

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

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

**May 19, 2022**

**ACTION SHEET**

**I. APPROVAL OF MINUTES**

- A.** Approval of April 21, 2022 Minutes.

*The minutes of April 21 will be reviewed for approval at the June meeting.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

- A.** The request of **Elizabeth B Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Preliminary and Final Subdivision approval.

*The Board voted to determine that the application was **complete** according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration.*

- B.** The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting Preliminary and Final Subdivision approval

*The Board voted to determine that the application was **complete** according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration.*

**SITE PLAN REVIEW**

- C.** The request of **Elizabeth B. Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Site Plan Review approval.

*The Board voted to determine that the application was **complete** according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the application for consideration.*

### III. 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.*

*The Board voted to consider both applications for 213 Jones Avenue together, and to vote on them separately.*

- A. 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. (LU-22-34)

*1.) The Board voted to find the application satisfies the criteria set forth in Section 10.107.50 of the Zoning Ordinance.*

*2.) The Board voted to **grant** a modification to the requirements set forth in section 10.815.30*

*3.) The Board voted to find that the application meets the requirements set forth in Section 10.814.60 of the Zoning Ordinance and to **grant** the Conditional Use Permit.*

### IV. 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 **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** requesting Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance 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. (LU-22-34)

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

- B. The request of **2422 Lafayette Road Associates, LLC (Owner)**, and **Waterstone Properties Group Inc. (Applicant)**, for property located at **2454 Lafayette Road, Unit 9** requesting Amended Site Plan Review Approval for the alteration of the commercial pad and sidewalk, rerouting the existing sewer line, relocation of bicycle racks, and the expansion of Unit 9 from an existing footprint of 1,833 s.f. to 3,650 s.f +/- and to then divide the space into two units equaling 1,155 s.f. +/- and 2,400 s.f. +/- . Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-22-46)

*The Board voted to **grant** the amended site plan approval with the following **stipulations**:*

**Conditions Precedent - to be completed prior to the issuance of a building permit:**

*1.1) The site plan, any new off-site easements to benefit the development, and any other new public or private easements, shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*1.2) 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:**

*1.3) The Engineer of Record shall submit a written narrative (with photographs and engineer stamp) certifying that the stormwater infrastructure was not altered from previously approved plans and specifications that meets the design performance;*

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

*The Board voted to consider both applications for 668 Middle Street together and vote separately on each.*

- C. The request of Elizabeth B Larsen Trust of 2012 (Owner), for property located at 668 Middle Street** requesting Preliminary and Final Subdivision approval to subdivide 1 existing lot with 81,046 square feet of lot area, and 69.83 feet of street frontage into 3 lots as follows: Proposed Lot 1 with 18,646 square feet of lot area and no street frontage; Proposed Lot 2 with 18,756 square feet of lot area and no street frontage; Proposed Lot 3 with 43,644 square feet of lot area and 69.83 feet of street frontage. The existing buildings will remain and be on Proposed Lot 3. Said property is shown on Assessor Map 147 Lot 18 and lies within the General Residence A (GRA) and Historic Districts. (LU-21-23)

*The Board voted to **grant** preliminary and final subdivision approval with the following **stipulations**:*

*1.1) Milling and overlay of the full road width for length of the disturbance area shall be required and, the sidewalk shall be repaired or replaced (as needed and determined by the DPW).*

*1.2) Subject to DPW review and approval temporary pavement shall be required at time of construction. Such paving shall be to the existing pavement depth and, after a winter season the street shall receive a full mill and overlay.*

*1.3) Lot numbers as determined by the Assessor shall be added to the final plat.*

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

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

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

- D.** The request of **Elizabeth B. Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Site Plan Review approval for the construction of two two-unit structures and improvement to the existing structures to create a total of eight units on three lots with associated utilities, connections and site improvements. Said property is shown on Assessor Map 147 Lot 18 and lies within the Historic and General Residence A (GRA) Districts. (LU-21-23)

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

**Conditions Precedent - to be completed prior to the issuance of a building permit:**

1.1 Prior to the issuance of a building permit, three sets of condominium documents total shall be submitted to the City for review by the Legal Department.

1.2 The site plan, any off-site easements to benefit the development, and any other new private or public easements, shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

1.3 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:**

1.4 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;

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

The Board voted to consider both applications for 1400 Lafayette Road together and to vote on each separately.

- E.** The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 223,416 square feet of lot area and 789.91 feet of frontage on Peverly Hill Road and 576.28 feet of frontage on Lafayette Road into two lots as follows: Proposed Lot 1 with 111,415 square feet of lot area and 467.63 feet of frontage on Peverly Hill Road, Proposed Lot 2 with 137,276 square feet of lot area with 325.59 feet of frontage on Peverly Hill Road and 576.28 feet of frontage on Lafayette Rd. Said property is located on Assessor Map 252 Lot 7 and lies within the Gateway Center (G2) District. (LU-22-80)

The Board voted to **grant** Preliminary and Final Subdivision approval with the following **stipulations**:

1.1) Lot numbers as determined by the Assessor shall be added to the final plat.

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

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

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

**F.** The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting an amendment and a 1-year extension for the previously approved Site Plan and Conditional Use Permit for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 +/- s.f. and 122,000 +/- GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space. Said property is located on Assessor Map 252 Lots 4, 5, and 7 and lies within the Gateway Center (G2) District. (LU-20-12)

1) The Board voted to grant waiver to section 9.3.5 of the Zoning Ordinance to allow the dumpster to be located within 20 feet of the property line.

2) The Board voted to **grant** a 1-year extension of the Site Plan and Conditional Use Permit approval with presented amendments and all original conditions (as approved on April 30, 2020 under LU-20-12) in addition to the following **stipulations**:

**Conditions Precedent - to be completed prior to the issuance of a building permit:**

2.1) The sprinkler and riser room will be included in the building plans and will be incorporated within the existing footprint.

2.2) The site plan, any new off-site easements to benefit the development, and any other new public or private easements, shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.5) 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:**

2.6) 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;

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

## V. DESIGN REVIEW APPLICATION – PUBLIC HEARING

- A. The request of **EightKPH LLC (Owner)**, for property located at **161 Deer Street** to be known as **88 Maplewood Avenue** Design Review for the demolition of the existing one story commercial building and the construction of a four story building with a penthouse. Said property is shown on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5). (LUPD-22-7)

*1) The Board voted to find the design review process was **complete** with the following recommendation:*

*1.1) During the Technical Advisory Committee review, the Committee consult with a third party to review the geotechnical study and drainage analysis or perform a new study if needed.*

## VI. CITY COUNCIL REFERRALS

- A. Hold a Public Hearing and consider a recommendation to the City Council for Zoning Ordinance Amendments to Building Height standards.

*1) The Board voted to **continue** considerations of the zoning amendments to the **June 16, 2022** regularly scheduled Planning Board meeting.*

*2) The Board voted to request staff provide additional information including aerial imagery, any available three-dimensional modeling related to affected buildings, and additional review of the definition changes.*

- B. Consider a recommendation to City Council for an application from **Sherilyn Burnett Young of Rath Young, and Pignatelli** on behalf of the applicant **Margot Thompson and Edward Thompson** to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at **57 Salter Street**, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River.

*The Board voted to recommend the Portsmouth City Council submit the application for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River.*

## VII. OTHER BUSINESS

*There was no other business.*

## VIII. ADJOURNMENT

*The meeting was adjourned at 11:05 PM.*

