

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

August 18, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Peter Harris; James Hewitt; Franco DiRienzo; Jayne Begala; Andrew Samonas, Alternate

ALSO PRESENT: Beverly M. Zendt, Planning Director; Stefanie Casella, Planner 1

ABSENT: Greg Mahanna; Corey Clark, Vice-Chair;

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I. BOARD DISCUSSION OF REGULATORY AMENDMENTS AND MASTER PLAN UPDATE

Ms. Begala said she reviewed the Master Plan and thought the continued trends in its diversity chapters, like art, theater and start-up businesses, were not current and that she had not seen development in those areas. She said because the Master Plan didn't use conventional categories like land use, housing, or economic development, it didn't provide any vision about population growth and excluded standards for density, development, infill, and rate of growth. She said it seemed to emphasize the need for more open spaces and waterfront access instead. She said the public wanted a human scale for downtown developments and she didn't think the city was growing in that manner. She said it needed more specific standards relating to density, extended future rate of growth and higher value uses with land. Second, she said the Master Plan talked about the need to plan for an aging population and how it should become a major focus of the city. She said affordable housing was different than senior housing, and the need for it was across a large socio-economic range, which she felt were two areas that needed further discussion and public input and specification. Mr. Samonas said the city would continue to incorporate sidewalks, which would bring a human scale, but thought the Gateway Zoning couldn't be neglected, especially parking considerations. Mr. Hewitt said that he noticed on the 2016 web site survey that the citizens' number one issue was ensuring an adequate water supply, and he hoped the Master Plan update would include water resources. Mr. Harris said the No. 2 issue in the Master Plan raised by residents was parking and that residents were struggling, especially in neighborhoods just off downtown. Compared to other cities in New Hampshire, he said there was a difference in requirements for new construction and developments related to parking, and it was lowest in Portsmouth. He referred to the West End Yard development. Chairman Chellman said it was a regulatory issue because the disconnected areas were different than downtown areas, so there should be different parking standards. Mr. Hewitt asked if the architectural and site drawings could be separated into one packet and everything else in another

packet, noting that 1,000 pages of information was too much to skim through. Ms. Zendt said there was a bookmark and that the items were organized into agenda items.

Mr. Hewitt asked if the West End Yards submitted their parking study for 100 more parking spaces. Ms. Zendt said she would look into it. Chairman Chellman said the board currently operated by Robert's Rules and that it should review the rules because they might want more flexibility. Mr. Hewitt said he thought the board's rules regarding tie votes were not complicit with State guidance. Ms. Begala said the board received an email that afternoon that gave two opposite decisions regarding the Raynes Avenue issue, and she didn't understand how the decision could be turned over 24 hours later. Former City Attorney Robert Sullivan was present and said Raynes Street was dismissed by the Superior Court but Green Street wasn't and that the court said the case should go back to the ZBA. Ms. Zendt further explained it.

City Council Representative Moreau moved to change the public comment first round to three minutes and the second round to five minutes. The motion was seconded and passed unanimously.

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.**

Principal City Planner Nick Cracknell was present to review information on the feedback that was received from the board and the public. He said they focused on the building height standards and that there were four subparts: 1) building height map changes, 2) removing any ambiguity regarding corner and through lots, 3) adding building heights to city districts; and 4) adding new definitions relating to how building height is measured. He reviewed the five main areas of concern and spoke at length to each issue. (Refer to meeting video time 26:00).

Chairman Chellman said he supported pulling the civic districts out of the height standards. He said the CD-4 made a lot of sense but agreed that it needed more study because civic properties are different than the rest of the downtown. Mr. Hewitt said he wanted to be sure that both Heinemann Street's facades were 40' height limits. Mr. Cracknell said the amendments would not increase their development rights. Mr. Hewitt asked if the HDC has the authority to set height variances. Mr. Cracknell said they did but had to justify not allowing someone to utilize the full height, like corner lots, short buildings next to tall buildings on one street, or a case where the building height overpowered the street. Mr. Hewitt asked if the Master Plan was a good reason for the HDC to follow for not going to the maximum height. Mr. Cracknell said it was only if the Master Plan had any detail to speak to that issue. Chairman Chellman explained that there were two criteria for height, stories and feet. He said there was a range of stories but not a range of heights because the heights are fixed, and there was also bonus criteria.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the presentation.

Paige Trace of 27 Hancock Street representing the National Society of Colonial Dames in America and New Hampshire said they owned the Moffett-Ladd House. She agreed that the zoning of civic properties had to be looked at further but asked that the zoning for the Moffett-Ladd House be left alone. She noted that there were four lines of zoning shown for the house at the last work session but now there were five, and she wondered why.

Petra Huda of 280 South Street said the building height in the handbook indicated that the HDC has explicit approval for building heights in the Historic District, but in the Staff Comments it said that within the Historic District, the HDC has jurisdiction over height, scale, and mass. She said the Planning Board handbook stated that the regulations in a Historic District must be compatible with municipalities, the Master Plan, and the zoning ordinance; and in municipalities where the Historic District is established that has not adopted a zoning ordinance, the HDC has the same authority as the Planning Board within the bounds of the Historic District. She asked if the Historic District had final say or if it referred back to the Planning Board and zoning ordinances. She said it stated that people have the right to appeal to the BOA, but the BOA Handbook has HDC appeals and empowers the BOA to have appeals in municipalities with ordinances. She asked who had the final say on heights in the District.

Esther Kennedy of 41 Pickering Avenue said she wanted to know more about the waterfront corridor and where it was divided and the verbiage. She said the buffer zone needed clarification. She was also concerned about building heights in Portsmouth. She noted that commercial publications about Portsmouth usually showed a photo of the waterfront and not photos of downtown. She said the City was making decisions about whether the Planning Board, ZBA, or whoever was in charge of height but thought more focus should be placed on the waterfront.

Kelly Orr of 260 Odiorne Point said she was present on behalf of the Odiorne Point residents and some Sagamore Avenue residents. She said a sidewalk extension was required in the area because a lot of adults and children walked and cycled in that area.

Elizabeth Bratter of 159 McDonough Street said the building height standards map was straightforward and some of the proposed heights and municipal lots might have to be reviewed more closely and changed. She recommended moving positive things forward.

Second-Time Speakers

Paige Trace of 154 Market Street pleaded again for the Moffett-Ladd House to be left alone, noting that it was a National Historic Landmark and contributed a lot to the City.

Petra Huda said Chapter 5 in the Planning Board handbook stated that the Planning Board may not grant final approval in a project that violates the ordinance. She said it made more sense to suggest that the applicant get approval from the BOA to seek Planning Board approval. She asked why so many developers were going through the HDC first and why the discussion on Phase 3 put in the incentive amendments. She said adjusting the incentives to make something higher with an emphasis on workforce housing only would be wise.

Chairman Chellman said the Planning Board can allow up to the maximum that the developer proposes, but the HDC has more authority in the Historic District. Mr. Cracknell said the Planning Board did horizontal construction and the HDC did vertical, and nothing in the site plan review regulations dictate the scale, mass, and volume of the building. He said the HDC has full design review and is important until the Planning Board has design guidelines. He said esthetic impacts of developments weren't really considered by the ordinances. Since 1920, he said every property had dimensions and guard rails including civic properties as to height restrictions, setbacks, and so on. He noted that anything under a pitched roof is not a story and there were presently no caps on height or build-out of a municipal property. Relating to the waterfront, he said they were only clarifying whether building heights are assigned to the waterfront on the west and north ends and had to look at the code and discern which of the two heights applied to what portion of the property. He said there was no change in building heights along the water.

Esther Kennedy said she was questioning where the information about the frontage, setbacks, and buffer zone was, and she wanted to know where it all fit into the new plan and where the protection of the City fit into the plan. She asked if parking issues would be cleaned up, noting that huge new buildings had to have parking.

No one else spoke, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Almeida said the City wasn't considering destroying the Historic District and noted that the tallest buildings in the City were waterfront ones. He said most of Mr. Cracknell's presentation was about clarification and cleanup and there wasn't anything that threatened the character of the City. He noted that letters were received from residents who understood the issue and didn't feel the board had to overthink it. Mr. Hewitt said a lot of the public comment tied into the regulatory changes and Master Plan work.

City Council Representative Moreau moved to recommend to the City Council the changes the board discussed, with the additional changes from the previous work session, including cemeteries and decorative railings. Mr. Almeida seconded.

There was further discussion. Ms. Moreau said the plan had gone through a lot of changes and updates. She said she had no objection to taking out the civic districts and thought that a lot of the other issues brought up that evening were in queue for the board to look at but that they had to take one piece at a time. Ms. Begala said revising the Master Plan was like putting the cart before the horse. She said she knew the Master Plan was the citywide vision and should be driving all the development and building heights, but now buildings were five stories high with half-story penthouses. She said the land use committee per the City Council's decision to come in with a specific agenda pulled the Planning Board into those specific issues instead of doing what the Planning Board was mandated to do, which was to ensure that the Master Plan really guided the changes and refinements. She said building heights and the waterfront were relevant because a high building height would block a public view of the waterfront. She said the incentives that the City offers should be revisited by the Planning Board because she didn't think the City had benefited from all the additional height, mass, and scale. At a minimum, she thought

the civic properties should be removed from the discussion for now. She said otherwise she would vote no except for the cleanup. Mr. Hewitt said the Planning Board had been working with City Staff and there was some tension between the land use committee and the Planning Board. He said the Planning Board could do more itself, which would require more time and effort. He suggested advancing the issue to the City Council, noting that it was really the cleanup discussed tonight and not the big issues. He said the Planning Board looked at the big issue before and what had been built was done in accordance with the Master Plan and the ZBA. He said it really wasn't doing anything to damage the City. Mr. Almeida agreed to remove the civic properties from the motion. Mr. Hewitt said there were two items that he couldn't agree to 1) the Haven Court height adjustment because he thought it was bad optics for the City to change zoning in the middle of an application, especially when the ZBA had already denied it, and 2) the DSA Lot 2 due to the complicated legal proceeding. He said he would vote no on the motion based on two items.

The motion was **amended** as follows:

City Council Representative Moreau moved to recommend to the 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.

Mr. Samonas abstained from the vote. Mr. Almeida seconded. The motion passed by a vote of 6-2, with Mr. Hewitt and Mr. Harris voting in opposition.

III. APPROVAL OF MINUTES

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

City Council Representative Moreau moved to approve the minutes from the July 21, 2022 regular meeting, seconded by Mr. Almeida. The motion passed unanimously.

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.

City Council Representative Moreau moved to determine that the application is 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, seconded by Ms. Conard. The motion passed unanimously.

SITE PLAN REVIEW

Note: Items A through D and they were treated as a group.

- 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.

City Council Representative Moreau moved 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 application for consideration, seconded by Mr. Almeida. The motion passed unanimously.

V. PUBLIC HEARINGS – NEW BUSINESS

- 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 construction of a satellite parking lot consisting of 501 spaces and associated on-site improvements to support 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)

SPEAKING TO THE APPLICATION

Patrick Crimmins was present on behalf of the applicant, along with Portsmouth Regional Hospital CEO Matt Larkin. Mr. Crimmins said they needed site plan review approval for a satellite parking lot across the street from the hospital. He said the current 783 parking spaces on site weren't enough to meet the hospital's growing needs. He said the existing site was hindered by a large wetland and had an overhead utilities easement. He said the additional 501 parking spaces would total to 1,152 spaces. He said the project would impact a manmade wetland and a smaller pocket wetland, but would avoid the larger buffer. He described the stormwater

improvements they would provide and reviewed the landscape plan. He said they received TAC approval in June and took no exception with their stipulations.

Ms. Conard asked if the applicant considered other available parking, like Liberty Mutual's lot. Mr. Larkin said Liberty Mutual didn't give them that option. Mr. Hewitt noted that Liberty Mutual's parking lot had 1,000 spaces and only 100 or so were used because their employees worked from home, and he asked if the applicant received anything in writing. Mr. Larkin said he couldn't speak for their decision. Mr. Samonas asked if the applicant would consider a solar canopy if there was an opportunity to receive a property tax rebate. Mr. Larkin said he would have to look into it. Mr. Samonas said the board couldn't continue to approve asphalt fields and not work toward renewable energy, and he proposed exploring it with the applicant.

Ms. Begala asked why a parking garage couldn't be built. Mr. Crimmins said it was due to the 380-ft wide high power transmission line. He noted that the hospital itself was surrounded by wetlands so they couldn't expand outward either. Ms. Begala asked if the small snow storage area was sufficient and how it would be hauled off the site. Mr. Crimmins said the snow storage area was sufficient and snow management would be similar to the hospital's operation. Ms. Begala asked if the EV chargers would be super chargers. Mr. Crimmins said he didn't know but they were just trying to designate a placeholder for EV charging stations. Ms. Begala asked if trees in addition to the proposed shrubs could be planted so that Borthwick Avenue could look more like a tree-lined boulevard. Mr. Crimmins said it was all bedrock and not good for tree health, and they wanted to make sure the path was visible for safety.

Mr. Hewitt asked if there were additions to the hospital that weren't accounted for relating to parking since the applicant was going from 800 spaces to 1300. Mr. Crimmins said an addition was built in the late 2000s and the ordinance didn't have the same demand for parking at the time. Mr. Hewitt asked if the current parking served the current needs. Mr. Crimmins agreed and said the additional parking would serve future expansion. Mr. Samonas asked if the hospital used any alternative energy sources. Mr. Larkin said they were starting to in their operating room but still had to work though others. Mr. Samonas said he'd like to see some initiative toward that. Mr. Larkin said they were constrained by regulations.

Ms. Begala asked how much land the hospital owned and whether they would have to come back in five years and ask for another 500 spaces. Mr. Crimmins said the hospital didn't have any more land and the only way for them to expand would be to have the power lines removed. He said they talked to Eversource extensively and that it would require a lot of years, money and big wetland impacts. Ms. Begala said the entire area was forested 40 years ago and to go from that to just asphalt parking spaces with buildings on each side wasn't good for the environment and the wetland. She said it wasn't something she liked voting yes on but because there was no other appropriate place for the size of the parking lot proposed, she felt she would have to vote yes.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing

DISCUSSION AND DECISION OF THE BOARD

City Council Representative Moreau moved 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.

Mr. Almeida seconded. There was further discussion among the board. The motion passed by unanimous vote.

City Council Representative Moreau moved to consider the following Items B and C together, seconded by Ms. Conard. The motion passed unanimously.

- 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)

SPEAKING TO THE APPLICATION

Mike Garrepy, design engineer Paige Libbey, and architect Nick Cavari were present to speak to the application. Mr. Garrepy said the site was two lots with three single residences that would be demolished. He said they went through several TAC meetings and drainage was the biggest consideration, so they had a few peer reviews and it was suggested by DPW that they engineer a culvert across Sagamore Avenue. He explained why they needed a CUP and said CONCOM agreed to support the CUP request and TAC recommended that the applicant provide a sidewalk along Sagamore Avenue to connect with the Sea Star Cove community.

Mr. Samonas referred to the drainage analysis and asked if the applicant looked at Sea Star Cove as a residual impact and if any neighboring homes would be impacted. Mr. Garrepy said they addressed it during the peer review and worked with Sea Star Cove extensively to ensure that the drainage design wouldn't impact neighboring properties, which was the reason the culvert was recommended. Mr. Samonas asked what the drainage assumed for the density of trees and how the previous and post development conditions were determined. Ms. Libbey said they studied pre-construction vs. post-construction conditions and compared the pre-imposed peak flows and volumes for a 2/10/25/50/100 year storm event. She said there were erosion controls put in place to ensure that there would be no effect on abutting properties during the construction process.

Ms. Begala said she thought the only reason for the wetland CUP was the culvert because CONCOM supported it. She asked if the wetland was part of the existing conditions at the boundary of Lot 26, which she thought corresponded to the proposed building units 1 through 4, and that the wetland wouldn't be a problem for those units. Mr. Garrepy said it was an old urban

fill area that would be replaced with suitable materials around the building that would not impact the wetland but just a small portion of the buffer for the culvert. He said the culvert was there for the additional runoff collection and the sidewalk would connect to their development; he said the stormwater would be collected through the proposed treatment system at the beginning of the culvert and discharge across the street. Ms. Begala asked if the wetland would be polluted by the stormwater or runoff from vehicle gas or oil. Mr. Garrepy said the system was designed to collect, treat, and release all stormwater on the site.

Mr. Hewitt asked why the applicant decided on 22 parking spaces when only 15 were required by the City. Mr. Garrepy said the parking was the driveway and they assumed two spaces per driveway due to the 2-car garages. He said the visitor parking had three spaces. Mr. Hewitt asked if the applicant had an easement for the culvert. Mr. Garrepy said there was an easement for flowage, primarily to benefit the City for the sidewalk and drainage it provides. Mr. Hewitt asked the applicant to explain Drain Structure B in the northwest corner of the property and asked why the structure wasn't like a swimming pool. Ms. Libbey said it was entirely underground, like an underground detention system, so it wasn't defined as a structure. Mr. Hewitt said the definition of structure didn't have that inclusion and didn't include swimming pools, and he asked if anything underground would be excluded. Ms. Libbey agreed and said it also met the building setbacks. Mr. Hewitt said he didn't think the west corner met the 10-ft setback. Ms. Libbey said if it didn't, then it was close. She explained how they could shift it slightly. Mr. Hewitt asked if there was an outfall for Structure B, and Ms. Libbey said it was all interconnected.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition.

Rocco Simone of 1167 Sagamore Avenue said his property abutted the wetland and he was concerned about blasting, trees being removed, and 20 parking spaces that would shove water to his house. He asked why there couldn't be just five units and 15 parking spaces.

Bill Bowen of 1163 Sagamore Avenue said he was comfortable that Sea Star Cove's interests were being protected and thought the culvert was the answer, but they did want a provision that a third party look at the installation to ensure that it would be installed properly.

Joe Errico of 154 Gosport Road said Tucker's Cove's residents had many concerns about the sidewalk issue, and he thought it should be extended to Odiorne Point Road.

Sara Reagan of 149 Odiorne Point said the sidewalk should be extended because a lot of people walked in that area.

Michael Simone (via Zoom) of 1167 Sagamore Avenue said there was nothing mentioned about how the system would be maintained and said he wanted more tests done.

Second-Round Speakers:

Bill Bowen suggested extending the sidewalk to the traffic circle because lots of adults and kids walked along Sagamore Avenue and it was hazardous.

No one else spoke, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Zendt said the City planned to extend the sidewalk along the same side of the street and that she would follow up with the Planning Board. Mr. Hewitt said usually sidewalks are on the frontage of the developed property, but in this case, it went on the northern side of the property to connect. He asked if extending the sidewalk to the end of the property was considered. Ms. Zendt said she would find out. City Council Representative Moreau said she was part of the approval for the condo complex next door and that they secured all the easements to put in the sidewalk, but it was in the CIP plan for fiscal year 2024.

City Council Representative Moreau moved to find that the application meets the criteria set forth in Section 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.

Ms. Conard seconded.

Ms. Moreau said the wetland CUP was really just a way to get across the street and put in the jellyfish and that there was a maintenance plan in place for it and the association would take care of their side of the property. She said the City would have the easement for the water flowage and would monitor it. She said it was reasonable to go into the buffer to clean up all the runoff versus just allowing everything to run into it without any culvert or cleaning capability. Ms. Begala said she was concerned about the runoff to the abutter and didn't think it would be handled by the culvert system. She said the original plan was tripled to 10 units and there was fallout in terms of asphalt, runoff, sidewalks, and proximity to the beach. She said the board received a letter from an abutter in opposition and also noted that two abutters spoke in opposition. She said she would only vote yes if there were fewer units for less impact.

The motion passed by a vote of 7-2, with Ms. Begala and Mr. Harris voting in opposition.

City Council Representative Moreau voted 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.

Ms. Conard seconded. Ms. Moreau commented that the density is allowed by zoning and that the applicant went to great lengths to work with the abutter to make sure the drainage was proper. She said the board could add a stipulation that a year after the Certificate of Occupancy is granted, an evaluation will be done by a third-party engineer to ensure that it was working as intended, but she noted that it was already included and that the board was taking the proper steps to make sure the abutters were taken care of. She said the bigger issue was the sidewalk.

Mr. Samonas said there were three concerns about the site plan: 1) the density, because the duplexes were each 500 square feet larger than the Sea Star Cove homes, and he thought the density and elevation as presented to Sagamore Avenue could be mitigated in some way; 2) the sidewalk had been addressed but the pedestrian and cycling visibility has to be considered; and 3) the front southern duplex up the street seemed very close to the streetfront and very intense for that site. He said the design was adequate otherwise. Mr. Hewitt said he would have liked to see the whole frontage of the property with the sidewalk, but it was a discussion that got into what's fair to the landowner as far as appropriate offsite mitigation, and instead of having the sidewalk front north and south, they extended it further north offsite to connect with the existing sidewalk, which he thought evened things out. He said the best feature was the cross culvert under Sagamore Avenue. He said the sidewalk, curbing, and subsurface drainage would require a lot of work from the applicant but he was comfortable with the project and thought the culvert would address a lot of the drainage issues. Chairman Chellman said he'd like the issue of the stormwater in Section B to be resolved with City Staff if the project proceeded. He said either it wasn't a structure and not subject to setback or it would be made to conform to setback.

The motion passed by a vote of 7-2, with Ms. Begala and Mr. Samonas voting in opposition.

It was moved, seconded, and passed unanimously to continue the meeting past 10:30.

- 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)

SPEAKING TO THE APPLICATION

Corey Colwell and his project team were present on behalf of the applicant. Mr. Colwell said they were seeking a CUP for demolition and construction of a new residential lot. He said the new home would be pushed back further from the river and they would improve the aesthetic value and environmental impact. He described the stormwater management system and said they would add plantings, reduce the lawn area, remove invasive species, and enhance the buffer. He said they received a unanimous recommendation from CONCOM and would comply with their two stipulations of plant monitoring for two years and using organic silt sock devices.

Mr. Hewitt asked if there were any abutters and whether the proposed house would impede any of their views. Mr. Colwell said there were neighbors to the northeast and northwest and that the proposed house would be about a foot higher in finished floor elevation than the existing house, but they were building within the height limitation and had not received any objections from the abutters. Mr. Hewitt asked if an easement would be required for the landscape walls and steps entering the Pleasant Street right-of-way. Mr. Colwell said there was no cul-de-sac circle and the pavement just extended through the cul-de-sac, leaving a lot of distance between the pavement and the right-of-way. He said the driveway would have to be brought to the road to get access, so it had to extend into the right-of-way. He said it was reviewed and approved by City Staff and DPW. Mr. Hewitt verified that the right-of-way line for Pleasant Point was accurate and there would be improvements including a stone wall and landscaping.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DECISION OF THE BOARD

City Council Representative Moreau moved 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.

Mr. Almeida seconded. Ms. Moreau said the current site was poorly developed and would be greatly improved and thought the project made sense because it would also improve the wetland buffer greatly. Mr. Almeida concurred.

The motion passed by unanimous vote.

- 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)

SPEAKING TO THE APPLICATION

Neil Hansen of Tigue and Bonds was present on behalf of the applicant. He said they wanted to add the small addition to the front of the main facility to expand the cafeteria and add a second floor for more office space. He reviewed the application and described the stormwater management system, noting that there would be no peak increase of stormwater from the project.

Ms. Begala asked how much the workforce had increased. Mr. Hansen said there wasn't enough space for the current employees and that there had been an increase of workforce in time since the cafeteria was built. Mr. Hewitt asked how the recommendation to the PDA would work, and Ms. Zendt explained it. Mike Mates, engineering product manager with PDA, said the board's recommendation would stand unless it got appealed, and it was further discussed.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing

DECISION OF THE BOARD

City Council Representative Moreau moved to recommend Site Plan Review approval to the Pease Development Authority as presented, seconded by Ms. Conard.

Ms. Moreau said she had seen a lot of development at Pease and that the proposed expansion was minimal. The motion passed by unanimous vote.

- 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)

SPEAKING TO THE APPLICATION

Attorney John Bosen was present on behalf of the applicant to speak to the petition, with project engineer Alex Ross and architect Mark Gianniny. He said the proposed building would be an indoor recreational facility and that they received a variance from the ZBA and met with TAC and were seeking site plan approval for the use. He said a lot of improvements would be made in terms of landscaping, stormwater management, and the interior. Mr. Gianniny said they would add 13,000 square feet of infill but no changes to the exterior except for two stair towers for egress and some windows. Mr. Ross reviewed the site plan and the proposed stormwater control management and the landscape plan. He said the Planning Department recommended approval with a list of minor conditions that the applicant agreed with.

In response to Ms. Begala's questions, Mr. Ross said they would have 119 parking spaces. Mr. Gianniny said the building could hold the peak capacity of 119 spaces times two and that they arrived at that number using the shared methodology of assembly use and office space and that they met the parking zoning requirements. Ms. Begala said the traffic analysis showed that the peak was 104 cars going in and how, and she asked how it lined up with the operating hours. Mr. Gianniny said the hours would be late morning to late evening. Mr. Ross said they worked closely with Eric Eby from Parking, Traffic and Planning, who was happy with the result.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing

DECISION OF THE BOARD

City Council Representative Moreau moved 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.

Mr. Samonas seconded. Ms. Moreau said she liked the idea of the project in that specific place because a lot of the surrounding businesses were daytime ones, so their peak was earlier in the morning and the evening and traffic would be symbiotic. She said she also liked all the improvements to the area and noted that the site would look more pleasing from Route One.

The motion passed by unanimous vote.

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)

SPEAKING TO THE APPLICATION

Project engineer Alex Ross was present on behalf of the applicant and said they wanted to subdivide the large lot. He said they received ZBA support and had two positive TAC meetings and also got support from all the direct abutters. He reviewed the subdivision plan, noting that many parcels had their own leach fields and septic systems. He said the Planning Board recommended approval with a list of minor conditions that they would meet.

Ms. Begala asked about the tree that the applicant proposed to remove. Mr. Ross said it was to the right of the proposed driveway and had been discussed with TAC in terms of sight lines. Ms. Begala asked if it could be replaced with another tree. Mr. Ross said the large tree near the new sight line would remain but the smaller tree had to be removed because it was in the right-of-way. Mr. Hewitt said the existing home was on the City's sewer and asked if it made sense to tie in the new lot with a septic easement when the sewer was close by. Mr. Ross said they had meetings with DPW and discovered that if the new house were tied into the City's sewer line, then two new manholes, a new trench, and new PVC line would be required. He said they did four test pits on the new parcel and concluded that it could support a septic system.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing

DISCUSSION AND DECISION OF THE BOARD

City Council Representative Moreau moved to grant Preliminary and Final Subdivision approval with the following stipulations:

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.

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.

The motion was seconded by Ms. Conard. The motion passed by unanimous vote.

VI. CAPITAL IMPROVEMENT PLAN PRESENTATION

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

Chairman Chellman noted that he, Mr. Mahanna, and Mr. Clark would be working on the Planning Board portion of the Capital Improvement Plan. Ms. Zendt gave a short presentation of the CIP development plan and said its sole purpose was to help the mayor and City Council in the annual budget development. (See video time 3:58).

Mr. Harris asked how the public would know about the meeting. Ms. Zendt said they would work with Stephanie Seacord who was in charge of communications to utilize social media to get the word out. Ms. Begala asked if there was a minimum amount for the project that a resident would propose and if they had to work out their own budget. Ms. Zendt said the minimum was \$50,000 and that the City would identify it. She said they keep a good record of who comes in and how it was evaluated and directed to another process. City Council Representative Moreau said her neighborhood had used the CIP project for submitting sidewalk requests every year.

VII. OTHER BUSINESS

- A.** Chairman's Updates and Discussion Items

Mr. DiRienzo said he was resigning from the board because he didn't have time for the meetings.

VIII. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Joann Breault
Acting Secretary of the Planning Board