

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

February 16, 2023

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Discussion of proposed amendments of the **December 15, 2022** minutes, and approval of the **January 19, 2023** and **January 30, 2023** meeting minutes.

The Board voted to approve the December 15, 2022 meeting minutes, the January 19, 2023 meeting minutes and the January 30, 2023 meeting minutes.

Motion: B. Moreau Second C. Clark. The motion passed with all in favor.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The request of **One Market Square LLC (Owner)**, for property located at **1 Congress Street** requesting Site Plan Review approval for the partial demolition and expansion of the existing structure to construct a 3-story mixed-use building with 58,780 square feet of gross floor area, 12,080 square foot building footprint, 13 parking spaces, and associated onsite and offsite improvements. (LU-22-12)

- 1) *The Board voted to determine that the application is 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.*

Motion: C. Clark, Second B. Moreau. The motion passed with all in favor.

III. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. REQUEST POSTPONE** The request of **Liberty Mutual Insurance Co. (Owner)**, for property located at **225 Borthwick Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes shoreline stabilization work for two existing ponds on site with erosion impacts. This project proposes stabilizing the slopes with an extensive native vegetation planting plan which will occur along the slope and enhance the vegetated buffer. Said property is shown on Assessor Map 240 Lot 1 and lies within the Office Research (OR) District. **REQUEST POSTPONE** (LU-22-212)

*The Board voted to grant the request to **postpone** to the March meeting.
Motion: K. Conard, Second C. Clark. Motion passed with all in favor.*

- B. Phase II Regulatory Amendments** – The Planning Board will consider a recommendation to City Council to adopt amendments to Article 8 Supplemental Use Standards: Section 10.440 Table of Uses, Section 10.814 Accessory Dwelling Units, and Section 10.815 Garden Cottages; Article 11 Site Development Standards: Section 10.1110 Off-Street Parking; and Article 15 Definitions related to Accessory Dwelling Units and Garden Cottages.

*The Board voted to **continue** the Public Hearing to Thursday, February 23, 2023.
Motion P. Harris, Second J. Hewitt. The motion passed 7-2*

IV. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A.** The request of **One Market Square LLC (Owner)**, for property located at **1 Congress Street** requesting Site Plan Review approval for the partial demolition and expansion of the existing structure to construct a 3-story mixed-use building with 58,780 square feet of gross floor area, 12,080 square foot building footprint, 13 parking spaces, and associated onsite and offsite improvements. Said property is shown on Assessor Map 117 Lot 14 and lies within the Character District 4 (CD4), Character District 5 (CD5), Downtown Overlay (DOD), and Historic District. (LU-22-12)

- 1) The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.*

Motion B. Moreau, Second J. Almeida. Motion passed with all in favor.

- 2) The Board voted to **grant** Site Plan Approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*

- 2.3) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 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. For more information visit:
<https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
- 2.5) *The proposed off-site improvements for High Street and Ladd Street and Haven Court will be reviewed and approved authorized by the City Council to ensure building, pedestrian, vehicular, and emergency vehicle safety.*
- 2.6) *Any utility work that is necessary to construct a fully operational building will need to be reviewed and approved by the Public Works Department.*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.7) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
- 2.8) *Add signage at the end of Haven Court to indicate no outlet and local traffic only with the preferred sign location on the Hanover garage, subject to City Council approval.*

Motion B. Moreau, Second J. Almeida. Motion passed with all in favor.

V. CITY COUNCIL REFERRALS

- A. *See item III.B. (Old Business)*

VI. OTHER BUSINESS

- A. **238 Deer Street LLC (Owner), for property located at 238 Deer Street requesting a 1-year extension to the Planning Board Site Plan Approval** granted on March 17, 2022, and to modify the conditions of approval in the Conditional Use Permit that the expiration can coincide with the extended term of the site plan approval. (LU-20-238)

*The Board voted to **grant** a one-year extension to the Planning Board Approval of the Site Plan and amend the conditions of approval for the Conditional Use Permit as requested.*

*Motion B. Moreau, Second J. Almeida. The motion resulted in a 4 -4 tie vote, therefore the **motion failed**.*

*The Board voted to **grant** a one-year extension of the Planning Board Approval of the Site Plan.*

Motion B. Moreau, Second K. Conard. The motion passed unanimously.

*The Board voted to **amend** the conditions of approval of the Conditional Use permit as requested.*

*Motion C. Clark, Second B. Moreau. The motion resulted in a 4-4 tie, therefore the **motion failed**.*

B. 325 Little Harbor Road – Updated Land Management Plan

No action taken by the Board.

C. Chairman Updates and Discussion Items

No action taken by the Board.

D. General Update of Planning Board Rules and Procedures

No action taken by the Board.

E. Board Discussion of Regulatory Amendments, Master Plan and Other Matters

No action taken by the Board.

VII. ADJOURNMENT

Meeting was adjourned at 10:25 PM