

**SITE PLAN REVIEW TECHNICAL ADVISORY COMMITTEE  
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**2:00 PM**

**May 3, 2022**

**MINUTES**

**MEMBERS PRESENT:** Peter Stith, Chairperson, Principle Planner; David Desfosses, Construction Technician Supervisor; Patrick Howe, Deputy Fire Chief; Shanti Wolph, Chief Building Inspector; Zachary Cronin, Assistant City Engineer, Eric Eby, Parking and Transportation Engineer;

**MEMBERS ABSENT:** Nicholas Cracknell, Principal Planner; Peter Britz, Environmental Planner;

**ADDITIONAL**

**STAFF PRESENT:** Stefanie Casella, Planner 1; Beverly Mesa Zendt; Planning Director

**I. APPROVAL OF MINUTES**

- A.** Approval of minutes from the April 5, 2022 Site Plan Review Technical Advisory Committee Meeting.

Mr. Eby moved to approve the minutes from the April 5, 2022, Site Plan Review Technical Advisory Committee Meeting, seconded by Mr. Cronin. The motion passed unanimously.

**II. OLD BUSINESS**

- A. POSTPONED** The application of **Banfield Realty, LLC, (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **POSTPONED** (LU-20-259)

## DISCUSSION AND DECISION OF THE BOARD

Mr. Stith noted that this would be postponed to the June 7, 2022, Technical Advisory Meeting.

- 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 family units) and 3 existing accessory structures to be replaced with 6 single family structures and 2 2 family 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)

## SPEAKING TO THE APPLICATION

Joe Coranati and Mike Garrepy spoke to the application. Mr. Coranati commented that they received the comments from TAC and a letter from both Altus Engineering and Ambit Engineering. They only had a couple of questions regarding those. At the last meeting TAC suggested they add a culvert at Sagamore Ave. They talked about not needing a CUP because the work would be in the City's right of way. Mr. Coranati questioned if a CUP would be required for the other side of the road. Mr. Stith confirmed that a CUP would be required for anything out of the right of way that was in the buffer.

Mr. Coranati noted that there was another request for the jellyfish filter, and he assumed that was for the culvert crossing Sagamore Ave. The water is already being treated on site. It would be good to discuss if they could either not add the jellyfish or reduce the treatment on site. Mr. Coranati questioned if the City would maintain the jellyfish filter. It would be good to meet offline with Altus and DPW to discuss this.

Mr. Garappey commented that they would have to come back another time. The hope is that when they are done the technical aspects this can be advanced even if there were some outstanding items that are outside TAC's purview. Ms. Zendt noted that Staff has envisioned that once this cleared TAC they can go to the Conservation Commission and Council. After that it can go to the Planning Board.

Ms. Zendt questioned if Mr. Desfosses agreed with the plan to have an offline meeting with DPW and Altus. Mr. Desfosses confirmed he did. Mr. Garappey commented that part of the treatment would be for the runoff from the sidewalk. It will be good to figure out how to handle that.

### TAC Comments:

1. We assume all the prior comments were addressed, as there was no list of prior comments submitted.

Items to be addressed prior to Planning Board approval:

2. The culvert across Sagamore will need treatment before being discharged. DPW recommend a Jellyfish style filter.
3. Add existing force main to drawing showing cross Sagamore culvert and add note regarding insulation of force main required near culvert.
4. The proposed culvert will need a temporary construction easement, permanent flowage easement, and permanent easement for the installation and placement of materials.
5. The proposed culvert will need City Council approval.
6. The proposed culvert will require review by the Conservation Commission.
7. Please show that the proposed culvert and flowage meets the conservation restrictions of parcel 201/26.
8. Staff are still waiting for the third party review of the project.

## **PUBLIC HEARING**

Bill Bowen, President of the Sea Star Cove HOA noted that they own the property to the north and the west. They would like to see this area developed; however, 10 units is too intense and will impact the drainage. The culvert answers the immediate problem. They are concerned about the landscaping around their property. They have had discussions about adding a row of trees along the west boundary between these properties and running it around the corner on the north side. John Chagnon reviewed this and sent his recommendations via a letter to TAC. The drainage should be designed properly. They have an easement that they inherited from Consolidated Communications. It runs through the Sea Star property and connects to the pole that this project is proposing to relocate. Mr. Bowen was not sure whose responsibility it was to resolve any issues with that. Mr. Bowen's final concern was about the construction period. This setting will have a lot of blasting. Mr. Bowen questioned if the construction equipment would come in off Sagamore Rd. They have had people coming onto the Sea Star property without notification in the past. They just want to be sure no one is putting equipment on their land.

Ms. Zendt noted that she questioned how far the landscaping should be extended around the corner. Mr. Bowen responded that it should be 10-15 yards. Mr. Garappey confirmed that would not be an issue to add that in. They will stop the landscaping at the oak tree. They will add a note to the plan.

The Chair asked if anyone was else present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Desfosses moved to postpone consideration to the June 7, 2022, Technical Advisory Meeting, seconded by Mr. Eby. The motion passed unanimously.

- C. 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)

## **SPEAKING TO THE APPLICATION**

Nicole Doucette from GPI, Attorney John Bosen, and Brad Pernaw from the Common Man spoke to the application.

TAC Comments:

### Items to be addressed prior to Planning Board approval:

1. Add note in plain sight near sewer connections that all work regarding the City sewer is to be witnessed by DPW staff, provide 48 hours' notice.
  - a. Ms. Doucette responded that they were fine with adding that note.
2. If existing water service is not reused then show note abandoning it at the water main.
  - a. Ms. Doucette responded that they do have a note about discontinuing the water main. It is on the demo plan and the utility plan.
3. Please use porous pavement for any new pavement that will be installed in the wetland buffer.
  - a. Ms. Doucette responded that they were requesting to remove that sidewalk. Right now, there is no connection and no crosswalk to the multi-use path. They are asking to remove the connecting sidewalk for now until there is a need for it. They will add a sidewalk in the future if there is a connection to the multi-use path in the future.

### Post Construction

4. After connections are terminated and created, the applicant will video inspect the two spots to confirm that no groundwater is infiltrating.
  - a. Ms. Doucette responded that they had no problem with this comment.

Mr. Eby commented that he was concerned about removing the sidewalk because people will be coming from the Water Country across the street. Ms. Doucette responded that they were removing it because of the buffer issue. They could put the sidewalk on the other side. Mr. Eby confirmed that would work.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Ms. Zendt noted that the only outstanding comment was to relocate the sidewalk to the northwest side of the side of the site to create a connection to the multi-use path.

Mr. Desfosses moved to recommend approval to the Planning Board, seconded by Mr. Howe with the following stipulations:

Items to be addressed before Planning Board approval:

1. A note is added to the planset (near the sewer connections) that states all work regarding to the City sewer is to be witnessed by DPW staff, provided 48 hours' notice.
2. The sidewalk proposed onsite will be moved to the northwest side of the site and removed from the wetland buffer area in the southwest corner.

Post Construction:

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

The motion passed unanimously.

- D. The request of HCA Realty Inc. (Owner), and Portsmouth Regional Hospital (Applicant), for property located at 0 Borthwick Avenue requesting Site Plan Review Approval for the construction of a satellite parking lot consisting of 520 spaces and associated sit 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)**

## **SPEAKING TO THE APPLICATION**

Patrick Crimmins spoke to the application. They submitted a revised package with responses to the comments from the last meeting. Mr. Crimmins reviewed the new set of comments.

TAC Comments:

### Items to be addressed prior to Planning Board approval:

1. Please note the redirection of drainage flow may dry out the wetland in the central area of the lot.
  - a. Mr. Crimmins responded that the storm water has been designed to mimic the current flow patterns. It is all going to the larger wetland complex. Mr. Desfosses noted that it looked like it was out-letting in a different spot. Some of the upper areas may get dried out. Mr. Crimmins commented that they were trying to avoid the buffer. Mr. Desfosses noted that they should try to shift it 40-50 feet.
2. There is at least 1 tree shown being planted over a subsurface drainage detention system.
  - a. Mr. Crimmins responded that they tried to carefully avoid the trees, so they will shift to make sure there is separation on the plan.
3. Drainage study to be reviewed and approved including the calculations submitted for the Culvert at the intersection of Borthwick and Rt1 Bypass.

- a. Mr. Crimmins agreed. They are working with DPW on the culvert. They revised the model based on the comments and will add the calculations to the drainage study.
4. Please add a note that all work in the City ROW is subject to DPW review and approval.
  - a. Mr. Crimmins agreed. They will update it.
5. Near the top of the hill on Borthwick, the applicant is showing re-grading the edge of the ROW which will kill the existing street trees. Is this necessary?
  - a. Mr. Crimmins responded that they were regrading 6 inches around the trees. There will be a little regrading because of the curb.
6. Please address pavement thicknesses as the specified are insufficient for modern pavements.
  - a. Mr. Crimmins confirmed they would change it.
7. The RRFB's will require a maintenance agreement for the owner to maintain in perpetuity.
  - a. Mr. Crimmins confirmed that they would add a note.
8. It looks like the hydrant on Borthwick will need to get pushed back about 2'
  - a. Mr. Crimmins responded that they looked at it when they laid out the path. If they need to, they will move it. They will add a note. Mr. Desfosses clarified that it was two hydrants on the path.
9. Add curb to the other side of Borthwick as well (parking lot side) to control drainage along the steep portion from elevation 46 to the driveway of the smaller lot. Add an additional catch basin just prior to the driveway to intercept the concentrated flow created by the curbing.
  - a. Mr. Crimmins responded that the curb was already shown. They will add another catch basin.
10. Please address if the PJFF1 structure should be uphill of the infiltration basin to clean the flow before infiltration.
  - a. Mr. Crimmins responded that they should be uphill because the infiltration basin is doing the treatment before it goes in.
11. Internal sidewalk on islands should have tip down ramps.
  - a. Mr. Crimmins agreed. They will update it.
12. Aisles intersecting driveway at entrance should have stop signs and stop lines.
  - a. Mr. Crimmins agreed and confirmed it would be added.
13. If possible, HP access aisles should have NO PARKING signs at front of aisle.
  - a. Mr. Crimmins agreed and confirmed it would be added.
14. Driveway at EDF Avenue should have double yellow center line and stop sign and stop line.
  - a. Mr. Crimmins agreed and confirmed it would be added.
15. Provide test pits for ledge and groundwater near the two stormwater detention areas. This is critical to prove the drainage design will function properly.
  - a. Mr. Crimmins responded that they have performed test pits and borings. They will add it to the drainage study.
16. Staff are still waiting for the third party review of the project.
  - a. Mr. Crimmins agreed.

### Prior to Construction

17. There are multiple City street trees being effected, the removal of them will require permission from the Trees and Greenery Committee.

Mr. Crimmins responded that the biggest outstanding component was the peer review. All of the other comments are minor.

Mr. Eby commented that they needed a turnaround area at the end of the dead-end aisle. Mr. Crimmins confirmed that they would update the plan.

Mr. Desfosses commented that it looked like the soil had a restrictive layer 3 feet down and if there was a plan to address that. Mr. Crimmins responded that they could excavate that. The soil underneath is well drained.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Cronin moved to postpone consideration to the June 7, 2022, Technical Advisory Meeting, seconded by Mr. Howe. The motion passed unanimously.

## **III. NEW BUSINESS**

- A. The request of **404 Islington Street LLC (Owner)**, for property located at **404 Islington Street** requesting a Conditional Use Permit under Section 10.1112.14 of the Zoning Ordinance to provide ten (10) parking spaced where thirteen (13) are required. Said property is shown on Assessor Map 145 Lot 33 and is located in the Historic District and the Character District 4L-2 (CD4-L2). (LU-22-74)

## **SPEAKING TO THE APPLICATION**

John Chagnon, John Bosen, and Sarah Howard spoke to the application. Mr. Bosen commented that this was an existing inn that has 7 rooms and a caretaker suite. The only exterior renovation is a handicap ramp on the outside. There will be an indoor renovation to bring it to 10 units and they are getting rid of the caretaker suite. In respect to comment 2, it is currently owner occupied, but will not be in this proposal. They are showing 11 parking spaces on the plan. There will be one for each unit would and one overflow space. They are required to have 14 spaces, so they will be seeking a CUP. There is a comment about not meeting the dimensions. They are taking the position that they are grandfathered because they are the existing dimensions and have been like that for many years. The last comment was confusing because this is an inn

and that will be the continued use. Because it is a continuance of use, they should not need a special exception.

Mr. Stith commented that it was their understanding that the use would be expanded to increase the number of rooms. That is allowed by special exception. Ms. Zendt added that today it is owner occupied, but when this proposal converts it to an inn it would not be. The owner-occupied distinction is the change of use. When it is owner occupied there is an understanding in the neighborhood that it will be taken care of in a certain way. When the caretaker mode shifts that is a change of use and should be recognized by a special exception.

Mr. Chagnon commented that there would be a minor increase in traffic by 4 trips on a weekday. The models show there is enough parking to satisfy the demand. Mr. Eby noted that ITE says one thing and the City requirements say another.

Mr. Chagnon commented that they did look at the catch basin that was mentioned at the work session. They are working to get it cleaned out. They will get the requested information soon.

Mr. Howe questioned what the current number of units in each building was and what it would be with this proposal. Mr. Bosen responded that there are 7 units now with a caretaker unit. Currently there is 4 in one building and 4 in the other. The proposal will have 6 in one and 4 in the other. Mr. Howe questioned if there would be one bed per unit. Mr. Bosen confirmed that was correct.

Mr. Wolph questioned if the change of use classification was because it was going from a bed and breakfast to an inn. Ms. Zendt confirmed that was correct, but the bigger distinction was the change in owner occupation. Mr. Wolph questioned if there would be handicap access. Ms. Howard responded that they were providing a handicap ramp to the main entrance.

Mr. Bosen commented that they would prefer to get the CUP for parking before getting the special exception. Mr. Stith confirmed that was fine.

Mr. Eby commented that it was critical to have off site parking providing as per the City requirements. Ms. Zendt commented that they have seen several situations like this come to the Planning Board. They like to see if there is an opportunity to share parking. Mr. Bosen confirmed that they have had good discussions with their neighbors.

#### TAC Comments:

##### Items to be addressed prior to Planning Board approval:

1. Supplied parking doesn't meet dimensional standards. Short on parking overall. Need commitment to supply off-street parking per requirements.
2. Please confirm if the existing use is currently owner occupied.
3. Please submit a special exception application per Section 10.440, Use 10.22 of the Zoning Ordinance.



## PUBLIC HEARING

Elizabeth Bratter of 159 McDonough St. commented that she only counted 9 spaces on the plan. Ms. Bratter questioned how many parking spots were on site and how many would need to be provided in the neighborhood.

John Chagon commented that the C2 plan shows 2 spaces off Union St. That brings the onsite parking up to 11 spaces.

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

## DISCUSSION AND DECISION OF THE BOARD

Ms. Zendt reviewed the outstanding comments. Ms. Zendt noted that it would be more transparent to go for a CUP after the special exception, or they could make a note that they were seeking that at a later date. Mr. Bosen confirmed it could be a condition of approval. Ms. Zendt confirmed that worked.

Mr. Howe commented that they have an appointment next week to go see this work will require a sprinkler system. Until they know that answer, they wouldn't know if utility work was needed for that.

Ms. Zendt encouraged the applicants to explore opportunities for outside parking and seek a special exception as condition of their approval.

Mr. Desfosses moved to recommend approval to the Planning Board, seconded by Mr. Eby with the following stipulations:

Items to be addressed prior to Planning Board approval:

1. Applicant explores and identifies supplemental parking opportunities to meet parking requirements as defined in the ordinance and present findings to Planning Board.

Prior to Building Permit Issuance:

2. Applicant obtains special exception approval per section 10.440 of the Zoning Ordinance.

The motion passed unanimously.

- B. The request of North Church of Portsmouth (Owner), for property located at 355 Spinney Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 146,666 square feet of lot area and 10,429.68 feet of frontage into two lots as follows: Proposed Lot 1 with 16,820 square feet of lot area and 117.58 feet of frontage, and Proposed Lot 2 with 129,846 square feet of lot are and 360.62 feet of lot

frontage. Said property is located on Assessor Map 169 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-49)

### **SPEAKING TO THE APPLICATION**

Doug Woodward and Nathan Ansen spoke to the application. Mr. Woodward commented that they were looking to separate the parish house and parsonage to sell the parish house. The main purpose is to isolate the parsonage on close to a minimum lot as possible. There was a comment on the sewer coming out of the back of the parsonage. There are a lot of old sewer connections in that neighbored and they go to the City sewer on the Bypass. They rebuilt the section between the cleanout and the portion on the neighbor's property recently because the line had collapsed. It has been suggested that they move the property line back to encompass the sewer, so it stays with parsonage. Mr. Woodward confirmed they could move the property line back. TAC asked about confirming the sewer service to the parish house. It does go out of back of the building to the Bypass. They have plumbing along Spinney Rd. It was built in the 1960s but there is no plan with the City. They can put in a dye tab to confirm water is running through. It is a slab on grade structure and there are no manhole covers or cleanouts. TAC asked about the property line in the front why it did not align with the old stone wall. They wanted the minimum frontage to not burden the church with excess land maintenance and leave as much with parish house as possible for whatever purpose.

Mr. Desfosses commented that it was important to know where the sewer line is before they subdivide. They need to know if the sewer is going across the parsonage lot. They need to make sure easements aren't needed. The dye test can work to confirm it is flowing to the Bypass. It makes sense to extend the property line to the stone wall because it would be odd for someone to go around the wall to maintain lawn. Mr. Woodward responded that another option could be to put an easement on that area for the church to maintain it. Mr. Desfosses responded that either option could work.

Mr. Woodward questioned how they would set up the dye test. Mr. Desfosses responded that they could coordinate that with the sewer department.

TAC Comments:

Items to be addressed prior to Planning Board approval:

1. Don't assume easement for sewer. Show it and record it.
2. Confirm location of sewer services for both the church building and the home.
3. Please adjust boundary line to align with the stone wall at the front of the property line.
4. Please adjust the back lot line to encompass the sewer line that services Proposed Lot 2.

### **PUBLIC HEARING**

Tyler Kelly of 245 Spinney Rd. appreciated the back lot line easement. Mr. Kelly questioned what the resolution was on the land on the other side of the rock wall. Mr. Desfosses responded that it would be part of the parsonage lot or have an easement.

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

## DISCUSSION AND DECISION OF THE BOARD

Mr. Desfosses moved to postpone consideration to the June 7, 2022, Technical Advisory Meeting, seconded by Mr. Cronin. The motion passed unanimously.

- C. 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)

## SPEAKING TO THE APPLICATION

Eric Weinrieb, Jim Sanders, and Tracy Kozak spoke to the application. Mr. Weinrieb commented that this property was on the waterfront. The lot is .34 acres and has frontage on 3 streets. By frontage they have enough land for 3 lots, but they are 53 sf short for having the required area for 3 lots. They did not want to do a variance. This proposal is for a 2-lot subdivision. One lot will be 6,127 sf and front on Marcy St. The second lot is 8,820 sf and will front on Partridge St. and Pray St. It is as simple 2 lot division. The owners are relocating to one lot, so they went through the design process and developed a site plan. There will be a 17-foot-wide entrance with a 2-car garage. There will be a handicap accessible walkway. The walkway will go out to Pray St. They will mitigate the stormwater with a permeable driveway. Partridge St. floods now, so they created a larger storm water management area to the east of the driveway. There is an existing 6-inch discharge pipe that goes across the abutting property to a catch basin at Sanders Lobster Pound. Then it goes out to the harbor. The parcel is in the 250-foot shoreland buffer zone and a portion is in the 100 year flood zone. The set finished floor is at 13 to mitigate that.

### TAC Comments:

#### Items to be addressed prior to Planning Board approval:

1. Where does the 6" pipe go and does this lot have rights to it?
  - a. Mr. Weinrieb responded that this was discussed above.
2. City sewer in Pray St is 8" pvc, cut into it and install a wye and use gasketed solid couplings on either side of the wye.
  - a. Mr. Weinrieb responded that they could make adjustments.
3. 8" pipe is too small for inserta-tee both for sewer and underdrain connection to culvert.
4. 1½" water service is likely too large for this property.
  - a. Mr. Weinrieb confirmed that this could be reduced to one inch.

5. Coordinate with DPW, Eversource, Consolidated Communications, and Comcast and report back on the implications of undergrounding wires as shown. Additional guying or other work may be necessary and not possible/feasible.
  - a. Mr. Weinrieb confirmed that they would coordinate with everyone.
6. Driveway for lot 1 will need to be at least 30 feet from intersection with Marcy Street.
  - a. Mr. Weinrieb responded that they would add a note.

Mr. Desfosses questioned what they were doing for provisions for storm water for lot 1. Mr. Weinrieb responded that they were showing an area that would allow drainage to continue to the abutting property. Whoever builds on that lot will need to balance the runoff on their site. Mr. Desfosses questioned if there would be something in the deed saying they allow lot 1 to drain onto lot 2. Mr. Weinrieb responded that they could add a note.

Mr. Howe questioned if lot 2 would have a Partridge St. address. Ms. Kozak responded that the front faces Pray St. but the driveway will be on Partridge St. Mr. Howe commented that they have had issues in the past when the street address does not match the driveway. Mr. Weinrieb commented that there was a prominent front on Pray St. Ms. Kozak added that the driveway was on Partridge St. at the back of the property to comply with HDC. Mr. Howe commented that the ambulance will want to go to the driveway. Ms. Kozak responded that they wanted the driveway to go straight through, but were told that needed a variance. The front door is on Pray St. Mr. Weinrieb added that there was a side door that faced Marcy St. Mr. Howe commented that they can discuss the misleading address later. They also need to be able to get to a door within 50 feet of the street or the house will need a sprinkler system. Ms. Kozak responded that the side door could work.

Mr. Wolph questioned if the mailbox would be on Pray St. Mr. Weinrieb confirmed it would. Most mailboxes area building mounted in this area.

Ms. Zendt questioned why the primary entrance was not with the driveway. Ms. Kozak responded that it was because of the topography. There is a 7-foot grade change from the top left to the bottom right. The bottom right floods, so they can't put the building down low. Mr. Weinrieb added that there was better street appeal when the building was not designed around the garage.

Mr. Howe commented that he was concerned about the EMS response because they have run into this issue before. Ms. Kozak questioned if they could put in an emergency access in the landscape area. Mr. Howe questioned if it was a dead-end street. Mr. Desfosses responded that technically it was, but it did go around. Mr. Howe commented that they could resolve this offline.

Ms. Zendt questioned why they didn't do a variance. Mr. Weinrieb responded that was something they could pursue in parallel paths if they decide it's needed. It would not change the subdivision plan, but they could have the walkway go through to the front. They can make this a condition that this gets resolved before getting a building permit or CO. Mr. Wolph noted that it should be prior to a building permit.

Ms. Zendt commented that this should be addressed off Partridge St. Mr. Howe questioned if that impacted zoning or anything else. Mr. Weinrieb responded that it did not. The street frontage is on Pray St., but they don't have to have the access across the minimum street frontage.

Mr. Wolph questioned what the aversion to Partridge St. address. Ms. Kozak responded that guests and deliveries will be confused. Mr. Howe commented that it made more sense to have a Partridge St. address. Mr. Weinrieb responded that they could resolve this prior to a building permit. Ms. Zendt commented that they will move forward assuming the address will be on Partridge St. unless the applicants pursue a variance.

Mr. Howe clarified that without any changes from the applicant the address will be Partridge St. Ms. Zendt confirmed that was correct. Ms. Zendt questioned if they had other sites in the City in similar situations. Mr. Howe responded that they have not seen this as much with single family homes. They have seen it downtown. Typically, a single-family home has driveway that matches the street address.

Ms. Zendt noted that all comments were still in play for the project and there was an additional note to allow for a future flowage easement for lot 1 to drain across lot 2. The recommended address is Partridge St. until a second driveway is permitted by a variance on Pray St.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Howe moved to recommend approval to the Planning Board, seconded by Mr. Cronin with the following stipulations:

Items to be addressed prior to Planning Board approval:

1. Applicant will cut into 8" City sewer in Pray Street and install a wye and use gasketed solid couplings on either side of the wye.
2. Applicant will use a larger pipe for both inserta-tee and sewer connection to culvert than the proposed 8" pipe.
3. 1' water service will be used for property.
4. Applicant will coordinate with City DPW, Eversource, Consolidated Communications, and Comcast and report back on the implications of undergrounding wires as shown. Additional guying or other work may be necessary and not possible/feasible.

5. Driveway for Lot 1 will be at least 30 feet from the intersection of Pray Street and Marcy Street.
6. A note on the plan will be added to articulate Lot 1 has drainage rights across Lot 2.
7. Address for Lot 2 will correspond to Partridge Street until such time when a second driveway is provided on Pray Street.

The motion passed unanimously.

- D.** 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)

### **SPEAKING TO THE APPLICATION**

Alex Ross spoke to the application. The owner would like to make a small addition on the back to give them more space inside the store. They added a lot of landscaping so the site will be in compliance with the open space requirements.

#### **TAC Comments:**

##### Items to be addressed prior to Planning Board approval:

1. Sewer service is not shown correctly. Correct location of sewer service.
  - a. Mr. Ross responded that they looked at the GIS maps and an earlier plan that showed the surrounding lines. They will work with DPW to coordinate this.
2. Move sewer service to connect directly to sewer main on Stark. 6" service stub installed to parking lot at approximately parking space 25-26.
3. Need two HP spaces if providing more than 25 parking spaces. One HP space must be van accessible.
  - a. Mr. Ross responded that they didn't need that many spaces. They only need 12 but are providing more. There is a handicap space next to the front door and they can put one on the other side of the front door or straight across from the front door. There is room to add one.
4. Consider extending landscaping and curbing to the front lot line.
  - a. Mr. Ross responded that the front curb line is not on the front property line and is not parallel to it. They can meet that condition.
5. Add curbing to the proposed landscape islands.
  - a. Mr. Ross confirmed they could add curbing to those locations.
6. Move space #18 next to # 17 and remove space #19. Replace removed/relocated parking spaces with landscaping and bike rack.
  - a. Mr. Ross responded that there was parking on the side of the building. The owner would like to leave that parking as is. They have added enough landscaping to exceed open space. Typically, they want an attractive entrance, but the site has been developed for so long. The streetscape is the Bypass, and the owner feels that it works well.

7. Reverse the accessible aisle and the handicap space to align with the store entrance.
  - a. Mr. Ross confirmed that they could work with Mr. Eby on that. Mr. Eby noted that he made that comment before he realized they needed a second space.
8. Add textured finish to entry area.
  - a. Mr. Ross responded that there was asphalt in front of the front door. It is a sloped area, so it is not a slippery or icy entryway. Mr. Eby added that it would help to distinguish no parking in that area as well. Mr. Ross confirmed that they could stripe it off.
9. Extend raised side walk to connect to the front entry way to create a 36" raised sidewalk that will step down onto the textured entry area.
  - a. Mr. Ross responded that they were happy to accommodate that. They can shift the parking to make room for the sidewalk.

Mr. Ross commented that they added another egress to the on the left side of the building, so they are in code compliance with egresses.

Mr. Eby questioned if they would add painting at the back of the building to make sure no one would drive along there so there would not be a conflict with the egress doors. Mr. Ross confirmed it would be a painted area. Mr. Eby commented that cars in space 19 would be backing up into a blind corner into the path of travel. Mr. Desfosses noted that he did not like spaces 18 or 19. There should be landscaping there instead. It would be safer and better for plowing.

Mr. Eby noted that there was an unmarked space next to 17. They can move 18 to the unmarked space and eliminate 19. Mr. Ross commented that the unmarked space was missed in CAD. It is a space. Ms. Zendt noted that they could rework a solution and come back or do Staff's suggestion.

Mr. Howe commented that they talked about adding a not about non-combustible mulch. Mr. Ross confirmed they would add it or do crushed stone.

## **PUBLIC HEARING**

Colleen Zoffoli is the owner of 822 Bypass and was concerned about construction access. They have the right to pass through her property. Ms. Zoffoli questioned if they would block access at all during construction. Mr. Ross replied that they would not. They can provide the construction schedule when it is ready.

Bethany Kucharik of 507 Dennett St. was concerned about the location of the dumpster. It is right against the fence and could create noise and health issues on her property. Ms. Kucharik supported the renovations and the owners have worked well with them. Ms. Kucharik would like to avoid concerns of smell, noise, and debris. Mr. Stith commented that there should be a 20-foot setback for the dumpster. Mr. Ross responded that they did have a couple location options for the dumpster. Right now, it is 10 feet from the property line. They can shift it to spaces 23 and 24 and move it over there. Ms. Kucharik questioned if the dumpster is moved and they still find trash in their yard who should they contact. Ms. Zendt responded that they should

contact their neighbor before coming to the City. Ms. Kucharik was also concerned about the LED lights shining onto her property. Mr. Ross responded that the lights should be shielded. Mr. Desfosses questioned if the light pole was really 28 feet tall. Mr. Ross confirmed that was correct. Mr. Desfosses commented that they should lower it to 16 feet. Mr. Ross confirmed that they would look at that. Mr. Desfosses questioned what the mounting height for the wall packs was. Mr. Ross responded that it was 9 feet.

Brian (inaudible) commented that he was concerned about the lighting on the back of budling, but it sounds like that was addressed.

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

## **DISCUSSION AND DECISION OF THE BOARD**

Ms. Zendt summarized the outstanding comments. They resolved moving the parking spaces, will relocate the dumpster, add a note about the mulch and make updates to the lighting.

Mr. Eby moved to **recommend approval** to the Planning Board, seconded by Mr. Desfosses with the following stipulations:

### **Items to be addressed prior to Planning Board approval:**

1. Dumpsters will be relocated to parking spaces 24 and 23 with a 20 foot setback from rear lot line and at least 10 feet from side lot line. Applicant will request a waiver from the Planning Board for Section 9.3 of the Site Plan regulations to have the dumpsters located within 20' of the side lot line.
2. A note will be added to the plans regarding the use of non-combustible mulch.
3. Applicant will work with DPW to correct the sewer lateral connection and location.
4. Applicant will work with DPW staff (Eric Eby) to reconfigure handicap parking and accessibility (two spaces needed).
5. Applicant will extend landscaping and curbing at the front lot line.
6. Parking spaces 18 and 19 will be relocated and be replaced with landscaping and 3 bike racks.
7. Entryway will be striped.
8. Raised sidewalk will be extended to connect to front entryway.
9. Light Pole 3 (LP3) located at the rear of the building shall be limited to a height of 16' with cut off shields.



10. Lighting on the rear wall will not exceed a height of 9'. 11. Curbing is added to proposed landscape islands.

The motion passed unanimously.

- 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)

### **SPEAKING TO THE APPLICATION**

Chris Demoula, Rick Green, Jenna Green, and Ken Lensman spoke to the application. Mr. Demoula commented that they have formalized the subdivision plan. They are splitting the front commercial development from the rear residential development. In addition to the subdivision plan they have submitted a site plan and extension request. The front lot is 3.1 acres and addressed 1400 Lafayette Rd. The rear lot is 2.6 acres, and the address would be 951 Peverly Hill Rd. They meet the required zoning for setbacks and lot size. They got approvals for the development in 2012. At that time the property was consolidated to lot 7 and 9. In 2012 they got sign off and recorded the plan indicating the front lot is lot 9. In a follow up discussion with the assessor, they discovered there was a mix up with the recording in 2012. That is being resolved. Lot 9 is actually lot 7. They will update the plans. Lot 9.1 will be lot 5. The Peverly Hill Rd. and Lafayette Rd. addresses are correct. The subdivision is straight forward, and they included part of the site plan for an amendment.

### **TAC Comments:**

#### Items to be addressed prior to Planning Board approval:

1. As stated during work session, not recommended for approval until the sewer repairs are completed.
  - a. Mr. Demoula responded that the original layout was connected to the hotel property. The cross-country sewer connects through the development and goes out to Mirona Rd. They submitted agreements to the City for the main and the repairs of that line. They have a letter from the client that says if they get approval to move forward today, then the repairs will be completed within 60 days of this meeting.
2. The applicant must apply to update map/lot numbers from assessing department and addressing from the Department of Public Works.

### **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Ms. Zendt questioned if they still needed the easement plan. Mr. Desfosses responded that they can remove that stipulation because of the sewer repair letter. They will put the letter on file. They do need a blanket easement for waterline detection. Mr. Demoula responded that the water easement was submitted previously. It should not need to be updated. Mr. Desfosses noted that it just needs to be recorded. There also needs to be a sewer easement for the residential and commercial lots. Mr. Demoula confirmed they would update that.

Mr. Desfosses moved to recommend approval to the Planning Board, seconded by Mr. Cronin with the following stipulations:

Items to be addressed prior to Planning Board approval:

1. A sewer easement to the benefit of proposed Lot 5 will be granted across Lot 7.

The motion passed unanimously.

- F.** The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting a site plan amendment and a 1-year extension for Conditional Use Permit approval 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)

## **SPEAKING TO THE APPLICATION**

Chris Demoula commented that at the work session there was a discussion about adjusting the trees on Peverly Hill Rd., and that has been adjusted. They moved the sidewalk on right against the building and reduced it to 5 feet wide on the left. The stamped concrete can be removed. They added 2 trees near building D revised. They replaced the gravel walkway with porous pavers. They removed 2 spaces from the 5 parking spaces between buildings C and E.

Mr. Demoula commented that the original approval accounted for the sidewalk easement along Peverly Hill Rd., the sewer agreement out to Mirona Rd. the water easement on site, and the sidewalk connection across West Rd. Those are all still part of these current plans.

## **TAC Comments:**

Items to be addressed prior to Planning Board approval:

1. Is a crossing at West Road for pedestrians required?
  - a. Mr. Demoula confirmed that was still in place.
2. Were test pits conducted in the areas where infiltration is proposed?
  - a. Mr. Demoula responded that was on the grading plan.
3. Dead end of any water mains need either fire hydrant for flushing hydrant.
  - a. Mr. Demoula responded that they would add it to the plan.
4. Domestic water services cannot come off of fire service. Each service must come directly from the main.
  - a. Mr. Demoula responded that they would make the adjustment.
5. Each condo will need their own water service, shutoff, and meter.
  - a. Mr. Demoula agreed.
6. Need easement for leak detection and access to water services and meters.
  - a. Mr. Demoula responded that they still have that easement
7. SMH3 will need to be a 5' manhole to accommodate the inside drop.
  - a. Mr. Demoula agreed.
8. Applicant must request a waiver from the Planning Board for Section 9.3 of Site Plan regulations to have the dumpsters located within 20' of the lot line.
  - a. Mr. Demoula responded that they would submit the waiver.
9. Please eliminate visitor parking spaces to the north of the dumpster and replace with landscaping and a bike rack.
  - a. Mr. Demoula responded that they would like to keep the 3 parking spaces where they are. There is a more central location with a patio area to the left side of where the 5 spaces used to be.
10. Please remove the textured area between complex E and D.
  - a. Mr. Demoula confirmed that would be removed.

Mr. Desfosses commented that there was no cross water main connection but the sewer from draining from residential lot to the commercial lot will need easements. Mr. Demoula confirmed that should be part of the easement plan. They will be updating it according to the subdivision plan. Mr. Desfosses commented that it should be for both the water main and sewer connections.

Ms. Zendt commented that they were starting to request a separate easement plan to more easily locate them.

Mr. Howe commented that there should be some sort of an area in each building for the sprinkler and fire control panel. It needs to be accessible from outside. Mr. Demoula confirmed they would add them in.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Ms. Zendt reviewed the outstanding comments. Mr. Demoula questioned if a specific number of bike racks was required. They can put in 5-6. Ms. Zendt responded that they would verify the requirements and follow up.

Ms. Zendt noted that they need to add the sprinkler and fire control panel on the building plans. Mr. Howe questioned if it would be problematic if the building footprint changes. Mr. Green confirmed they would be added within the existing footprint.

Mr. Desfosses moved to **recommend approval** to the Planning Board, seconded by Mr. Cronin with the following stipulations:

**Items to be addressed prior to Planning Board approval:**

1. The crossing at West Road will be included as it was part of the original approval.
2. A note to the plan will be added for any dead ended water services to include either a fire hydrant or a flushing hydrant.
3. Domestic water service will be changes to come directly from water main and not from the fire service.
4. Each condo will have individual water services, shutoffs, and meters.
5. Leak detection and access easement to the city -from the original approval will still be applicable.
6. SMH3 will be changed to a 5' manhole to accommodate the inside drop.
7. Applicant will request a waiver from the Planning Board for Section 9.3 of the Site Plan regulations to have the dumpsters located within 20' of lot line.
8. 7 Bike racks will be added adjacent to the southern patio area between buildings C and E. 9. Textured area between buildings E and D will be removed.
10. All easements will be identified with unique identifiers and corresponding easement table that lists all easements and their purpose.

**Prior to Building Permit Issuance:**

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

The motion passed unanimously.

- G.** 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)

## **SPEAKING TO THE APPLICATION**

Justin Macek and Corey Cowell from TF Moran and Joe Calderola spoke to the application. Mr. Macek commented that the proposal is for a 3-lot subdivision. They incorporated the feedback from the work session. They reduced the road width to 26 feet on Artwill Ave. to remove some impervious on site and provide more snow storage. The existing road width in some areas is 35 feet. It does not need to be that wide. They did some coordination with the fire department and added a proposed sign at Lafayette Rd. for no parking on the pavement. That will provide space for emergency vehicles. The utility plan showed two proposed utility poles. TAC recommended removing them and tying into an existing utility pole. After further coordination with Eversource, they agreed to put the line underground and add a transformer between lot 1 and lot 2. The subdivision plan was added to the set. They have added an easement for electric and sewer. Lastly, they added 2 additional rain gardens in the front yard of lot 1 and lot 3. They will capture more roof runoff and some driveway runoff. There is a sub drain and outlet control structures.

### **TAC Comments:**

#### Items to be addressed prior to Planning Board approval:

1. Gas line to be installed under Artwill Ave and service shall come from that side.
  - a. Mr. Macek responded that the original intent was to stay close to the water lines and use the same trenching area. The existing house on lot 2 currently has this set up. Mr. Desfosses commented that nobody will look for it on the road to the high school. It should be located on the road the house is on. Mr. Macek confirmed they could connect to Artwill. Mr. Calderola commented that the existing house was an existing condition. Mr. Desfosses noted that they should ask if the gas company could go through yard around the house.
2. Ensure easements are provided for access across all proposed lots.
  - a. Mr. Macek confirmed they would show the easement on the plans.
3. Provide maintenance agreement for proposed road maintenance.
  - a. Mr. Macek agreed.
4. Provide an easement plan that identifies each easement with a unique identifier and corresponds to an easement table.
  - a. Mr. Colwell commented that the easements are easily read on this plan. Ms. Zendt noted that there should be a table with unique identifiers and their purpose. Mr. Colwell agreed.

Prior to Construction

5. Coordinate final connections of water and sewer services with Portsmouth Water.
  - a. Mr. Desfosses commented that there are two mains on Jarvis Dr. They should connect to the bigger one. Mr. Macek agreed.
6. Final connection to which main under Andrew Jarvis Dr will be determined by Portsmouth Water
  - a. Mr. Macek confirmed they would coordinate that.

Ms. Zendt questioned if there were any easements to the city. Mr. Colwell responded that all of the proposed easements were private. There are existing easements to the City.

**PUBLIC HEARING**

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

**DISCUSSION AND DECISION OF THE BOARD**

Mr. Desfosses moved to recommend approval to the Planning Board, seconded by Mr. Cronin with the following stipulations:

Items to be addressed prior to Planning Board approval:

1. Access easements will be will be provided to allow access across all proposed lots for travel along Artwill Ave.
2. A maintenance agreement will be provided for proposed Artwill Ave. maintenance.
3. All easements will be identified with unique identifiers and corresponding easement table that lists all easements and their purpose.
4. Gas line is to be installed under Artwill Ave and service shall come from the new line and explore feasibility of servicing the existing unit from Artwill Ave.

The motion passed unanimously.

- H.** 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 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)

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Desfosses moved to recommend approval to the Planning Board, seconded by Mr. Cronin with the following stipulations:

Items to be addressed prior to Planning Board approval:

1. All easements will be identified with unique identifiers and corresponding easement table that lists all easements and their purpose.

Prior to Building Permit Issuance:

2. Applicant will coordinate final water and sewer connections with Portsmouth Water.

3. The final water main connection under Andrew Jarvis Dr. will be determined by Portsmouth Water.

The motion passed unanimously.

## **IV. OTHER BUSINESS**

- A. **WITHDRAWN** The request of **Islamic Society of the Seacoast Area (Owner)**, for property located at **686 Maplewood Avenue** requesting a one year extension of the Site Plan approval to construct a 2-story building for religious assembly with a footprint of 3,880 s.f. and Gross Floor Area of 5,333 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements, which was granted on April 18, 2019. Said property is shown on Assessor Map 220 as Lot 90 and lies within the Single Residence B (SRB) District. **WITHDRAWN** (LU-19-10)

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Stith noted that this was withdrawn.

## **V. ADJOURNMENT**

Mr. Wolph moved to adjourn the meeting at 5:00 p.m., seconded by Mr. Cronin. The motion passed unanimously.

Respectfully submitted,

Becky Frey  
Secretary for the Technical Advisory Committee