

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

October 20, 2022

ACTION SHEET

I. BOARD DISCUSSION OF REGULATORY AMENDMENTS AND OTHER MATTERS

No action taken.

II. APPROVAL OF MINUTES

A. Approval of the September 15, 2022 meeting minutes.

The Board voted to accept the minutes with the following amendment:

1) Minutes will reflect the request made by J. Hewitt to have Ben Fletcher's presentation posted to the September 15th meeting page.

Motion: J. Hewitt, Second: G. Mahanna.

Motion passed all in favor.

III. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

A. The request of **Randi and Jeff Collins (Owners and Applicants)**, for property located at **77 Meredith Way** requesting Preliminary and Final Subdivision Approval to subdivide one (1) existing lot into two (2) lots.

B. The request of **Richard Fusegni (Owner)**, for property located at **201 Kearsarge Way** requesting Preliminary and Final Subdivision approval to subdivide one (1) existing lot into three (3) lots.

The Board voted to determine that the applications are complete according to the Subdivision Regulations, (contingent on the granting of any required waivers) and to accept the applications for consideration.

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Motion: C. Clark, Second: J. Almeida.

Motion passed all in favor.

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 FOR POSTPONEMENT** The request of **Blus O'Leary Family Living Trust (Owner)**, for property located at **225 Wibird Street** requesting Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit. Said property is located on Assessor Map 133 Lot 54 and located within the General Residence A (GRA) district. (LU-22-174) **REQUEST FOR POSTPONEMENT**

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

Motion: B. Moreau, Second: C. Clark.

Motion passed all in favor.

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 **Coventry Realty, LLC (Owner)**, for property located at **111 State Street** requesting a conditional use permit approval in accordance with section 10.1112.14 of the Zoning Ordinance to allow zero (0) parking spaces where 35 are required. Said property is located on Assessor Map 107 Lot 50 and lies within the Character District 4 (CD4) and the Historic District. (LU-22-125)

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.1 and to adopt the findings of fact as presented.

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

*2) The Board voted to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to **grant** the conditional use permit as presented.*

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

- B.** The request of **Neal L. Ouellett Revocable Trust (Owner)**, for property located at **124 Kensington Road** requesting Wetland Conditional Use Permit approval in accordance with section 10.1017 of the Zoning Ordinance for the demolition of a detached garage and the construction of a new attached garage with 59 square foot increase of impervious area totaling 4,320 square feet of wetland buffer impacts on the property. Said property is shown on Assessor Map 152 Lot 20 and is lies within the Single Residence B (SRB) District. (LU-22-138)

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

*2) The Board voted to **grant** the Wetland Conditional Use permit with the following **condition**:*

Conditions to be satisfied subsequent to final approval but prior to the issuance of a building permit or the commencement of any site work or construction activity:

2.1) Signage will be placed within the buffer or wetland itself stating that it is an environmentally sensitive wetland area. Applicant is to contact Peter Britz in the Planning Department to coordinate placement and obtain signage.

Motion: C. Clark, Second: B Moreau.

Motion Passed all in favor.

- C.** The request of **Peter Ward (Owner)**, for property located at **15 Central Avenue** requesting Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit. Said property is shown on assessor Map 209 Lot 4 and lies within the Single Residence B (SRB) and the Highway Noise Overlay Districts. (LU-22-123)

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.814.60 and to adopt the findings of fact as presented.

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

*2) The Board voted to **grant** the conditional use permit with a modification to the requirement set forth in section 10.814.41 to not require an interior door between the principal dwelling unit and the accessory dwelling, and to approve the Conditional Use Permit with the following **condition**:*

2.1) In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all

standards of [Sec. 10.814], including the owner-occupancy requirement, and shall renew the certificate of use annually.

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

D. The request of **Randi and Jeff Collins (Owners and Applicants)**, for property located at **77 Meredith Way** requesting Preliminary and Final Subdivision Approval to subdivide one (1) existing lot with 22,463 square feet of lot area and 31.7 feet of street frontage into two (2) lots with associated 73.3 foot road extension as follows: Proposed Lot 1 with 11,198 square feet of lot area with 73.79 feet of street frontage, and Proposed Lot 2 with 11,265 square feet of lot area and 31.61 feet of street frontage. Said property is located on Assessor Map 162 Lots 16 and lies within the General Residence A (GRA) District. (LU-22-61)

1) The Board voted to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.

Motion: C. Clark, Second: B Moreau.

Motion Passed all in favor.

*2) The Board voted to **grant** preliminary and final subdivision approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of subdivision plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

2.1) A note will be added to the plan that says a stone drip edge will be provided around both homes that is at least 6" wider than any roof line constructed. The drip edge is to be constructed with an underdrain (french drain) that carries roof runoff to the rain gardens to be infiltrated. The Engineer of record is to inspect these conveyance systems and the construction of the raingardens themselves during their construction to confirm that the soils under the rain gardens are suitable for infiltration and that all construction above that point meets the intent of the design. Engineer to provide the City with pictures and stamped final report guaranteeing that all is built properly and will function in accordance with the design.

2.2) Lot numbers as determined by the Assessor shall be added to the final plat prior to recordation.

2.3) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.4) GIS data shall be provided to the Department of Public Works in the form as required by the City.

2.5) 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 and accepted by City Council prior to recordation.

2.6) *The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

2.7) *Final house plans shall conform the requirements of the zoning ordinance.*

2.8) *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>*

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

E. The request of **Richard Fusegni (Owner)**, for property located at **201 Kearsarge Way** requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 52,253 s.f. and 205' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 17,125 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 17,406 s.f. and 100.2' of continuous street frontage; and Proposed Lot 3 with an area of 17,723 s.f. and 82.84' of continuous street frontage. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. (LU-22-150)

1) The Board voted to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.

Motion: B Moreau, Second: C. Clark.

Motion passed all in favor.

2) The Board voted to **grant** preliminary and final subdivision approval with the following **conditions**:

2.1) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat; the corners will need to be in place and evident prior to the issuance of a CO.*

2.2) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

2.3) *The final plat, easements and restrictive covenants shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

2.4) *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>*

2.5) *Conditions as listed in the February 27, 2020 letter of decision.*

2.5.1) *The drainage for lots 2 and 3 shall be incorporated into the back yard areas where they can be maintained without impacting the portion of the property designated to be a conservation area along with the following **conditions**:*

2.5.1-a) Maintenance responsibilities for the storm-tech systems by the homeowners shall be addressed through a maintenance document that outlines the requirements to keep the system functional at all times. That document shall be recorded as part of the conservation easement deed;

2.5.1-b) Plans shall be updated to note stabilized construction entrances shall be installed for all 3 lots; and

2.5.1-c) System installation shall be witnessed by the City DPW during installation. The City will review the subsoils under the system to guarantee any ledge is removed to a point 24" under the system and will review all the functional parts of the system as a whole to verify the systems will work as designed.

2.5.2) All materials used in the reconstruction of the road shall meet city standards.

2.5.3) The plans shall note that during construction, access will be provided to all existing properties located on Birch Street.

VI. CITY COUNCIL REFERRALS – PUBLIC HEARING

- A.** The request of **Dale Whitaker (Owner)** for the restoration of involuntary merged lots at **880 Woodbury Avenue** to their pre-merger status pursuant to NH RSA 674:39aa. Said property is shown on Assessor Map 236 Lot 52 and lies within the Single Residence B District. (RIML 22-1)

1) The Board voted to recommend the City Council restore the property located at 880 Woodbury Avenue to its pre-merger status and direct the City GIS and Assessing staff to update zoning and tax maps accordingly.

Motion: B Moreau, Second: G. Mahanna.

Motion passed all in favor.

VII. OTHER BUSINESS

- A.** Chairman's Updates and Discussion Items

No Action Taken

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VIII. ADJOURNMENT

Meeting Adjourned: 8:52 PM