

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM**

**October 21, 2021**

**ACTION SHEET**

**MEMBERS PRESENT:** Peter Britz, Interim Planning Director; Dexter Legg, Peter Whelan, City Councilor; Chair; Karen Conard, City Manager; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; Stefanie Casella, Planner 1

**ALSO PRESENT:**

**MEMBERS ABSENT:** Elizabeth Moreau, Vice Chair; Polly Henkel, Alternate

**I. APPROVAL OF MINUTES**

A. Approval of the Planning Board minutes from the September 16, 2021 meeting.

The Board voted to approve the minutes for the September 16<sup>th</sup> meeting.

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION AMENDMENT REVIEW**

A. The request of **Frederick W. Watson Revocable Trust (Owner)**, for property located at **1 Clark Drive** requesting for Subdivision Amendment approval.

The Board voted to determine that the application is **complete** according to the Subdivision Review Regulations, and to accept the application for consideration.

**B. REQUEST TO POSTPONE** The request of **Elizabeth B Larsen Trust (Owner)**, for property located at **668 Middle Street** for Preliminary and Final Subdivision approval. **REQUEST TO POSTPONE**

This item was **postponed**.

**SITE PLAN REVIEW**

- A. Request of **Green & Company (Applicant), and Philip J. Stokel and Stella B. Stokel (Owners)** for property located at **83 Peverly Hill Road** for Site Plan Review approval.

The Board voted to determine that the application is **complete** according to the Site Plan Review Regulations, and to accept the application for consideration.

- B. **REQUEST TO POSTPONE** Request of **Ricci Construction Company Inc. (Owner) and Green & Company Building & Development Corp. (Applicant)** for property located at **3400 Lafayette Rd** for Site Plan Review approval. **REQUEST TO POSTPONE**

This item was **postponed**.

### III. 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. **REQUEST TO POSTPONE** The request of **Banfield Realty, LLC, Owner**, for property located at **375 Banfield Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for work related to the construction of an industrial building that will require the removal of pavement in the 100' wetland buffer to create a vegetated area which will receive some of the stormwater runoff from the property. Said property is shown on Assessor Map 266, Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE** (LU-20-259)

The Board voted to **postpone** to the November Planning Board meeting.

- B. **REQUEST TO POSTPONE** The request of **Banfield Realty, LLC, Owner**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE** (LU-20-259)

The Board voted to **postpone** to the November Planning Board meeting.

- C. Request of **Green & Company (Applicant), and Philip J. Stokel and Stella B. Stokel (Owners)**, for property located at **83 Peverly Hill Road** requesting Conditional Use Permit approval for an Open Space Planned Unit Development according to the requirements of Section 10.725 of the Zoning Ordinance and Site Plan Review approval for the construction of 56 single-family homes and a new

2,950-foot public road with related utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 242 Lot 4 and lie within the Single Residence A (SRA) and Single Residence B (SRB) Districts. (LU-21-74)

The Board voted the application for the proposed OSPUD would not be more detrimental than a conventional Subdivision by finding that:

- 1.1) The Site is appropriate for an OSPUD, and;
- 1.2) The anticipated impacts of the proposed OSPUD on traffic, market values, stormwater runoff or environmental factors would not be more detrimental to the surrounding area than the impacts of conventional residential development of the site.

The Board voted grant waivers to the Subdivision Regulations Residential Streets Standards (Appendix to the Subdivision Regulations) and Minimum Right of Way requirements (Section VI(3)(b)) by finding that specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board voted to find that the requested waiver to the Site Plan Review regulations will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following requirement:

- Requirement of Section 2.5.4.3(c) requiring use of AASHTO truck turning templates.

The Board voted to grant the conditional use permit and site plan review approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

4.1) The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City;

4.2) The applicant shall enter into a development agreement with the City per the requirements of the Zoning Ordinance and subject to review and approval by the Planning and Legal Departments.

4.3) It is understood the homeowners and/or homeowners association will own all stormwater facilities, drainage pipes and outfalls outside the roadway easement/ROW. This will include all activities associated with ownership and maintenance of the stormwater facilities and pipelines. For this reason, easements will be required in order for the City to have drainage and flowage rights for any stormwater draining from the public road into the private facilities or across private property.

4.4) All easements to benefit the City shall be reviewed and approved by the DPW, Planning and Legal Departments prior to final acceptance by the City Council. Metes and bounds describing the easement area shall be required.

4.5) Applicant shall provide an easement to benefit the City to have drainage and flowage rights for any stormwater draining from the public road into the private facilities or across private property.

4.6) A Construction Mitigation and Management Plan shall be required for this project, to include a proposed approach to progress of constructions in the areas with significant fill.

4.7) Plans indicated a significant amount of the construction for new utilities and roadway will be in areas to be filled. The approach to construction will be important for the stability of the proposed utilities and longevity of the roadway. Applicant shall provide means and methods in the construction specifications for the construction of roadways and utilities and specific areas that need to be filled to the satisfaction of DPW and City selected 3rd party reviewer at the cost of the applicant.

4.8) The City will require a full set of construction plans and specifications for site improvements and utilities prior to construction. This will be reviewed by a third party at the cost of the applicant.

4.9) 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;

4.10) The applicant shall provide an easement along the frontage on Peverly Hill Road for construction of the shared use path. The easement must be donated to the City of Portsmouth for the shared use path per Federal Requirements. The City will provide the appropriate documentation for the applicant's use. The applicant shall provide a contribution for future construction of the section from the new roadway to the south of property line in the amount of \$100,000.

4.11) Prior to construction, applicant will coordinate with DPW to ensure no interference between drainage pipes and main water pipes

4.12) The conservation easement for the conservation land being provided will include a provision to allow public access to the property.

4.13) NOFA Standards will be added to the stormwater maintenance manual for maintenance of the vegetation in the stormwater system

4.14) Way finding signs will be placed at entrance to the public Right of Way and trail with clear documentation in the HOA materials supporting public access to the public recreation spaces.

4.15) Applicant will coordinate with the City DPW to construct multi-use path on Peverly Hill Road

4.16) The use of Sodium Chloride will be restricted on private walkways and driveways.

Conditions Subsequent:

4.17) The applicant shall install signage/markers indicating the location of the wetland buffer boundary;

4.18) 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;

4.19) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.

4.20) All permits shall be obtained per State and Local regulations.

The Board voted to postpone discussions on street name recommendation to the November 18, 2021 Planning Board meeting.

- D. REQUEST TO POSTPONE** Request of **Ricci Construction Company Inc. (Owner)**, and **Green & Company Building & Development Corp., (Applicant)**, for property located at **3400 Lafayette Rd** requesting a wetland Conditional Use Permit under section 10.1017 to construct 50 town homes on an undeveloped lot. The applicant is proposing five areas of wetland impact for a total of 21,350 square feet of permanent impact and three areas of temporary impact for a total of 2,350 square feet. Said property is shown on Assessor Map 297 Lot 11 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District and the Natural Resource Protection (NRP) District. **REQUEST TO POSTPONE** (LU-21-98)

The Board voted to **postpone** to the November Planning Board meeting.

- E. REQUEST TO POSTPONE** Request of **Ricci Construction Company Inc. (Owner)** and **Green & Company Building & Development Corp. (Applicant)** for property located at **3400 Lafayette Rd** requesting Conditional Use Permit for a Development Site in accordance with Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for construction of a 50-unit multi-family residential development that includes community space and related landscaping, drainage, paving, utilities and other site improvements. Said property is shown on Assessor Map 297 Lot 11 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District and the Natural Resource Protection (NRP) District. **REQUEST TO POSTPONE** (LU-21-98)

The Board voted to **postpone** to the November Planning Board meeting.

#### **IV. PUBLIC HEARINGS – NEW BUSINESS**

- A.** The request of **Karen Butz Webb Revocable Living Trust (Owner)**, for the property located at **910 Sagamore Avenue** requesting a Wetland Conditional Use Permit according to article 10.1017 to expand an enclosed living space by 362 square feet which will create a disturbance of 3,375 square feet within the inland wetland buffer. The living space is supported by piles over an area of crushed stone to allow infiltration of stormwater. The roof runoff will be captured in gutters which will be directed to stone infiltration trenches with 4'x4' stone outlet area for any stormwater that does not infiltrate. The applicant is disconnecting the existing septic system and will connect to a new City sewer line. The mowing of the wetland at the rear of the property will be discontinued and the area will be planted with wildflowers and other buffer plantings. Said property is shown on Assessor Map 223 Lot 26A and lies within the Waterfront Business (WB) District. (LU-21-170)

The Board voted to **grant** the Wetland Conditional Use Permit as presented with the following stipulations:

- 1) NOFO standards shall be maintained.

- 2) Install and maintain wetland buffer plantings along the delineation line as marked in the application every 4 ft. (recommended plantings).
- 3) The stone infiltration, as shown on the plan, shall be terminated at the wetland delineation line.

**B. REQUEST TO POSTPONE** The request of **Elizabeth B Larsen Trust (Owner)**, for property located at **668 Middle Street** requesting Preliminary and Final Subdivision approval to subdivide 1 existing lot with 81,046 square feet of lot area, and 69.83 feet of street frontage into 3 lots as follows: Proposed Lot 1 with 18,646 square feet of lot area and no street frontage; Proposed Lot 2 with 18,756 square feet of lot area and no street frontage; Proposed Lot 3 with 43,644 square feet of lot area and 69.83 feet of street frontage. The existing buildings will remain and be on Proposed Lot 3. Said property is shown on Assessor Map 147 Lot 18 and lies within the General Residence A (GRA) and Historic Districts.  
**REQUEST TO POSTPONE (LU-21-23)**

The Board voted to **postpone** to the November Planning Board meeting.

**C.** The request of **Frederick W. Watson Revocable Trust (Owner)**, for property located at **1 Clark Drive** requesting Amended Subdivision approval to correct the previously approved plan, approved on March 18, 2021, to include an additional lot that encompasses the proposed road with an area of 25,524 square feet, bringing the total to five (5) proposed lots. The previously approved plan consists of four (4) residential lots that will not be changing in size or shape and have the following dimensions: Proposed lot 1 with an area of 20,277 s.f. and 137.23 ft. of continuous street frontage; Proposed Lot 2 with an area of 17,103 s.f. and 100 ft. of continuous street frontage; Proposed Lot 3 with an area of 20,211 s.f. and 100 ft. of continuous street frontage; and Proposed Lot 4 with an area of 53,044 s.f. and 592.50 ft. of continuous street frontage. Said property is shown on Assessor Map 209 Lot 33 and lies within the Single Residence B (SRB) District. (LU-21-10)

The Board voted to **grant** the Subdivision Amendment Approval with the following stipulations:

- 1) All conditions of original Planning Board approval as amended shall remain intact.
- 2) The amended Site Plan shall be recorded at the Registry of Deeds by the City as deemed appropriate by the Planning Department, but not before the legal department has been provided with, and has reviewed the first deeds for each lot.

## **V. PUBLIC HEARING – CITY COUNCIL REFERRALS**

**A.** The request of **Borthwick Forest, LLC (Owner)**, for Amended Easement Documents for the property located at **0 Borthwick Forest**, now known as **Eileen Dondero Foley Avenue**, to amend four easements relative to the Approved Site Plan for Borthwick Forest. Easements are specific to municipal rights to both new and existing public water

lines as well as to public bicycle and pedestrian infrastructure. Easements include the following subject properties: Map 234 Lot 07-4a, Map 241 Lots 25 and 25-1, Map 165 Lot 14, Map 233 Lots 111, 114 and 115.

The board voted to recommend the City Council approve the easements as shown on the plan set and as previously approved by the Planning Board as follows:

- 1) Proposed sewer and water easement to the City of Portsmouth.
- 2) Proposed 10' wide public access easement for bicycles/pedestrians to the City of Portsmouth.
- 3) Proposed access easement for stormwater to the proposed private road lot.
- 4) Proposed 20' wide water and public access easement for bicycles/pedestrians to the City of Portsmouth.
- 5) City Staff verify the development is consistent with the approved plans

## **VI. DESIGN REVIEW APPLICATION ACCEPTANCE**

- A. The proposed project is the application of **Hill Hanover Group, LLC (Applicant)**, for the property located at **181 Hill Street**, for the demolition of three existing buildings and the construction of one three story building containing 12 units with basement level parking accessed from Autumn Street. Said property is shown on Assessor Map 125 Lot 14 and lies within the Character District 4-L1 (CD4-L1) (LUPD-21-9)

The Board voted to **accept** the application and scheduled a Design Review and public hearing for the November Planning Board Meeting.

## **VII. OTHER BUSINESS**

## **VIII. ADJOURNMENT**

The meeting adjourned at 9:48 pm