

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2021-01, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 PM

APRIL 15, 2021

ACTION SHEET

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair; Karen Conard, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Peter Britz, Environmental Planner

I. APPROVAL OF MINUTES

- A. Approval of the Planning Board minutes from the March 18 and 25, 2021 meetings.
- Both sets of minutes were approved with Polly Henkel abstaining.*

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Site Plan Review approval.

Board voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration with Karen Conard and Elizabeth Moreau recusing.

SUBDIVISION REVIEW

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Preliminary and Final Subdivision (Lot Line Revision) approval.

Board voted to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration with Karen Conard and Elizabeth Moreau recusing.

III. PUBLIC HEARINGS -- OLD BUSINESS

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a Conditional Use Permit for shared parking on separate lots as permitted by Section 10.1112.62 of the Zoning Ordinance and Site Plan Review approval for the demolition and relocation of existing structures and the construction of 152 dwelling units in 3 buildings, and associated community space, paving, lighting, utilities, landscaping and other site improvements. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.
- B. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Wetland Conditional Use Permit Approval in accordance with Section 10.1017 of the Zoning Ordinance for work within the 25-foot, 50-foot, and 100-foot wetland buffers to North Mill Pond which includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new buildings which will result in a net overall reduction in impervious surfaces of 28,792 square feet. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.
- C. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a Lot Line Relocation as follows: Tax Map 157, Lot 1 increasing in area from 61,781 s.f. to 205,804 s.f.; Tax Map 157, Lot 2 decreasing in area from 102,003 s.f. to 81,645 s.f.; Tax Map 164, Lot 1 increasing in area from 51,952 s.f. to 52,289 s.f.; Tax Map 164, Lot 4-2 decreasing in area from 249,771 s.f. to 119,519 s.f. and the existing right-of-way increasing in area from 69,624 s.f. to 75,792 s.f. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie

within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

Members Karen Conard and Elizabeth Moreau recused on Items III(A)-III(C).

Board voted to hear Items III(A), III(B), and III(C) together and vote on these items separately.

Board voted to continue the meeting past 10:30 pm.

Board voted to split the agenda, schedule a meeting for April 22, 2021 and continue remaining agenda Items IV, V, VI and VII to that meeting.

Board voted to discuss and vote on Item III(B) before Item III(A).

On Item III(B), Board voted to grant the Wetland Conditional Use Permit as presented.

On Item III(A), Board voted to grant a Conditional Use Permit for 210 spaces of shared parking located on the development lot (Map 157 Lot 1) and the private road with the following stipulation:

- 1. A shared parking arrangement shall be secured by a covenant in a form acceptable to the City's Legal and Planning Departments to be recorded at the Rockingham County Registry of Deeds.*

On Item III(A), Board voted to grant Site Plan Review approval with the following stipulations:

Conditions Precedent (to be complete prior to building permit issuance)

- 1. The applicant shall coordinate with the City's third party consultant to complete a Water Capacity Analysis using the City's capacity modeling and shall modify the water service design as required in coordination with the City's Water Division and subject to final review and approval by DPW and the Fire Department. The analysis of water demand shall include irrigation in addition to domestic use.*
- 2. For the Bartlett Street water line replacement and paving project which shall be undertaken by the City, the applicant shall contribute \$65,000. The contribution shall be returned to the developer if the improvements are not constructed, under construction or designed and scheduled for construction by December 31, 2023.*
- 3. The applicant shall update the recordable site plan to note that the property owner(s) responsible for the private road shall remove and maintain vegetation along the Bartlett Street frontage consistently to ensure that sight lines remain unobstructed at the site access intersection.*

4. *The landscaping plan shall be updated to replace the American Elms with Nyssa Sylvatica, shall reference the City's planting details (available on the City's web page -- <https://www.cityofportsmouth.com/publicworks/parksandgreenery/urban-forestry>) and shall note that a watering plan shall be provided for a minimum of one season.*
5. *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
6. *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 utilities including sewer, water, and drainage.*
7. *Owner shall provide an access easement to the City for water valve access and leak detection.*
8. *Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.*
9. *Wayfinding signage shall be added directing public access to the greenway trail and park subject to final approval by the Planning Department.*
10. *A note shall be added to the site plans to be recorded that no there shall be no performances or events involving amplification devices within the park and courtyard areas.*
11. *Plans shall be updated to remove any proposed trees located in the North Mill Pond Public View Corridor and otherwise confirm conformance with the requirements of Section 10.5A42.40 to provide a public view from Dover Street with a terminal vista of the North Mill Pond subject to final approval by the Planning Department.*
12. *Applicant shall agree to complete a feasibility study for restoration of the shoreline of the North Mill Pond along the frontage for this development project, to participate in a fair share based on owner's linear feet of wetlands impact along the shoreline, and grant access rights for any shoreline restoration efforts undertaken by the City in this area.*

Conditions Subsequent

13. *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;*
14. *Subject to final review and approval by the DPW, the applicant shall add signage at the site driveway indicating that trucks may not turn right when exiting the site access road;*
15. *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.*

On Item III(C), Board voted to grant Preliminary and Final Subdivision Approval for a Lot Line Revision with the following stipulations:

- 1. Applicant shall provide documentation of ownership rights and responsibilities for the private driveway to be improved and converted to a private road.*
- 2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 3. GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 4. The final plat and any easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

Meeting was adjourned at 12:15 am.