Residence B (SRB) District and the Historic District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Homeowner Denise Todd spoke to the application. The proposal was to build an additional section on to the existing deck. Some of the existing deck is in the buffer. The new section would be totally in the buffer. This was the only section of the yard that worked to build storage.

The storage unit will be for the lawn mower, bikes, etc. The proposal is to build a watertight storage under the corner of the deck. The deck will be 10 by 10.5 feet, so it would create some runoff. Crushed stone will be put under the new portion of the deck and into some of the patio area. This will help with drainage. If a gutter was needed, then it could be added. The plan is to put a holed pipe with crushed stone in that section. That patio will probably be crushed stone. The previous owner had a hot tub in the new section, so there is already crushed stone there. The floor of the storage area would be raised. More garden area will be added on the east side of the house to mitigate the disturbance.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **grant** Conditional Use Permit approval, seconded by Mr. Clark with the following stipulation:

- 1. The Plan shall note crushed stone or permeable pavers for the patio area.

The motion passed unanimously.

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C. The application of **Mary A. Mahoney, Owner**, for property located at **206 Northwest Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for the removal of the existing paved driveway and walkway and an existing 127 s.f. screen house and the construction of a 23' x 25' two-car garage with a permeable driveway and walkway, with 1,700 + s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 122 as Lot 6 and lies within the General Residence A (GRA) District and the Historic District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Steve Riker from Ambit Engineering spoke to the application. Mr. Riker clarified that there would be 2,238 square feet of impact not 1,700 square feet. Winter Holben Architecture and Design brought Mr. Riker in on the project to help with the permitting. Mr. Riker helped produce the plans and aided in the development of the buffer-planting plan. The property has a single family home, an out building and a screen house. There is an existing asphalt drive. The proposal is to construct a two-car garage, remove the asphalt driveway and construct a permeable driveway. The walkway will be removed and reconstructed with a pervious paver drive. The change in the disturbance square footage was because it was originally calculated to the exact

square footage of the structures. The construction was not accounted for originally. The color-coded plan shows what is being removed. The bottom shows the new additions. This application went to three HDC meetings. That’s why the garage is located where it is because that is the location the HDC chose. The packet includes a pervious paver detail. The buffer planting plan has two species of plants. Currently there is only lawn to the water’s edge. Overall there is a decrease in impervious surface.

Mr. Clark commented that the packet includes detail for a stone drip apron and asked if those will be on the plans in the detail. Mr. Riker responded that it was already on there. It was just hard to see. There is a small-hatched area on the side of the garage.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Record moved to **grant** Conditional Use Permit as presented, seconded by Mr. Gamester. The motion passed unanimously.

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D. The application of **Seacoast Development Group, LLC, Owner**, for property located on **Rockingham Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the removal of a 285 + s.f. foundation with 1,187 s.f. of temporary impacts and 654 + s.f. of permanent grading impacts to the inland wetland buffer. Said property is shown on Assessor Map 235 as Lot 2 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Andrew Gray of TF Moran Engineering spoke to the application. This lot is at the intersection of 1-95 and Route 4. It was originally a 1.7-acre lot divided into 3. This is a 0.88-acre lot. There is a drainage wetland easement. The wetland doesn’t feed into or out of any known water body. The City of Portsmouth has drainage easements on the properties for future trenching. There is a very old driveway and a concrete foundation on the property. The foundation straddles the 100 foot buffer line. Remove foundation and construct new house and drainage. There will be ditching on the north end and there will be a bio-retention area. The work requiring a CUP includes a new small portion of the driveway, removing 2 trees over 6 inches, and removing the foundation. The Conservation Commission recommended approval for this project.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Clark moved to grant Conditional Use Permit, seconded by Mr. Gamester with the following stipulation:

- 1. The applicant shall update the plans, labeling the rain garden as a bio-retention area.

The motion passed unanimously.

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E. The application of the **City of Portsmouth School Department, Owner**, for property located at **32 Van Buren Avenue (Dondero Elementary School)**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for playground renovations, including the replacement and/or relocation of old play structures and play areas, creating multiple earthen mounds, and imported sculpted earth on the edge of the edge of the wetland, with 2,259 + s.f. of impact to the inland wetland and 15,500 ± s.f. of impact to the inland wetland buffer. Said property is shown on Assessor Map 250 as Lot 106 and lies within the Municipal (M) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mike Lynch Facility Director from the City of Portsmouth, Terrence Parker from Terra Firma Architecture, and Kate Callahan spoke to the application. Ms. Callahan commented that the Dondero School was working to create a more nature-based playground. The plan is to replace existing equipment with new structures and incorporate rocks and slides. The team has been in communication with Peter Britz and David Moore to ensure they are working in compliance with surrounding area.

Mr. Parker has been working with the City because part of the nature playground was in the setback area of the wetlands. The boardwalk through the wetlands, and the shelter and stage area has been taken off the current proposal. This plan is showing only the elements within the wetland setback. The tree canopy defines it. The focus is on natural playground elements, climbing mounds, rope domes, and swings. The master plan includes the boardwalk. The impact to the wetland is for the boardwalk. The larger part of the work will extend the fire lane away from the building and will increase the impervious surface. Then the school can use pavement for sand and water play. The pavement will be removed there and the fire lane will be pushed out. There is a lot of ponding around the building. A larger part of this will include drainage improvements and storm water treatment. That is part of the master plan and not part of this proposal. The current proposal is just for the playground equipment.

Ms. Walker clarified again that the impact to the inland wetland buffer was not part of this. The 2,259 square feet was not part of the proposal tonight. They will come back for that. Mr. Parker confirmed that was correct.

Chairman Legg commented that this was a great project and asked if there was a timeline established for the completion of this. Ms. Callahan responded that phase 1 included the relocation and addition of equipment. As fundraising continues a garden will be incorporated. The staff worked together to decide the essentials for 2018, the hopes for 2019, and the dreams for 2020.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **grant** Conditional Use Permit as presented, seconded by Mr. Leduc. *Please note that the 2,259 s.f. of impact to the inland wetland is not part of this application as originally advertised.* The motion passed unanimously.

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F. The application of **Robert J. and Susan L. Nalewajk, Owners**, for property located at **350 Little Harbor Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for replacement of the entrance gate, expansion of the driveway width and turning radii using permeable pavers, the installation of four AC units on the eastern side of the garage, reconfiguration of retaining walls and walkways, and the addition of a security gate at the western entrance, with 1,471 + s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 16 and lies within the Single Residence A (SRA) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Steve Riker from Ambit Engineering spoke to the application. This is an amendment request from the originally approved September 2016. This is a large project. There was an existing home with the proposal to build a new home and new driveway. Woodburn and Company provided the wetland boundary landscape plan. Based on the feedback from the Conservation Commission three of the proposed amendments were removed. This proposal includes four changes. The first is a change to the gate. This was originally approved with a gate proposal of 12 feet. The proposed change is to widen it to 18 feet to accommodate large trucks. The second change is for the retaining wall along driveway. Originally it was going to be a modular concrete, but they are now proposing a solid concrete wall. It will be the same footprint and location. The thought is that if a car ever bumps into it, then a solid wall won't be damaged.

The third item is to install four AC units. The plan was originally approved a generator. The AC units will go there. The last item was to expand the stone walkway to the house. This is an aesthetic request. It will make the walkway more symmetrical with the front door.

Mr. Gamester questioned if the generator was moved. Mr. Riker responded that it was in the same location.

Ms. Walker questioned if any work had been started on the western gate including extending electricity to that location. Is there electricity in that section? Mr. Riker confirmed with the owners that no work had started on the western gate including electrical supply.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to grant Conditional Use Permit as *presented (Plan dated 08/09/18 was presented and approved), seconded* by Mr. Leduc. The motion passed unanimously.

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III. OTHER BUSINESS

A. Request of the **Unitarian-Universalist Church of Portsmouth, Owner**, for property located at **73 Court Street**, for a one year extension of Site Plan Review approval granted by the Planning Board on September 21, 2017.

Mr. Gamester moved to **grant** a one year extension of Site Plan Approval, seconded by Ms. Record. The motion passed unanimously. (*Approval will now expire on September 20, 2019*).

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B. Request of **Foundry Place, LLC, Owner**, for property located at **181 Hill Street (“Lot 6”)**, for a one year extension of Site Plan Review approval granted by the Planning Board on November 16, 2017.

Mr. Kisiel recused himself from this application.

Ms. Record moved to **grant** a one year extension of Site Plan Approval, seconded by Ms. Record. The motion passed unanimously. (*Approval will now expire on November 15, 2019*).

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Ms. Walker commented that the next Planning Board meeting would be on September 20, 2018. It is consistent with the normal meeting time.

Mr. Gamester questioned when the board would see the ordinance changes based on the priority list they were given. Ms. Walker responded that she would check in with Mr. Taintor to see if the revisions had been made. They will be presented based on the application load of the Planning Board meetings. There are a few drafts in place. Chairman Legg agreed as long as there was adequate time to spend on them.

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VII. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 7:52 p.m.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the September 20, 2018 Planning Board Meeting.