

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

January 27, 2022

ACTION SHEET

MEMBERS PRESENT: Beth Moreau; Karen Conard, City Manager; Ray Pezzulo; Peter Harris; Corey Clark, Vice Chair; Rick Chellman, Chair; Greg Mahanna; Jayne Begala; Franco DiRienzo, Alternate; Andrew Samonas, Alternate; James Hewitt (participated via Zoom);

ALSO PRESENT: Peter Britz, Environmental Planner and Sustainability Coordinator; Beverly M. Zendt, Planning Director;

MEMBERS ABSENT:

*Please note the original meeting date for this agenda was scheduled for January 20, 2022
and was rescheduled to be conducted on January 27, 2022*

**Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

7:00 PM PUBLIC HEARING

I. ELECTION OF OFFICERS

*The Board voted to elect Corey Clark as Chair and Rick Chellman as Vice Chair, motion **failed**.
The Board **elected** Rick Chellman as Chair and Corey Clark as Vice Chair*

II. APPROVAL OF MINUTES

- A.** Approval of the Planning Board minutes from the December 16, 2021 and the December 30, 2021 meeting.

*The minutes of the December 16, 2021 and the December 30, 2021 meetings were **approved** as presented.*

III. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A.** The request of **Austin Repair & Renovation LLC, (Owner)**, for the property located at **27 Shaw Road** requesting Preliminary and Final Subdivision approval.

*Voted to determine that the application is complete according to the Subdivision Regulations and to **accept** the application for consideration.*

SITE PLAN REVIEW

- A. REQUEST TO POSTPONE** The request of **Monarch Village, LLC (Applicant)**, on behalf of **Neveesha Hospitality, LLC (Owner)**, for property located at **3548 Lafayette Road** requesting Site plan approval. **REQUEST TO POSTPONE**

*The Board voted to **postpone** the request to the February meeting.*

- B.** The request of **Sagamore Corner LLC, (Owner and Applicant)**, for the property located at **960 Sagamore Avenue** requesting Site Plan Approval.

*Voted to determine that the application is complete according to the Site Plan Review Regulations and to **accept** the application for consideration.*

IV. 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** 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 grant the request to **postpone** to the February meeting.*

- 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** 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 grant the request to **postpone** to the February meeting.*

- C.** The request of **Gregory J. Morneault and Amanda B. Morneault (Owners)** and **Darrell Moreau, (Applicant)** for property located at **137 Northwest Street** requesting a Wetland Conditional Use Permit under Section 10. 1017 of the Zoning Ordinance to impact 5,062 square feet of wetland buffer and 45 square feet of tidal wetland. The proposed new home and existing turnaround is partially within the 100' tidal buffer zone of the North Mill Pond. In addition to the new home the applicant is proposing to remove an existing gravel turnaround and install a new paved parking apron for City vehicles to turn around. This new turnaround and the City pump station are all within a new easement. In addition, there is a plan to upgrade the stormwater outfall to protect against erosion. Said property is shown on Assessor Map 122 Lot 2 and lies within the General Residence A (GRA) District and Historic District. (LU-20-222)

*The Board voted to **grant** the request as presented and advertised.*

- D. REQUEST TO POSTPONE INDEFINITELY** The request of **ADL 325 Little Harbor road Trust (Owner)**, for the property located at **325 Little Harbor Road** requesting a Wetland Conditional Use Permit under section 10.1017. The applicant is proposing 81,865 square feet of disturbance in the tidal wetland buffer the disturbance includes replacement of an existing home with a new home with a footprint of 3,382 square feet, construction of a new garage 1,300 square feet, renovation of an existing guest cottage 1,217 square feet, construction of a pool cabana 368 square feet and replacement of an existing shed 384 square feet along with other impacts/improvements including utility connections, playground, drainage improvement and extensive landscape improvements. Said property is shown on Assessor Map 205 Lot 2 and is located in the Rural (R) and Single Residence A (SRA) Districts. **REQUEST TO POSTPONE INDEFINITELY (LU-21-189)**

*The Board voted to **postpone** the public hearing on the request indefinitely until the applicant is ready to proceed.*

The project will be re-advertised and abutters re-noticed when the public hearing is scheduled.

V. 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 **Austin Repair & Renovation LLC, (Owner)**, for the property located at **27 Shaw Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 57,354 square feet of lot area and 230 feet of street frontage on Shaw Road and 127 feet of street frontage on Walker Bungalow Road into 2 lots as follows: Proposed Lot 1 with 34,205 square feet of lot area and 230 feet of street frontage on Shaw Road; Proposed Lot 2 with 23,149 square feet of lot area and 127 feet of street frontage on Walker Bungalow Road. Said property is shown on Assessor Map 223 Lot 18 and is located in the Single Residence B (SRB) District. (LU-21-203)

The Board voted to **grant** the waiver request for Section 6.11 of the Subdivision Regulations.

The Board voted to **grant** the request with the following stipulations:

Conditions Precedent:

- a. Lot numbers as determined by the Assessor shall be added to the final plat.*
- b. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- c. GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- d. The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds.*
- e. The applicant can demonstrate the availability of sewer or approved onsite septic or septic holding tank approved by NHDES prior to Building Permit issuance.*
- f. All lending parties have provided release and approval of the subdivision.*
- g. Add design details for rain garden and provide a riser overflow structure for rain garden.*
- h. Owner shall provide for maintenance of rain garden and add to the deed for perpetuity by way of notation on the plan.*
- i. Plans shall show calculation of 40% open space on existing and proposed lots.*
- j. Applicant shall work with the City to determine ownership of pipe and ensure flow is not restricted, and resolve any easement rights.*
- k. Plans must be stamped with wetland determination.*

- B. REQUEST TO POSTPONE** The request of **Monarch Village, LLC (Applicant)**, on behalf of **Neveesha Hospitality, LLC (Owner)**, for property located at **3548 Lafayette Road** requesting Site Plan Review and a Conditional Use Permit as permitted under 10.5B41.10 of the Zoning Ordinance to allow for the demolition of 6 structures; the redevelopment of 6 existing structures to create 6 units in building 8, 15 units in building 2, 5 units in building 4, 2 units in building 5, 9 units in building 7; the construction of 4

new structures to create 12 units in building 3 with a 4,303 square foot footprint, 24 units in building 6 with a 7,048 square foot footprint, a 250 square foot storage structure and an 825 square foot storage structure; creating a total of seventy-five (75) residential units with 123 parking spaces where 113 spaces are required. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE** (LU-21-90)

*The Board voted to grant the request to **postpone** to the February meeting.*

- C. The request of **Sagamore Corner LLC, (Owner and Applicant)**, for the property located at **960 Sagamore Avenue** requesting Site Plan Approval to demolish the existing mixed use structure and construct a 6-unit residential structure totaling 21,066 square feet of gross floor area, 21 parking spaces as well as associated utilities, lighting, landscaping, and site improvements. Said property is shown on Assessor Map 201 Lot 2 and is located in the Mixed Residential Business (MRB) District. (LU-21-204)

*The Board voted to **grant** the request with the following stipulations:*

Conditions Precedent

- 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 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.*
- 2.3 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*
- 2.4 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.*
- 2.5 The applicant can demonstrate the availability of sewer or onsite septic or septic holding tank approved by NHDES.*
- 2.6 A fire service plan will be provided and approved by the Fire Department.*
- 2.7 The applicant will work with the Planning Department to determine a finish stone for the retaining wall.*
- 2.8 Add slow release fertilizer on entire site in landscape maintenance plan and on full plan set.*

Conditions Subsequent:

- 2.9 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;*

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

2.11 Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

2.12 At their own expense, the applicant must work with the Department of Public Works and the Planning Department to determine feasibility of a cross walk at the corner of Sagamore Avenue and Sagamore Grove Road.

- D.** The request of **Sagamore LLC (Owner and Applicant)**, for the property located at **960 Sagamore Avenue** requesting a Wetland Conditional Use Permit approval according to section 10.1017.5 of the Zoning ordinance to impact 1,100 square feet of wetland buffer for grading and to remove 750 square feet of impervious surface in the wetland buffer and construct a new 100 square foot porous paver patio. Said property is shown on Assessor Map 201 Lot 2 and is located in the Mixed Residential Business (MRB) District. (LU-21-204)

*The Board voted to **grant** the request as presented and advertised.*

- E.** Application of **ADL 325 Little Harbor Road Trust (Owner)**, for property located at **325 Little Harbor Road**, for Conditional Use Permit approval in accordance with Section 10.814 of the Zoning Ordinance for the conversion of an existing accessory structure (formerly caretaker's home) into a Detached Accessory Dwelling Unit with a gross floor area of 1,300 square feet of gross floor area. Said property is shown on Assessor Map 205 Lot 2 and lies within the Rural (R) and Single Residence A (SRA) districts. (LU-21-220)

*1) The Board voted to **grant** dimensional modification as permitted by section 10.814.53 of the zoning ordinance to all a maximum of 1,300 square feet of gross floor area where 1,000 is allowed.*

*2) The Board voted to find the remainder of section 10.518.50 is **satisfied** by the application.*

*3) The Board voted to **grant** the conditional use permit with the following stipulations:*

3.1 The applicant can demonstrate the availability of sewer or approved onsite septic or septic holding tank approved by NHDES prior to Building Permit issuance.

3.2 The applicant will add a note on the plans and record an affidavit at the registry that states this DADU will be the only accessory dwelling unit on the property.

VI. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **Bailey J. Frederick III (Owner)**, for the property located at **212, 214 & 216 Woodbury Avenue** requesting Preliminary Conceptual Consultation for a Lot Line

Revision, demolition of one existing structure, and the construction of one eight-unit structure, two two-unit structures, and one three-unit structure. Said property is shown on Assessor Map 175 Lot 1; Map 175 Lot 2; Map 175 Lot 3 and lies in the General Residence A (GRA) District. (LUPD-22-3)

The applicant introduced the project. No public hearing was required or held.

- B. The request of **635 Sagamore Development LLC (Owner)**, for the properties located at **635 and 695 Sagamore Avenue** requesting Preliminary Conceptual Consultation for the demolition of the existing commercial structure on Lot 19, the construction of five single-unit structures on Lot 19, and the construction of one single-unit structure on Lot 18. Said property is located on Assessor Map 222 Lot 18 and Map 222 Lot 19 and lie within the Single residence A (SRA) District. (LUPD-22-2)

The applicant introduced the project. No public hearing was required or held.

VII. DESIGN REVIEW APPLICATION ACCEPTANCE

- A. The request of **Port Harbor Land LLC, (Owner)** for the property located at **2 Russell Street and along Russell Street and Deer Street** requesting Design Review for a mixed use project consisting of office, retail/commercial, and residential uses in one 4-story and two 5-story buildings. The site is located between, Russell Street, Deer Street, Maplewood Avenue and the Railroad Corridor. Said properties are located on Assessor Map 124 Lot 12, Assessor Map 118 Lot 28, Assessor Map 119 Lot 4, and Assessor Map 125 Lot 21 and lie within the Character District 5 (CD-5). (LUPD-22-1)

*The Board voted to **accept** the application and scheduled a Design Review and public hearing for the February 17, 2022 Planning Board meeting.*

VIII. PUBLIC HEARING - CITY COUNCIL REFERRALS

- A. Application of **Randi Collins (Owner)**, for the restoration of involuntarily merged lots at **77 Meredith Way** to their pre-merger status pursuant to NH RSA 674:39-aa. Said property is shown on Assessor Map 162 Lot 16 and lies within the General Residence A (GRA) district. (RIML-21-5)

*The Board voted to **postpone** to the February meeting.*

IX. OTHER BUSINESS

- A. Request of **London Bridge South Inc. (Owner)** for property located at **0 Falkland Way (address now known as 114 Saratoga Way)** for a 1-year extension of the Site Plan review approval for the demolition of an existing garage and shed and the construction of a new 4-unit residential building on merged lots with associated parking, stormwater management, lighting, utilities and landscaping as granted on January 21, 2020. (LU-20-164)

*The Board voted to **grant** the 1-year extension.*

- B. **Woodbury Avenue Cooperative, Inc. (Owner)**, for the property located at **1338 Woodbury Avenue** for a 1-year extension of the Site Plan review approval for the demolition of two existing structures and replacement and reconfiguration of existing mobile home units with associated grading, pavement, lighting, utilities, landscaping and other site improvements as granted on March 18, 2021. (LU-20-198)

*The Board voted to **grant** the 1-year extension.*

- C. The rehearing request of **Duncan McCallum (Rehearing Applicant)**, for property located at **31 Raynes Avenue, 203 Maplewood Avenue, and 1 Raynes Avenue** for a Conditional Use Permit as permitted by Section 10.1112.62 of the Zoning Ordinance and according to the requirements of Section 10.1112.14 to allow 113 off-street parking spaces including 18 reserved spaces to be provided on-site and 25 spaces to be provided on a separate lot where a total of 138 are required and Site Plan Review approval for the demolition of three existing buildings and construction of the following: 1) a 5-story mixed use building with 66,676 gross floor area and 16,629 sq. ft. building footprint including 7,720 sq. ft. of commercial use on the ground story and 32 residential units on the upper stories; 2) a 5-story 124-room hotel with 65,980 gross floor area and 14,622 sq. ft. of building footprint; 3) 34,427 sq. ft. of community space as well as associated paving, lighting, utilities, landscaping and other site improvements. Said properties are shown on Assessor Map 123 Lot 14, Map 123 Lot 13, Map 123 Lot 12, Map 123 Lot 10 and lie within the Character District 4 (CD4) District, Downtown Overlay District (DOD), Historic District, and the North End Incentive Overlay District. (LU-21-54)

*The Board voted to **grant** the rehearing request as presented.*

- D. The rehearing request of **Duncan McCallum (Rehearing Applicant)**, for property located at **31 Raynes Avenue, 203 Maplewood Avenue, and 1 Raynes Avenue** requesting a Wetland Conditional Use Permit under section 10.1017 to construct two buildings 1) a 5 story mixed use commercial and residential building and 2) a five story hotel building with 124 rooms. The project has removed all of the impervious surface from the 25' tidal buffer, proposes 67 square feet of impervious surface in the 25-50' tidal buffer and 21,190 square feet of impervious in the 50-100' tidal buffer. Overall the project is able to demonstrate a reduction of 7,070 square feet of impervious surface in the tidal wetland buffer from the existing condition or a reduction of 10,107 square feet if the reserve parking is not constructed. Said properties are shown on Assessor Map 123 Lot 14, Map 123 Lot 13, Map 123 Lot 12, Map 123 Lot 10 and lie within the Character

District 4 (CD4) District, Downtown Overlay District (DOD), Historic District, and the North End Incentive Overlay District. (LU-21-54)

*The Board voted to **grant** the rehearing request as presented.*

- E. The rehearing request of **Katy Sherman (Rehearing Applicant)**, for property located at **99 Bow Street**, requesting to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. (LU-21-181)

*The Board voted to **deny** the request as presented.*

X. ADJOURNMENT

The meeting was adjourned at 10:54 PM.