

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

August 18, 2022

ACTION SHEET

I. BOARD DISCUSSION OF REGULATORY AMENDMENTS AND MASTER PLAN UPDATE

II. 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 recommend to City Council the presented changes to the Zoning Ordinance (as revised on August 8th, 2022) with the following amendments:

- 1) Remove the proposed building height standards for the Civic Districts under Section 10.5A21.B – The Building Height Standards Map; and*
- 2) Remove the proposed change to use the CD4 Development Standards for the Civic Districts under Section 10.5A50.*

Motion: B. Moreau, Second: J. Almeida, Opposed: Hewitt and Harris, Abstention: Samonas, In Favor: All remaining members.

III. APPROVAL OF MINUTES

- A.** Approval of July 21, 2022 meeting minutes.

*The Board voted to **approve** the July 21, 2022 meeting minutes as presented.*

Motion: B. Moreau, Second: J. Almeida

IV. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Christopher H. Garrett Revocable Trust of 2007 (Owner and Applicant)**, for property located at **1299 Islington Street** requesting Preliminary and Final Subdivision approval to subdivide one (1) existing lot into two (2) lots.

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

Motion: B. Moreau, Second: K. Conard

SITE PLAN REVIEW

- A. The request of **HCA Realty Inc. (Owner)**, and **Portsmouth Regional Hospital (Applicant)**, for property located at **444 Borthwick Avenue (Formerly 0 Borthwick Avenue)** requesting Site Plan Review Approval for the construction of a satellite parking lot.
- B. The request of **The Sagamore Group, LLC, (Owner)** for properties located at **1169 Sagamore Avenue and 1171 Sagamore Avenue** requesting Site Plan Review approval to demolish existing buildings and construct 10 living units.
- C. The request of **Road to the West, LLC (Owner and Applicant)** for property located at **140 West Road** requesting Amended Site Plan Approval to improve and install stormwater infrastructure, relocated dumpsters, install landscaping, and increase parking.
- D. The request of **Lonza Biologics (Applicant)** for property located at **101 International Drive** within the Pease Development Authority requesting a Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, for café expansion.

*The Board voted to determine that the **applications are 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 applications for consideration.*

Motion: B. Moreau, Second: J. Almeida

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 **HCA Realty Inc. (Owner)**, and **Portsmouth Regional Hospital (Applicant)**, for property located at **444 Borthwick Avenue (Formerly 0 Borthwick Avenue)** requesting Site Plan Review Approval for the construction of a satellite parking lot consisting of 501 spaces and associated on-site improvements to support the existing hospital facilities currently serviced by 783 parking spaces. Said property is shown on Assessor Map 234 Lot7-4A and is located in the Office Research (OR) District. (LU-22-47)

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

Conditions to be satisfied prior to commencement of any site work or construction activity:

1.1) House side shields will be added to parking lot lights as necessary to prevent light pollution into Coakley Rd homes. Details are to be added to the plan.

1.2) Remaining minor revisions to the drainage study requested by Altus Engineering Inc., in their letter dated August 8, 2022, will be reviewed by Altus Engineering Inc. to verify compliance. Applicant will address any additional and remaining comments provided by Altus as needed.

1.3) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of drainage infrastructure and any work in the right of way.

1.4) 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.

1.5) 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.

1.6) Associated recording fees shall be paid to the City prior to recordation. Any changes to the plan subsequent to approval must be identified in a letter and submitted to the city with the recordable plans.

1.7) 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. 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. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>.

1.8) A wetland delineation will be undertaken by an independent wetland professional to confirm that the wetland listed as approximately 9,200 square feet is less than 10,000 square feet in area.

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

1.9) Borthwick will be resurfaced to City standards along the stretch that is being disturbed from Eileen Foley to the end of the multi-use path.

1.10) 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;

1.11) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

Motion: B. Moreau, Second: J. Almeida

- B.** The request of **The Sagamore Group, LLC, (Owner)** for properties located at **1169 Sagamore Avenue and 1171 Sagamore Avenue** requesting Site Plan Review approval for the demolition of 3 existing principal structures (3 single living units) and 3 existing accessory structures to be replaced with 6 single-living unit structures and 2 two-living unit structures to total 10 living units and 22 parking spaces where 15 is required. Said properties are shown on Assessor Map 224 Lot 14 and Assessor Map 224 Lot 15 and lie within the Mixed Residential Office (MRO) District. (LU-21-167)
- C.** The request of **The Sagamore Group, LLC, (Owner)** for properties located at **1169 Sagamore Avenue and 1171 Sagamore Avenue** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for 570 square feet of temporary buffer impacts the headwall and riprap portion of which are permanent impacts to the wetland buffer for the installation of a treated stormwater drainage outfall. Said properties are shown on Assessor Map 224 Lot 14 and Assessor Map 224 Lot 15 and lie within the Mixed Residential Office (MRO) District. (LU-21-167)

The Board voted to discuss items V. B and V. C together and vote separately.

Motion: B. Moreau, Second: K. Conard

*1) Vote 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 conditions:*

1.1) For one year the applicant will monitor the site where invasive species are to be removed in order to determine the success of the removal and the health of the new wetland plantings. The new plantings shall have a greater than 80% success rate after one year. If not applicant shall replant.

1.2) The applicant will follow NOFA standards for land care and only use organic land management techniques within the wetland and wetland buffer areas.

Motion: B. Moreau, Second: K. Conard, Opposed: Begala and Harris, In favor: remaining members

*2) Vote to **grant** Site Plan approval with the following conditions:*

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

2.1) 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.

2.2) 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.

2.3) *Associated recording fees shall be paid to the City prior to recordation. Any changes to the plan subsequent to approval must be identified in a letter and submitted to the city with the recordable plans.*

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. 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. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>.*

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

2.5) *Third party inspection of stormwater, sewer, water, and sidewalk installation is required.*

2.6) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

Motion: B. Moreau, Second: K. Conard, Opposed: Begala and Samonas, In favor: remaining members

- D.** The request of **Katara, LLC**, (Owner) for property located at **70 Pleasant Point Drive** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for 11,472 square feet of disturbance within the wetland buffer for grading, landscaping and to demolish the existing structure and reconstruct a new structure within the 100 foot wetland buffer area. Said property is located on Assessor Map 207 Lot 15 and lies within the Single Residence B (SRB) District. (LU-22-112)

*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 conditions:*

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

1.1) *The applicant will plan for two years of planting monitoring to ensure the health and success of the buffer plantings. If after one year the plantings do not have at least an 80% success rate, replanting will be required.*

1.2) *Silt sock devices being used to protect the buffer area shall be made of organic materials, including the outer lining/mesh that holds the sock together in order to prevent plastic waste.*

Motion: B. Moreau, Second: J. Almeida

- E.** The request of **Lonza Biologics (Applicant)** for property located at **101 International Drive** within the Pease Development Authority requesting a Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, for a 4,200 square foot café expansion with associated landscaping, stormwater, and infrastructure improvements. Said property is located on Assessor Map 305 Lot 6 and lie within the Airport Business Commercial (ABC) District. (LU-22-131)

The Board voted to recommend Site Plan Review approval to the Pease Development Authority as presented.

Motion: B. Moreau, Second: K. Conard

- F.** The request of **Road to the West, LLC (Owner and Applicant)** for property located at **140 West Road** requesting Amended Site Plan Approval to improve and install stormwater infrastructure, relocated dumpsters, install landscaping, and increase parking spaces from 102 spaces to 122 spaces where 119 are required. Said property is located on Assessor Map 252 Lot 2-13 and lies within the Industrial (I) District (LU-22-99)

*The Board voted to **grant** Site Plan review 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) Plans should be updated to eliminate the bend in the drain pipe leaving the Jellyfish curb inlet drain manhole D. DPW will review and approve.*
- 1.2) Plans should be updated to relocate the landscape island near the rear of the jellyfish filter past the inlet to eliminate potential issues associated with improper grading around the island. DPW will review and approve.*
- 1.3) Plans need to be updated to correct note on underdrain for the porous pavement –invert 94.00 but does not extend to the 94 contour line. DPW will review and approve.*
- 1.4) Note 5 on sheet 2 should be updated to say "...for acceptance by the City and will be recorded at the registry"*
- 1.5) Use of the Jellyfish filters will require a yearly maintenance plan. Applicant will provide DPW with the manufacturer specified maintenance requirements and a statement as to how the yearly maintenance will be completed. Subsequent to DPW approval, these items are to be uploaded to the application View Point portal and delivered to the Planning Department to be included in the application file.*
- 1.6) The SMH detail will be updated to be consistent with the State Standard detail sheet and should show a brick invert and the notes regarding leak testing. DPW will review and approve.*
- 1.7) Plans will be updated to reflect that lighting should be designed with 3000K temp bulbs instead of 4000k temp bulbs.*
- 1.8) 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.*
- 1.9) 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.*
- 1.10) Associated recording fees shall be paid to the City prior to recordation. Any changes to the plan subsequent to approval must be identified in a letter and submitted to the city with the recordable plans.*

1.11) Plantings in the public Right of Way receive approval from the Trees and Greenery Committee.

Motion: B. Moreau, Second: A. Samonas

- G.** The request of **Christopher H. Garrett Revocable Trust of 2007 (Owner and Applicant)**, for property located at **1299 Islington Street** requesting Preliminary and Final Subdivision approval to subdivide one (1) existing lot with 27,366 square feet (.628 acres) of area and 199.33 feet of street frontage into two (2) lots as follows: Proposed Lot 1 with 15,000 square feet (0.344 acres) of lot area and 100 feet of street frontage, and Proposed Lot 2 with 12,366 square feet (0.284 acres) of lot area and 99.33 feet of street frontage. Said property is located on Assessor Map 233 Lot 119 and lies within the Single Residence B (SRB) district. (LU-22-33)

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

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

1.1) The existing sewer lateral providing service to the existing structure will need to be scoped to confirm location and updated on plan as necessary. The Department of Public Works shall review location and determine if an easement is needed. Any easement will need to be reflected on final recorded plans.

1.2) If the tree in the ROW impedes sight distance – the applicant must receive approval from Trees & Public Greenery Committee prior to removal of tree or move the driveway to a location where there is appropriate site distance.

1.3) 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.

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

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

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

1.7) Applicant will obtain an approval from NHDES for septic system design and installation or will need to coordinate sewer extension with the Department of Public Works.

1.8) Infiltration detail on sheet 3 shall be updated to remain uncovered with no loam above to allow rear roof water to infiltrate.

1.9) Associated recording fees shall be paid to the City prior to recordation. Any changes to the plan subsequent to approval must be identified in a letter and submitted to the city with the recordable plans.

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Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

1.10) Any use of blasting or hoe ramming needed for rock removal will require vibration monitoring to ensure there is no damage to the surrounding properties.

Motion: B. Moreau, Second: K. Conard

VI. CAPITAL IMPROVEMENT PLAN PRESENTATION

- A. Receive a presentation on the Capital Improvement Plan Process and appoint a CIP Advisory Committee.

No Action

VII. OTHER BUSINESS

- A. Chairman's Updates and Discussion Items

No Action

VIII. ADJOURNMENT

Meeting Adjourned at 11:17 PM.