

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

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

**June 23, 2022**

**ACTION SHEET**

*The Board voted to suspend the rules to bring forward item IV. F out of order.*

*The Board voted to suspend the rules to bring forward item V. A out of order.*

**APPROVAL OF MINUTES**

- A. Approval of the April 21, 2022 regular meeting minutes.

*The April 2, 2022 regular meeting minutes were approved as presented.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

- A. The request of **Artwill LLC (Owner)**, for property located at **437 Lafayette Road** requesting Preliminary and Final Subdivision
- B. The request of **James and Gail Sanders (Owners)**, for property located at **445 Marcy Street** requesting Preliminary and Final Subdivision

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

**SITE PLAN REVIEW**

- A. The request of **RIGZ Enterprises LLC (Owner)**, for property located at **806 Route 1 Bypass** requesting Site Plan Review
- B. The request of **Artwill LLC (Owner)**, for property located at **437 Lafayette Road** requesting Site Plan Approval

- C. The request of **Mastoran Restaurants Inc. (Owner)**, and **Granite State Convenience (Applicant)**, for property located at **2255 Lafayette Road** requesting Site Plan Review

*The Board voted to determine that the applications complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and IV 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.*

- A. The request of **James and Gail Sanders (Owners)**, for property located at **445 Marcy Street** requesting Preliminary and Final Subdivision approval to subdivide one lot with 14,947 square feet of lot area and frontage on Marcy Street, Pray Street, and Partridge Street into two lots as follows: Proposed Lot 1 with 6,127 square feet of lot area and 102.43 feet of frontage on Marcy Street and 67.83 feet of frontage on Pray Street, Proposed Lot 2 with 8,820 square feet of lot area and 802 feet of frontage on Pray street and 62.44 feet of frontage on Partridge Street. Said property is located on Assessor Map 101 Lot 3 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-79)

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

***Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:***

*1.1 Address for Lot 2 will correspond to Partridge Street until such time when a second driveway is provided on Pray Street.*

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

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

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

*1.5 The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City.*

*1.6 Any easement plans and deeds for which the City is a grantor or grantee shall been reviewed and approved by the Planning and Legal Departments and accepted by City Council.*

*1.7 Associated recording fees shall be paid to the City prior to recordation.*

- B.** The request of **Mastoran Restaurants Inc. (Owner)**, and **Granite State Convenience (Applicant)**, for property located at **2255 Lafayette Road** requesting Site Plan review and Conditional Use Approval for use 19.40 under Section 10.440 to allow a drive-thru facility as an accessory use to a permitted principal use in the Gateway Corridor Zone. Said property is shown on Assessor Map 272 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-22-13)

**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 **Mastoran Restaurants Inc. (Owner)**, and **Granite State Convenience (Applicant)**, for property located at **2255 Lafayette Road** requesting Wetland Conditional Use Permit Approval according to section 10.1017.5 of the Zoning ordinance to convert an existing fast food restaurant site into a retail fueling station and a convenience store/sandwich shop with drive-through window and a five fuel pump dispenser island and associated paving parking and stormwater system upgrades for the entire site creating an overall disturbance in the wetland buffer of 33,555 square feet. Said property is located on Assessor Map 272 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-22-13)

1) *The Board voted to discuss item III.B and IV.A together and vote on them separately.*

2) *The Board voted to find that the application meets the criteria set forth in 10.1017.50 and to grant the Wetland Conditional Use Permit with the following stipulations:*

*1.1. The applicant will follow NOFA standards for land care.*

*[https://nofa.organiclandcare.net/wp-content/uploads/nofa\\_organic\\_land\\_care\\_standards\\_6thedition\\_2017\\_opt.pdf](https://nofa.organiclandcare.net/wp-content/uploads/nofa_organic_land_care_standards_6thedition_2017_opt.pdf)*

*1.2. For snow storage the applicant will utilize the front area as the primary area and the snow storage area shown on the North side as the secondary snow storage area.*

*1.3. The applicant shall require all winter maintenance personnel to have a Green Snow Pro certification <https://www.des.nh.gov/land/roads/road-salt-reduction/green-snowpro-certification>*

*1.4. Applicant shall increase the number of trees to be planted in the area where pavement is proposed for removal.*

*1.5. Area shown on plan as to be loam and seeded shall be planted with a wetland buffer seed mix and mowed annually.*

*1.6. Applicant shall install signs along the edge of wetland to inform the public that this is a sensitive natural area.*

*1.7. Applicant use a pervious material for the patio.*

*1.8 Applicant shall use either silt socks or similar product rather than a silt fence for erosion control.*

*2) The Board voted to determine the placement of the transaction window as required in section 3.6.1.3 of the Site Plan Review Regulations does not nullify the spirit and intent of the City's Master Plan of the Site Plan Regulations and to grant the a waiver to the distance requirements in section 3.6.1.3 of the Site Plan Review Regulations.*

*3) The Board voted to find that the application meets the criteria set forth in section 10.243 of the Zoning Ordinance and grant the Conditional Use Permit for a drive through facility as an accessory use.*

*4) The Board voted to approve the Site plan with the following condition:*

*Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:*

*4.1 Any easement plans and deeds for which the City is a grantor or grantee shall been reviewed and approved by the Planning and Legal Departments and accepted by City Council.*

*4.2 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.*

*4.3 Associated recording fees shall be paid to the City prior to recordation.*

*4.4 That the turning radius from the transaction window of the driver-through meet the minimum requirements provided in section 3.6.1.3 of the Site Plan Regulations.*

*Condition Subsequent:*

*4.5. After connections are terminated and created, the applicant will video inspect the two spots to confirm that no groundwater is infiltrating.*

**B.** The request of **RIGZ Enterprises LLC (Owner)**, for property located at **806 Route 1 Bypass** requesting Site Plan Review for construction of 400 square feet of additional commercial space and site improvements. Said property is located on Assessor Map 161 Lot 43 and lies within the Business (B) District. (LU-22-81)

*1) The Board voted to determine the requested waiver do not nullify the spirit and intent of the City's Master Plan of the Site Plan Regulations and to grant the following waiver:*

*Waiver of Site Plan Review regulations section 4.3.5 to locate a dumpster 12.2 feet from the property line where 20 feet is required.*

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

***Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:***

*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 Associated recording fees shall be paid to the City prior to recordation.*

*2.3 Light pole labels on the utility plan will be correct to reflect appropriate numbering and include LP3 and LP5 consistent with stipulation requiring light Pole 3 (LP3) located at the rear of the building to be limited to a height of 16' with cut off shields.*

**C.** The request of **Artwill LLC (Owner)**, for property located at **437 Lafayette Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 65,365 square feet of lot area and 123.92 of frontage on Lafayette Road and 336.61 feet of frontage on Andrew Jarvis Drive into three lots as follows: Proposed Lot 1 with 18,434 square feet of lot area and 123.92 feet of frontage on Lafayette Road and 129.57 feet of frontage on Andrew Jarvis Drive, Proposed Lot 2 with 16,606 square feet of lot area and 102.04 feet of frontage on Andrew Jarvis Drive, and Proposed Lot 3 with 30,325 square feet of lot area and 107 feet of frontage on Andrew Jarvis Drive. Said property is located on Assessor Map 229 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-82)

**D.** The request of **Artwill LLC (Owner)**, for property located at **437 Lafayette Road** requesting Site Plan Approval and Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to subdivide the lot and construct two new single-family dwellings (one includes an attached accessory dwelling unit) in addition to the existing single-family dwelling. Said property is located on Assessor Map 229 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-82)

*1) The Board voted to discuss item IV.C and IV.D together and vote on them separately.*

*2) The Board voted to continue consideration of all requests related to this item to the July 21<sup>st</sup> meeting with a request that the applicant meet with abutting property owners and discuss drainage plans for the proposed development and maintenance of the private road.*

**E.** The request of **City of Portsmouth (Owner)**, for property located at **329 Heritage Drive** requesting Wetland Conditional Use Permit approval according to section 10.1017.5 of the Zoning Ordinance to impact 1,490 square feet wetland buffer to replace equipment at an existing sewer pump station. Said property is located on Assessor Map 284 Lot 5 and lies within the Municipal (M) District. (LU-22-96)

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

*2) Vote to grant the Wetland Conditional Use Permit as presented.*

**F.** The request of **Joan S. Rice Revocable Trust (Owner)**, for property located at **460 FW Hartford Drive** requesting Wetland Conditional Use Permit Approval according to section 10.1017.5 of the Zoning ordinance to temporarily impact 275 square feet and permanently impact 5.2 square feet of inland wetland buffer to install a new fence where the impact is the wooden fence posts. Said property is located on Assessor Map 249 Lot 17 and lies within the Single Residence B (SRB) District. (LU-22-69)

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

*2) Vote to grant the Wetland Conditional Use Permit as presented.*

## **V. CITY COUNCIL REFERRALS**

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

*The Board voted to continue the public hearing and postpone consideration of the proposed amendments to the Portsmouth Zoning Ordinance to the Wednesday June 29<sup>th</sup>, special meeting of the Planning Board at 6:00pm.*

## **VI. OTHER BUSINESS**

**A.** Chairman's Update/Discussion

## **VII. ADJOURNMENT**

*The meeting was adjourned at 9:30 PM.*