

**PLANNING BOARD MEETING  
PORTSMOUTH, NEW HAMPSHIRE**

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

**MINUTES**

**7:00 PM**

**April 20, 2023**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Peter Harris, James Hewitt, Jayne Begala and Andrew Samonas

**ALSO PRESENT:** Peter Stith, Planning Manager

**MEMBERS ABSENT:** Greg Mahanna

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**\*Items in brackets denote timestamp of recording.**

Chairman Chellman called the meeting to order at 7:05. He announced that Mr. Mahanna would not be in attendance and Mr. Samonas would sit in his place and vote.

**I. APPROVAL OF MINUTES**

**A. Approval of the March 16, 2023 Minutes**

*Mr. Almeida made a motion to **approve** the March 16 minutes as presented. The motion was seconded by City Manager Conard. The motion **passed** unanimously.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

- A.** The request of **Frederick J. Bailey III and Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)

- B.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to subdivide 10.9 acres (474,333 square feet) to create a lease lot area for the applicant. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

*Councilor Moreau moved to determine the applications to be complete according to the Subdivision Review Regulations (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration, seconded by City Manager Conard. The motion **passed** with all in favor.*

#### **SITE PLAN REVIEW**

- A.** The request of **Frederick J. Bailey III and Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living unit structures, two (2) two-unit structures, 18 parking spaces where 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)
- B. REQUEST TO POSTPONE** The request of **Nicole J. Giusto and David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. **REQUEST TO POSTPONE** (LU-22-196)
- C.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of a ±209,750 SF advanced manufacturing building including ±18,145 SF of office space, two (2) parking areas, two (2) loading dock areas, and associated site improvements consisting of underground utilities, landscaping, lighting, and a stormwater management system. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

*Councilor Moreau voted to determine that Item A and C are complete according to the Site Plan Review Regulations (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration, seconded by City Manager Conard. The motion **passed** with all in favor.*

*The Board voted to **postpone** Item B to the May regular meeting. Councilor Moreau moved and City Manager Conard seconded. The motion **passed** with all in favor.*

### **III. PUBLIC HEARINGS -- OLD BUSINESS**

*Councilor Moreau moved that Old Business Items IIIA and IIIC and New Business Item IVA be discussed together and voted on separately, seconded by City Manager Conard. The motion **passed** unanimously.*

- A.** The request of **Frederick J. Bailey III** and **Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)

[8:35] Chairman Chellman read the item into the record and noted that the property was recently transferred. Attorney Tim Phoenix was present and said he was legal counsel for the applicant and the new owner, Maple Heights Realty and wished to proceed. Attorney Phoenix said Maple Heights Realty closed on all the parcels on March 31 and Tuck Realty was still the applicant. He said they could file paperwork changing ownership in the near future. Chairman Chellman asked Attorney Phoenix if he represented both the owner and the applicant, and Attorney Phoenix said he did. Chairman Chellman said Attorney Phoenix had the authority to proceed.

### **SPEAKING TO THE APPLICATION**

[10:32] Joe Coronati of Jones and Beach Engineers said the property consisted of three different properties: Lots 1, 2, and 3 -- 212, 214, and 216 Woodbury Avenue. He said there were three houses on the properties and that the 212 Woodbury Ave home would be demolished. He reviewed the lot line adjustments and said they wanted to make the lots smaller but still conform. He said they would have a total of eight dwelling units consisting of two duplexes and four single-family homes. He said the land area was just over 60,000 square feet. He discussed the driveways and retaining the stone walls along the roadway to convert to a future sidewalk. He said the homes would have two-car garages and driveways and there would be a truck turnaround. He further discussed the sidewalks, the grading and drainage plan, rain gardens, infiltration, and permeable pavers. He said they had a third-party review at TAC and DPW. He discussed the landscaping and lighting plans.

[21:24] Chairman Chellman asked what the back deck or structure was on the rear of Lot 2 and whether it went into the setback. Mr. Coronati said it was a small deck and that there was a provision that if a deck was no more than 18 inches off the ground, it could project five feet into the setback. He said he would verify it.

[22:30] Mr. Samonas noted that Units 7 and 9 were larger and taller structures, and he asked how the water would be mitigated. Mr. Coronati said Units 7 and 9 backed up to the existing structures, so there would be flow areas and a slope off the back of them to redirect the water around them and into the pond. He said the water would be pushed north and then west and everything from the site would enter the pond except for the corner by Boyd and Woodbury, where there would be a separate rain garden. Mr. Samonas noted that the plan said residents were encouraged but not mandated to maintain the pond routinely, and he asked if that had to be included in the Operations and Maintenance (O&M) plan or was part of a prior approval. Mr. Coronati said it had to be part of the condo association's O&M plan.

[25:01] Councilor Moreau said the road ended at the pond and asked if there was anything in the condominium documents stating whether salt would be used. She said she had concerns about snow being plowed into the rain garden. Mr. Coronati said the rain garden was not a wet structure and had two parts, the hatched part where the retention media was installed and would prevent plowed snow going into the rain garden, and a structure at the corner as a pretreatment unit that would take all the stormwater coming down the road before it entered the pond.

[26:47] Mr. Almeida said there was a big impact at the corner of Boyd Road due to the changes for water and landscaping and asked how the applicant considered that property. Mr. Coronati said it was a small lot that was under Maple Heights Realty's ownership that would change because vegetation and trees would be added along the edge.

[28:47] Mr. Samonas noted that in the Inspection and Maintenance Facilities and Property, the words 'should' and 'encouraged' were used a lot, and he asked if that was the typical language used. Mr. Coronati said typically it would end up in the condominium documents and there was usually a reporting requirement back to the city. He said it could be made a condition of approval. Chairman Chellman said there was a comment about existing runoff at the northwest corner going into facilities off site that seemed like it might be a concern of the neighbor's. Mr. Coronati said the drainage pattern for the site was 80 or 90 percent and all drained to the west and ended up off the property into the parking lot of the Best Western. He said they had to collect and release it somewhere and that the challenge was that they could have it go off the property but couldn't increase it. He said they looked at ways to spread the stormwater out and infiltrate it as much as they could, which included adding all the permeable pavers on the driveways, the infiltration bed between the homes, the rain garden, and so on. He said the intent was to infiltrate it as much as possible before it got to that corner and the pond. He said they were able to infiltrate all the stormwater below the 25-year storm. He noted that the northwest corner was the one TAC wanted them to address.

[34:45] Chairman Chellman said there was now a sheet flow for the entire western property line, some of which was being picked up with infiltration on site and some pushed toward the northeast corner. He asked how the sheet flow during the 25-year storm event would compare with existing conditions at that point. Mr. Coronati said it would be a huge reduction.

[36:46] Chairman Chellman asked about the Conditional Use Permit for the sound overlay. Mr. Coronati said they hired a consultant, Eric Rueter, who did a sound study because a third of the site is in the Highway Noise Overlay District. He said Mr. Rueter looked at the location of the

property and surrounding buildings and determined that, because of the buildings and small amount of space, they were below the 65 decibel readings for the homes. He said there did not need to be a change to the outdoor style of construction for the development.

[40:24] Mr. Hewitt asked if the noise levels were measured or models. Mr. Coronati said a computer model of the site was conducted and calculations were done using the FHWA requirement and addressed the traffic count information, which was relative to the noise ordinance. Chairman Chellman said he reviewed the procedure in the ordinance for the qualification of the person doing the study and the procedures that were followed, and that it looked like the requirements were followed.

[42:23] Mr. Samonas said there was a proposed 6-ft hardwood fence and a proposed concrete block retainer wall at the rear of Unit 6. He asked how tall and long the retainer wall would run. Mr. Coronati said the wall was about the width of the house and that it created a small back yard.

## **PUBLIC HEARING**

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

## **DECISION OF THE BOARD**

*Councilor Moreau voted to find that the **Subdivision (Lot Line Revision)** application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented, seconded by Mr. Almeida. The motion **passed** with all in favor.*

*Councilor Moreau voted to **grant Preliminary and Final Subdivision Approval** with the following **conditions**:*

- 2.1) The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*
- 2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City;*
- 2.4) Verify the height of the deck on Lot 2 to determine if it is less than 18". If it exceeds 18" in height, that portion of the deck within the setback shall be removed.*

*Mr. Almeida seconded. The motion **passed** with all in favor.*

- B. The request of Frederick J. Bailey III and Joyce Nelson (Owners), and Tuck Realty Corporation (Owner and Applicant), for properties located at 212 Woodbury Avenue requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required,**

and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)

*Councilor Moreau 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. Mr. Almeida seconded. The motion **passed** with all in favor.*

*Councilor 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 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 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.*
- 2.3) 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>*
- 2.4) DPW will review and approve the locations of domestic and fire service lines entering all buildings.*

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

- 2.5) 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.*
- 2.6) Stormwater Operation and Maintenance manual shall be included in condo documents.*

*City Manager Conard seconded. The motion **passed** with all in favor.*

#### **IV. PUBLIC HEARINGS – NEW BUSINESS**

- A.** The request of **Frederick J. Bailey III and Joyce Neslon (Owners)**, for **property located at 212 Woodbury Avenue** requesting a Conditional Use Permit in accordance with Section 10.674 Highway Noise Overlay District (HNOD) for a residential development within the HNOD. Said property is located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)

*Councilor Moreau voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as presented, seconded by City Manager Conard. The motion **passed** with all in favor.*

*Councilor Moreau voted to **grant** the Conditional Use Permit as presented, seconded by City Manager Conard. The motion **passed** with all in favor.*

- B.** The request of **Jacob J. Sullivan (Owner)**, for property located at **86 Newcastle Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. The proposal includes the removal of an existing deck and landscaping and replacing with a 405 s.f. two-story addition, 630 s.f. of pervious pavers and patio space, as well as replacement of existing landscaping with native plantings for a disturbance of approximately 2,764 s.f. within the inland wetland buffer and no impact in the tidal wetland buffer. Said property is located on Assessor Map 207 Lot 70 and lies within the Single Residence B (SRB) district. (LU-23-20)

Chairman Chellman read the petition into the record.

### **SPEAKING TO THE APPLICATION**

[52:13] Wetland scientist Mark West of Nottingham was present to speak to the application. He said the project was previously approved in 2019 and was the same project as far as the construction and addition, but the approval expired. He said they received more comments from the Conservation Commission and added new features to infiltrate roof runoff, provide additional buffer plantings, use organic fertilizer lawncare only, and to put up placards. He discussed the addition, stormwater infiltration trenches, and landscaping. He said the Conservation Commission also asked that the wet meadow be maintained. He said it would be mowed once a year to keep it as a wet meadow habitat and that signs would be placed along the wetland boundary. He emphasized that all of the Conservation Commission's requests were added to the plans. He said the footprint was within an existing deck and a little area in front of the house and they were making new pathways to the front door and patio.

[56:54] Vice-Chair Clark asked how much of the infiltration trenches were capturing runoff from the existing roof. Mr. West said the architect was the one who identified where to have it, but that there was water coming off in a few directions. He said the existing house has not changed and didn't believe that there were trenches currently. Vice-Chair Clark verified that everything going on the right-hand side would be captured, and Mr. West agreed. Chairman Chellman asked if a path was proposed to the smaller building. Mr. West said no because the building was an artist's studio and that there was a lawn area.

### **PUBLIC HEARING**

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

### **DECISION OF THE BOARD**

*Vice-Chairman Clark voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented. Mr. Samonas seconded. The motion **passed** with all in favor.*

*Vice-Chairman Clark voted to **grant** the Wetland Conditional Use permit with the following conditions:*

- 2.1) The applicant shall post wetland boundary marker signs along or near the buffer.*
- 2.2) The applicant shall follow NOFA standards- [http://www.organiclandcare.net/sites/default/files/nofa\\_organic\\_land\\_care\\_standards\\_6thedition\\_2017\\_opt.pdf](http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf)and*
- 2.3) The existing area of meadow shall remain undisturbed and will continue to be a meadow.*

*City Manager Conard seconded. The motion **passed** with all in favor.*

**C. REQUEST TO POSTPONE** The request of **Nicole J. Giusto** and **David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts.  
**REQUEST TO POSTPONE (LU-22-196)**

*The petition was **postponed** to the May meeting.*

**D.** The request of **Crystal A.** and **Aaron D. Nersesian (Owners)**, for property located at **96 Buckminster Way** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of approximately 200 s.f. of the inland wetland buffer. This application proposes the construction of a 12x16' shed, associated crushed stone fill for a base, and addition of native wetland buffer plantings to help filter stormwater and offset impervious impacts. Said property is located on Assessor Map 282 Lot 6-7 and lies within the Single Residence A (SRA) district. (LU-23-19)

Chairman Chellman read the petition into the record.

## **SPEAKING TO THE APPLICATION**

[1:00:45] Property owner Aaron Nersesian was present and said he went before the Conservation Commission and that they were fine with the project but recommended that the base of the shed will be crushed stone instead of concrete and that the five bushes will be planted four feet apart on center at the back of the shed. He said the Conservation Commission also asked that the property be maintained using the standards for natural fertilizers and that there be plaques to identify the four wetlands areas.

[1:02:20] Ms. Begala asked why the applicant chose such a huge shed and whether it would be used as a garage. Mr. Nersesian said the shed was currently 16'x12' and would be used for outdoors toys and equipment only. Ms. Begala said it was all within the 100-ft wetlands buffer and that the only way to reduce the impact was to reduce the size of the shed. Mr. Nersesian said the shed was already recused from 16'x20'.



## PUBLIC HEARING

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

## DECISION OF THE BOARD

*Vice-Chair Clark voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented. City Manager Conard seconded. The motion **passed** with all in favor.*

*Vice-Chair Clark voted to **grant** the Wetland Conditional Use permit with the following **conditions**:*

- 2.1) Native plantings shall be planted to help with storm-water flow - this will consist of at least five shrubs that are four feet on center.*
- 2.2) The foundation of the shed will be crushed stone base and concrete blocks - not a poured foundation. The applicant shall remove the section of application that misrepresents the foundation.*
- 2.3) NOFA standards shall be used in landscaping and lawn care-  
[http://www.organiclandcare.net/sites/default/files/nofa\\_organic\\_land\\_care\\_standards\\_6thedition\\_2017\\_opt.pdf](http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf)*
- 2.4) Wetland boundary markers shall be placed along or near the buffer.*

*City Manager Conard seconded. The motion **passed** with all in favor.*

*Councilor Moreau moved **to consider Items E and F together**, seconded by City Manager Conard. The motion **passed** unanimously.*

- E.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of a ±209,750 SF advanced manufacturing building including ±18,145 SF of office space, two (2) parking areas, two (2) loading dock areas, minor realignment of a portion of Rochester Avenue, and associated site improvements consisting of underground utilities, landscaping, lighting, and a stormwater management system. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)
- F.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to subdivide 10.9 acres (474,333 square feet) to create a lease lot area for the applicant. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

Chairman Chellman read Items E and F into the record.

**SPEAKING TO THE APPLICATION**

[1:06:36] Attorney John Bosen was present on behalf of the applicant, along with Neil Hansen and Greg Lucas of Tighe and Bond. Attorney Bosen said the property was currently vacant and would be redeveloped into an advanced manufacturing facility featuring robotized assembly. He said the project received approval from the Board of Adjustment and TAC and received conceptual approval from the PDA board. He said the traffic study was done by Tighe and Bond and peer reviewed, and the drainage analysis was also peer reviewed. He said they received an Alteration of Terrain permit.

[1:08:00] Mr. Hansen reviewed the proposed site plans and said the proposed building was about 210,000 square feet that included 18,000 square feet of office space. He said there would be two loading dock areas and two separate parking lots for a total of 147 parking spaces. He said the project would be reconstructing Newfields, Rochester and Stratham Streets and would replace all the existing drainage structures within Rochester Avenue. He said Rochester Avenue would be narrowed to a standard 24-ft width roadway to reduce impervious area and sidewalks would be added around the perimeter. He discussed the Grading and Drainage Plan for the site and said runoff from all the impervious surfaces would be collected and retained on site and piped down to a large underground detention system. He said the stormwater would then go through an infiltration unit. He noted that the project would connect into the sewer, water, gas and electric infrastructure in the area and street trees and landscaping would be added.

[1:12:00] Mr. Lucas said the traffic study was peer reviewed by PDA's consultant and the report was updated to respond to his comments. He said the traffic lines collected for the study were originally collected in February 2022 and were adjusted per the peer review comments. He said the traffic lines were adjusted to a pre-pandemic condition based on the NHDOT preference, which meant that four counts in 2022 were then compared to historical counts from 2019 and adjusted significantly. He said there was a 53 percent increase in the weekday morning peak hour and a 45 percent increase for the weekday afternoon peak hour, which meant that the base volumes used for the study were used to conduct the existing analysis scenario and added in for future scenarios, including the adjustments based on NHDOT's preference to represent pre-pandemic conditions. He said the Institute of Transportation Engineers Trip Generation Manual was used to determine the facility's trips. He said there wasn't data that matched advanced manufacturing use, so they predicted for a typical manufacturing use, which resulted in 902 daily trips for passenger cars and 94 daily trips for trucks. He said cars would be going north through Pease Boulevard and south to Route 95, and trucks would go south on Route 95. He said the facility was likely to require less employees than what the trip generations were based on, which meant that the analysis done was conservative in how it adjusts volumes to assume for pre-pandemic conditions that no longer existed and how it assumes the trips generated by the site.

[1:15:47] Chairman Chellman asked if the facility existed in another location so that comparative information could be gotten. Mr. Lucas said not specifically because for that sort of use, they would look at additional sites and would want them to be similar in region and character. Chairman Chellman verified that they didn't have the inside building use at any other location, and Mr. Lucas said they did not.

[1:16:45] Councilor Moreau asked if the site would have set hours or if the traffic study would accommodate different shifts. Mr. Lucas said the study looked at traffic peak in a study area and that they analyzed those periods with an assumption of what the site would generate during those peak traffic hours.

[1:17:40] Ms. Begala said the traffic analysis indicated 73 employees but the applicant was saying that it may be an overstatement of the actual employees. Mr. Lucas said the typical manufacturing site that the data was based on likely had more employees than their site would have. Ms. Begala said it seemed strange, given that the 147 parking spots wouldn't be filled. She said truck traffic would come out onto Route 16 and if the trucks went north, the Portsmouth traffic circle would be impacted. Mr. Lucas said the truck traffic would be directed to go in and out of Route 95, and 55 percent of the trucks would go to and from the south on Route 95, while 45 percent would go to and from the north, but they would come in from the south via Grafton Road to get into the Pease area. Ms. Begala said people in the neighborhood wanted crosswalks for the children in that area and she asked what conclusion the applicant reached about safety and crosswalks. Mr. Lucas said there was a crosswalk at the site's existing sidewalk, but there were no improvements off site as to roadway sidewalks. He said there were currently 94 daily truck trips onto Grafton Road, and there were six trucks every 10 minutes in the peak hours. Ms. Begala said she wished the applicant would consider the crosswalk with light safety to cross over from what waws really the back of Pannaway Manor. Mr. Lucas said they looked at the rapid flashing beacon light but there were guidelines as to where it should and should not be applied and that the street didn't meet the FHWA criteria.

[1:22:02] Chairman Chellman asked why the truck traffic went to Route 33. Mr. Lucas it was to avoid the impact of Pease Boulevard and those intersections. He said the truck operators would be directed to do that, so it would not be an assumption. Ms. Begala asked whether biohazards would be involved. Mr. Lucas said he couldn't answer that.

1:23:06 Mr. Hewitt asked if all the trucks would be directed to Route 33. Mr. Lucas said it would be Route 95. Mr. Hewitt asked if it was because the other access to Route 16 was at capacity and the applicant didn't want to make it worse. Mr. Lucas said it was the proximity to Route 95 and the expectations that they were bound to and from Route 95. Mr. Hewitt asked if was a requirement or an assumption that all the trucks would be coming from Route. Mr. Lucas said they made that assumption in the report but it was something that would have to be part of the operating characteristics of the site. Mr. Hewitt asked if it was because there was a problem with congestion or its capacity at Route 16 access. Mr. .Lucas said it was more to do with the demand from Route 95 and the expectation of directing the trucks in that direction reduced the impact of trucks on the study as a whole. He concluded that it was an assumption in the study.

1:24:25 Attorney Bosen said they also thought it was practical because the traffic would go to and from Route 95, so it would be the most direct point to the trade port and made sense to go directly to Route 95. Mr. Hewitt said it would then be a requirement that all trucks for the facility use Routes 95 and 33. Attorney Bosen said they could control that to the terms of the lease with the tenant and require them to use Route 95.

1:26:00 Vice-Chair Clark noted that the site was near part of a groundwater discharge zone, and he asked if there were any existing monitoring wells on the site that needed to be continued to be monitored moving forward. Mr. Hansen said he didn't believe there were. Vice-Chair Clark asked how deep the groundwater was there, noting that there would be excavations for utilities and so on. Mr. Hansen said he didn't know the exact groundwater depth but the existing grade of the site was at elevation 54 and the finished floor of the building was elevation 58, so the whole building would sit up above the site. He further discussed it. Chairman Chellman asked if the building would be two stories internally or just a tall internal space. Attorney Bosen said it was undetermined at this time. Vice-Chair Clark asked if the building was intended to be a duplex, and Mr. Hansen said it would be flexible and have one or two tenants.

## **PUBLIC HEARING**

Chairman Chellman opened the public hearing.

[1:28:08] Andrew Beal, CFO for the International Association for Privacy Professionals located on the Rochester side of the proposed site development, stated that they had 55,000 square feet of office space with 270 employees. He said he wasn't sure what impact the narrowing of Rochester Avenue would have on the traffic going in and out of their lot. He said the traffic studies indicated two dates, February 2022 and historical counts in 2019, and he thought those studies would have considered traffic generated by his employees. He said their building was expanded in 2019 for a total of 55,000 square feet that 100 employees were added between 2019 and 2022. He said employees worked at home in February 2022, so their occupancy was probably 20 percent of building capacity. He said employees currently came in three days out of five, but many came in every day. He said the 94 daily truck trips mentioned wasn't that different from the proposed traffic to PDA as it related to an air cargo operation out of the air strip for the Pan Am hangar a year ago, and they had concerns about that.

[1:33:03] Richard Winsor of 48 Winsor Green, Greenland said he represented the town of Greenland and the Greenland Planning Board. He said the town supported Pease's growth but a lot of development had happened in that 2.2 million square feet of space and there had been no traffic improvement plans along the Route 33 corridor in Greenland. He said the applicant didn't note what was going westbound on Route 33, and he thought it was naïve of the applicant to think that trucks coming out of Pease would turn to go on Route 95. He said the TA truck stop was on Route 33 and asked how that could be controlled via a lease. He said the existing truck patterns on Route 33 were impacting the town of Greenland in a disproportionate manner and that the intersections at peak were now at Grade Level F, resulting in daily backups in excess of one mile. He said the town reached out for a peer review study of the traffic study and found significant flaws in it. He said the application should be tabled until those matters were assessed.

[1:40:10] Traffic engineer Daniel Schiada said their independent review of the traffic study emphasized the traffic impacts on Greenland as opposed to Portsmouth. He said the concern was the traffic heading along Route 33 west towards Greenland, and they reviewed the traffic study and found that it did not recognize that a trip associated with the project would come from the west on Route 33. Based on a review of the Route 33 and Grafton Road intersection, he said they found that about 50 percent of the trips arriving in the morning and exiting in the evening were

found to come from Route 33 in Greenland, where they either originated in Greenland or came up Route 33. He estimated that about 15 percent of trips generated by the private site may come from Route 33 westbound, which resulted in under 150 trips through the day and about 30 during each of the peak hours. He said the TA travel center wasn't mentioned in the traffic study. He said they weren't against the project but there were no studies done of Greenland intersections or any off-site mitigation proposed to help alleviate some of that traffic.

[1:43:46] Attorney Bosen said Greenland's opposition seemed to be about development in Pease in general and not particularly the project. He said he read the minutes of the Greenland Selectboard and said it was clear that Greenland's objective was to postpone Pease projects to do something about the Route 33 traffic. He said the January 17 minutes had something to do with the amount of traffic at the truck stop at the Route 33 and Ocean Rd intersection, and the February 4 minutes noted that the selectmen stated that their goal was to gain attention to Route 33 so that the legislature could make changes to the 10-year plan and make improvements to Route 33. He said that wasn't his applicant's fight and it was unfair to use their project to get DOT's attention about the tractor trailers issue. He said the applicant heard no concerns from Greenland at any of the Portsmouth land board hearings. He said the PDA could not direct their funds off site and that they were doing their best to send traffic to Route 95 and not to Greenland.

[1:46:55] Richard Winsor said he felt that some of the minutes from the selectboard meeting may have been misconstrued. He said they were working to resolve issues with the TA truck stop creating significant backups. but today they were discussing traffic through Greenland generated by trips from Pease and via connectivity . He said any developer was responsible for trips that they developed and any impact they had on roads.

No one else spoke, and Chairman Chellman closed the public hearing. Chairman Chellman noted that City Manager Conard had recused herself.

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

[1:49:45] Ms. Begala said she agreed with the condition outlined in the meeting packet monitoring pedestrian safety but was still concerned about crosswalks and bicycle safety, so she asked that the first condition about monitoring pedestrian safety include the first six months up to a year after full occupancy. She also asked that the board consider a second condition of having the applicant monitor the actual trip generation for the first and second years of full occupancy and the impact on Route 33 traffic and the Grafton Rd/Route 33 intersection. Mr. Hewitt said he was familiar with the concept of Rockingham Planning and the project of Regional Significance. Councilor Moreau said she was part of it. She said they reviewed projects when a planning board dictated that a specific project would affect other towns and that they could ask the Rockingham Planning Commission to review it regionally, but she didn't believe they had that power when it came to the PDA. She said they were only a body that made recommendations to the PDA. It was further discussed.

[1:55:19] Mr. Almeida explained why he cautioned the board against that stipulation, and it was further discussed. Chairman Chellman said he might ask the PDA to consider an overall traffic analysis of current projects and their known projection in the first five year, but if the board

looked at everything on a piecemeal basis and made those assumptions, it may not be looking at the entire Pease property as one that was entirely commercial. He said it would create a lot of traffic with different patterns. He said he would support a recommendation that the board do that instead of anything with the Rockingham Planning Commission. He suggested that the board consider an overall traffic analysis of existing conditions and what the overall projection might be for the next 5 or 10 years, and it was further discussed.

*Councilor Moreau voted to **recommend** Site Plan Approval to the PDA Board with the following conditions:*

- 2.1) Applicant monitor pedestrian safety for the first six months or up to a year after full occupancy and report back to City staff. Applicant will coordinate with PDA, DPW and City staff to set up and schedule monitoring.*
- 2.2) Require all truck deliveries to use the Interstate I-95 and Route 33 entrance.*
- 2.3) Request the PDA look at traffic on Route 33 towards Greenland, taking into account the TA Truck Stop.*
- 2.4) The PDA should consider analysis of existing traffic conditions for the next 5-10 years post construction with a report back to the Portsmouth Planning Board.*
- 2.5) Applicant shall monitor trip generation for 1 – 2 years after full building occupancy.*

*Mr. Almeida seconded. The motion **passed** by a vote of 8-0, with City Manager Conard abstaining.*

*Councilor Moreau voted to **recommend** Preliminary and Final Subdivision Approval to the PDA Board with the following conditions:*

- 2.1) The subdivision plan shall be recorded at the Registry of Deeds by the PDA.*
- 2.2) Property monuments shall be set as required by the PDA prior to release of bond.*
- 2.3) GIS data shall be provided to the PDA and the Department of Public Works in the form as required by the City.*

*Mr. Almeida seconded. The motion **passed** by a vote of 8-0, with City Manager Conard abstaining.*

## **VI. OTHER BUSINESS**

- A.** The request of **Andrew Harvey (Owner)**, for property located at **710 Middle Rd** requesting a 1-year extension to the Planning Board Conditional Use Permit originally granted on June 23, 2021, and extended to May 14, 2022, by the Rockingham County Superior Court denial of the appeal of the CUP. (LU-21-112)

Mr. Hewitt recused himself. Chairman Chellman read the petition into the record.

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

[2:11:58] Ms. Begala asked if the one-year extension was a formal second extension of a year. Chairman Chellman explained that the Planning Board did the initial approval, then an appeal

was filed which created a stay for the applicant. so there was a window in time within nothing could happen, and that window stopped in May 2022. Mr. Stith said the first year of the CUP approval started on May 14, 2022 and the applicant was requested a one-year extension.

*City Manager Conard voted to **grant** a one-year extension to the Planning Board Approval of the Conditional Use Permit to May 14, 2024, seconded by Councilor Moreau. The motion **passed** by a vote of 8-0, with Mr. Hewitt abstained.*

#### **B. Chairman Updates and Discussion Items**

Chairman Chellman suggested that they have their first workshop on May 25 at 6:30 p.m.

#### **C. Planning Board Rules and Procedures**

Chairman Chellman said a meeting was scheduled with the City Attorney on May 1.

#### **D. Board Discussion of Regulatory Amendments, Master Plan and Other Matters**

This was not addressed.

### **VII. ADJOURNMENT**

The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Joann Breault,  
Secretary for the Planning Board