

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM SPECIAL PLANNING BOARD MEETING**

**December 30, 2021**

**ACTION SHEET**

- A.** The request of **Martingale, LLC (Owner)**, for property located at **99 Bow Street**, requesting Site Plan Review Approval 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 **grant** Site Plan approval with the following stipulations:*

- 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.*
  - a. Easements on the plan and instrument recorded at the registry shall depict the easement to run from Bow Street to and through the stairwell to be inclusive of the area depicted as the public deck in the McHenry plan A9 to include ADA access to run with the land.*
- 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 the City Council.*
- 3. Proper signage shall be posted for public space to be consistent with the Board's request from the Street to the public space.*
- 4. Deck to be built in its entirety including public space for this project to be considered complete.*
- 5. Applicant is to do pre-site inspection and vibratory monitoring throughout the project to identify any impacts to for abutting properties.*
- 6. Property owner is to work with city staff to resolve trash issues through the Construction Management and Mitigation Plan (CMMP) process.*
- 7. Property owner is to be responsible for maintenance of the deck forever.*

- B.** The request of **Dagny Taggart, LLC (Owner)**, for property located at **93 Pleasant Street** requesting Site Plan Review approval for the redevelopment of the existing 4 story structure and the construction of a new structure totaling 34,266 square feet of commercial space and 18 parking spaces. Said property is shown on Assessor Map 107 Lot 74 and lies within the Historic, Downtown Overlay, and CD4 Districts. (LU-21-183)

*The Board voted to **grant** Site Plan approval with the following stipulations:*

**Conditions Precedent:**

- 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. Any easements plans and deeds for which the City is grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*
- 3. The Applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 4. 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 right of way and on site.*
- 5. The Applicant or engineer shall submit a copy of a completed Land Use Development Tracking using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.*
- 6. R-Tank shop drawings are to be submitted and approved by DPW before the building permit is issued.*
- 7. A potential underground grease trap location is to be displayed on plans.*

**Conditions Subsequent:**

- 8. 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.*
- 9. A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Department.*
- 10. Applicant to obtain a license for the electrical conduits that are to be installed in the public right of way.*

- C.** The request of **Torrington Properties Inc. (applicant)**, on behalf of **2422 Lafayette Road Associates, LLC (Owner)**, for property located at **2454 Lafayette Road** requesting to amend a previously granted Conditional Use Permit to provide less than required parking in accordance with Section 10.1112.14 of the Zoning Ordinance and Conditional Use Permits for increased housing density and for increased building height

as allowed by Section 10.5B72.10 and Section 105B72.20 of the Zoning Ordinance, and development within the Gateway Neighborhood Mixed Use District in accordance with Section 10.5B40 of the Zoning Ordinance; and for Site Plan Review to demolish the existing structure and construct a five (5) story structure with 95 condominium units with 20% designated as workforce housing units and provide 21,896 square feet of community space. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District. (LU-21-192)

1. *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** a conditional use permit as presented and;*
2. *The Board voted to find that the application meets the requirements of Section 10.5B43.10 and to **grant** a conditional use permit for a Development Site subject to the requirements and conditions of site plan review approval and;*
3. *The Board voted to find that the application meets the requirements of 10.5B11 and 10.5B73 of the Zoning Ordinance and to **grant** a conditional use permit for density bonus incentives with the following stipulation:*
  - 3.1 *Workforce housing units are subject to a 50 year covenant with a 20% even distribution among living unit sizes.*
4. *The Board voted to **grant** Site Plan approval with the following stipulations:*

**Conditions Precedent:**

- 4.1 *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.*
- 4.2 *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.*
- 4.3 *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.*
- 4.4 *Owner shall provide an access easement to the City for water valve access and lead detection. The easement shall be reviewed and approved by the planning and legal Departments prior to acceptance by the City Council.*
- 4.5 *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.*

**Conditions Subsequent:**

4.6 *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed according to the approved plans and specifications and will meet the design performance as proposed.*

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

**D.** The request of **35 Pines LLC, (Owner)**, for the property located at **295 Maplewood, Unit 1** requesting a Conditional Use Permit Approval in Accordance with Section 10.1112.14 of the Zoning Ordinance, for the provision of no on-site parking spaces where three (3) spaces are required. Said property is shown on Assessor Map 141 Lot 35 and is located in the Character District 4-L2 (CD4-L2) and Historic District. (LU-21-211)

*To **grant** the conditional use permit with the following stipulation:*

- 1) *If more chairs are added the applicant must come back for a Conditional Use Permit review and amendment.*

**E.** The request of **Public Service CO of NH (Owner)**, for the property located at **300 Gosling Road** requesting a Wetland Conditional Use approval according to section 10.1017 is requested for the replacement of 8 utility poles adjacent to Gosling Road. The project proposed temporary impact of 98,984 square feet in the wetland area and of 25,224 square feet in the wetland buffer. The proposal is to replace existing wooden structures with equivalent steel structures. Said property is shown on Assessor Map 214 Lot 3 and is located in the Office Research (OR) and Waterfront Industrial (WI) Districts. (LU-21-205)

*The Board voted to **grant** the Wetland Conditional Use Permit as presented.*

**F. REQUEST TO POSTPONE** 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** (LU-21-189)

*The Board voted to **postpone** to the January 20, 2022 Planning Board meeting.*

- G.** The request of **The City of Portsmouth (Owner)**, for property located at **0 Vaughan Street** requesting a Wetland Conditional Use Permit under section 10.1017 to restore a piece of property along the North Mill Pond into a City Park, Greenway and Living Shoreline project. The project as proposed includes restoration of 57,520 square feet of restoration work in the Wetland and Buffer with project impacts of 262 square feet in the wetland and 5,490 square feet of impact in the 100' wetland buffer. The project includes the removal of invasive plants, planting of native species to restore the vegetation on the site. The restoration work is proposed in the subtidal, intertidal, and tidal buffer portions of the site. Said property is shown on the Assessor Map 123 Lot 15 and lies within the Character District 4 (CD-4). (LU-21-187)

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

- 1) The applicant shall incorporate "No Digging" signage into the site signage.*
- 2) The applicant shall consider measures in the planting plan to work towards reducing the number of geese on site.*

## **VI. PRELIMINARY CONCEPTUAL CONSULTATION**

- A.** The request of **Port Harbor Land LLC**, for the property located at **2 Russell Street** requesting Preliminary Conceptual Site Consultation 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 property is located on Assessor Map 124-12 and lies within the Character District 5 (CD-5). (LUPD-21-10)

*The Board discussed the project with the applicant, **no actions** were taken.*

## **X. OTHER BUSINESS**

*There was no other business.*

## **XI. ADJOURNMENT**

*The meeting adjourned at 11:45 PM.*