

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

April 21, 2022

ACTION SHEET

I. APPROVAL OF MINUTES

A. Approval of March 17, 2022 minutes.

*The minutes of the March 17, 2022 meeting were **approved** as amended.*

II. 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 **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** requesting Conditional Use Permit under section 10.814 of the Zoning Ordinance and modification of the standards set forth in Sections 10.814.40 or 10.814.52 through 10.814.56, to construct a new single family residence and convert the existing residence into a Detached Accessory Dwelling Unit totaling 886 square feet of living area. Said property is shown on Assessor Map 222 Lot 69 and lies within the Single Residence B (SRB) district. **REQUEST TO POSTPONE (LU-22-34)**

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

- B.** The request of **Nerbonne Family Revocable Trust (Owner)**, for property located at **189 Gates Street** requesting a Conditional Use Permit under section 10.815 of the Zoning Ordinance and modification of the standards set forth in Section 10.815.30 for the conversion of an existing accessory structure (garage) into a garden cottage with 507 gross square footage of living space. Said property is shown on Assessor Map 103 Lot 6 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-30)

*1) to find that the application meets the requirements set forth in Section 10.815.40 of the Zoning Ordinance and to **grant** the Conditional Use Permit with the following **stipulations**:*

- 1.a) *Any change, required as part of the Historic District and approval, that results in a change to the stipulations approved here or any change that is not substantially compliant with the approved Conditional Use Permit, as determined by the Planning Director, shall be resubmitted to the Planning Board for review and approval.*
- 1.b) *A gutter system and drywell are installed to catch all drainage and runoff from the garage and garage addition.*
- 1.c) *A fence is constructed on the property line between 189 Gates St and 199 Gates street that is in accordance with the Zoning Regulations.*
- 2) *The Board voted to **grant** a modification to the requirements set forth in section 10.815.31 to allow for an expansion that includes a 152 SF addition.*

III. 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 **Society for the Protection of NH Forests (Owner)**, for property located at **400 Little Harbor Road** requesting a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the installation of new public bathrooms resulting in 303 S.F. of permanent impacts for the building and 275 S.F. of temporary impact to the 100 ft wetland buffer area. Said property is located on Assessor Map 203 Lot 8 and lies within the Rural (R) District. (LU-22-31)

- 1) *The Board voted to find that the application satisfied the criteria set forth in Section 10.1017.50 of the Zoning Ordinance.*
- 2) *The Board voted to **grant** the Wetland Conditional Use permit with the following **stipulations**:*
 - 2.a) *Blueberry bushes or other native shrubs are planted along the buffer area near the wetland edge.*
 - 2.b) *The property is maintained according to NOFA standards.*

- B. The request of **ADL 325 Little Harbor Road Trust (Owner)**, for property located at **325 Little Harbor Road** requesting Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to replace the existing single family structure, carriage house, shed, barn, and paddock; construct a garage, pool, pool cabana playground; and renovate the existing barn and shed with all associated electric, gas, water, and sewer updates as required on private property and within the public right of way resulting in 195,656 S.F. of impact in the tidal buffer area and 17, 189 S.F. of temporary impact to in

the tidal wetland area. Said property is shown on Assessor Map 205 Lot 2 and is located within the Rural (R) and Single Residence A (SRA) Districts. (LU-22-23)

1) *The Board voted to find that the application satisfied the criteria set forth in Section 10.1017.50 of the Zoning Ordinance.*

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

2.a) *For each review identified and provided for in the Land Management Plan, an update and report of findings will also be provided to the Planning Board.*

2.b) *There will be an inspection and report submitted to the Planning Board on the bridge status and safety every 5 years.*

C. The request of **Sharolyn McDermith (Owner)**, for property located at **1054 Banfield Road** requesting Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to increase the amount of building in the buffer by 270 S.F. for the breezeway and 72 S.F. for the garage for a total building in size increase of 342 S.F. Said property is located on Assessor Map 283 Lot 38 and lies within the Single Residence A (SRA) District. (LU-22-5)

1) *The Board voted to find the application satisfied the criteria set forth in Section 10.1017.50 of the Zoning Ordinance.*

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

2.a) *The applicant will add new plantings along the fence closest to the wetland in addition to those shown at the front of the property.*

2.b) *The applicant will install appropriate erosion control measures during construction.*

2.c) *The applicant will follow NOFA standards for Lawn care in the wetland buffer.*

2.d) *The applicant will provide a plantings plan showing the spacing, type, and location of the new plantings for review by Staff.*

2.e) *The applicant will show the construction detail of the drywell on the plans for review by staff.*

D. The request of **Charles Dudas (Owner)**, for property located at **32 Monteith Street** requesting a Conditional Use Permit under Section 10.814 of the Zoning Ordinance for the construction of an Attached Accessory Dwelling Unit totaling 576 S.F. in gross floor area. Said property is located on Assessor Map 143 Lot 22 and lies within the General Residence A (GRA) district. (LU-22-44)

- 1) *The Board voted to find that the application meets the requirements set forth in Section 10.814 of the Zoning Ordinance and to **grant** the Conditional Use Permit as presented.*
- 2) *The Board voted to **grant** a modification to the requirements as set forth in section 10.814.60 to allow for an expansion that includes a 576 SF addition.*

IV. DESIGN REVIEW APPLICATION – PUBLIC HEARING

- A. The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** requesting Design Review approval to partially demolish existing buildings and construct a new 3 story structure with a short 4th story. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LUPD-22-6)

*The Board voted to find the Design Review process to be **complete**.*

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **EightKPH LLC (Owner)**, for property located at **161 Deer Street** *to be known as 88 Maplewood Avenue* requesting Preliminary Conceptual Consultation for the demolition of the existing one story commercial building and the construction of a four story building with a pent house. Said property is shown on Assessor Map Lot and lies within the Character District 5 (CD5). (LUPD-22-7)

No action was taken or required.

VI. DESIGN REVIEW APPLICATION ACCEPTANCE

- A. The request of **EightKPH LLC (Owner)**, for property located at **161 Deer Street** *to be known as 88 Maplewood Avenue* requesting Preliminary Conceptual Consultation for the demolition of the existing one story commercial building and the construction of a four story building with a pent house. Said property is shown on Assessor Map Lot and lies within the Character District 5 (CD5). (LUPD-22-7)

- 1) *The Board voted to find that the Design Review application was complete and to schedule the Public Hearing to take place at the May 19, 2022 Planning Board meeting.*

VII. OTHER BUSINESS

- A. Review and discuss presentation on Land Use Committee Existing Conditions and Strategy Report and Regulatory Amendment Work Plan

IX. ADJOURNMENT

The meeting adjourned at 11:24 PM