

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearing Begins

October 26, 2023

ACTION SHEET

I. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A.** The request of **Bantry Bay Associates LLC (Owner)**, for property located at **0 Shearwater Drive** requesting Preliminary and Final Subdivision approval for the subdivision of the 2.23-acre lot into nine (9) conforming Single-Family lots. Said property is located on Assessor Map 217 Lot 2-1900 and lies within the General residence B (GRB) District.

SITE PLAN REVIEW

- A.** The request of **Bantry Bay Associates LLC (Owner)**, for property located at **0 Shearwater Drive** requesting Site Plan Review approval for the construction of nine (9) single-family dwellings with associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 217 Lot 2-1900 and lies within the General Residence B (GRB) District.

The Board voted to determine that the above applications are 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 the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) to accept the application for consideration.

Motion: *C. Clark; Second G. Mahanna. Motion passed with all in favor.*

II. PUBLIC HEARINGS -- NEW BUSINESS – (Reconvened from October 19, 2023)

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.

- F.** The request of **Eric and Amanda Beidleman, (Owners)**, for property located at **810 McGee Drive** requesting a Wetland Conditional Use Permit from Section 10.1017 for the removal of an existing 508 s.f. rear deck within the 100-ft wetland buffer and the associated framing and stairs. The applicant is proposing to replace the rear deck with a smaller deck of approx. 319

s.f. with a 60 s.f. landing. Said property is located on Assessor Map 219 Lot 45-5 and lies within the Single Residence B (SRB) District. (LU-23-143)

The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and to adopt the findings of fact as presented.

Motion: C. Clark; Second: J. Almeida. Motion passed with all in favor.

*The Board voted to **grant** the Wetland Conditional Use permit with the following **conditions**:*

- 2.1) *Crushed stone be placed underneath the deck area to provide storm-water infiltration.*
- 2.2) *Wetland boundary markers shall be placed along the fence towards the back of the property to designate sensitive wetland area.*

Motion: C. Clark; Second: J. Almeida. Motion passed with all in favor.

G. The request of **Bantry Bay Associates LLC (Owner)**, for property located at **0 Shearwater Drive** requesting Site Plan Review approval for the construction of nine (9) single-family dwellings with associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 217 Lot 2-1900 and lies within the General Residence B (GRB) District. (LU-23-138)

The Board voted to consider the subdivision and site plan applications together and vote on them separately.

Motion: K. Conard; Second: J. Almeida. Motion passed with all in favor.

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: C. Clark; Second: G. Mahanna. Motion passed with all in favor.

*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 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.*
- 2.5) *Applicant will contribute a fair share payment of \$25,000 for offsite improvements including a sidewalk to Granite Street crossing Market Street and installing pedestrian signals as part of crosswalk.*

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

- 2.6) *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.*

Motion: *C. Clark; Second: G. Mahanna. Motion passed with all in favor.*

H. The request of **Bantry Bay Associates LLC (Owner)**, for property located at **0 Shearwater Drive** requesting Preliminary and Final Subdivision approval for the subdivision of the 2.23 acre lot into nine (9) conforming Single-Family lots. Said property is located on Assessor Map 217 Lot 2-1900 and lies within the General residence B (GRB) District. (LU-23-138)

*The Board voted to **grant** the requested waivers to the Subdivision Standards from Section IX.2, Maintenance Bonds because strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

Motion: *C. Clark; Second: G. Mahanna. Motion passed with all in favor.*

The Board 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.

Motion: *C. Clark; Second: J. Almeida. Motion passed with all in favor.*

*The Board 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.*

Motion: *C. Clark; Second: J. Almeida. Motion passed with all in favor.*

- I.** The request of **Richard P. Fusegni (Owner)**, for property located at **201 Kearsarge Way** requesting Amended Subdivision approval for revisions to the grading and drainage design. Said property is located on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. (LU-23-161)

*The Board voted to **grant** Amended Subdivision Approval with the following **conditions**:*

- 1) Removal of prior conditions 2.5.1, 2.5.1-a, 2.5.1-b and 2.5.1-c from the October 27, 2022 letter of decision and removal of prior condition 1 and 1-1 from the March 2, 2020 letter of decision. All other prior conditions of approval are still required.*
- 2) The drainage easements shall be provided across lot 3 for lot 2 and 1 drainage, and across lot 2 for lot 1 drainage. Maintenance responsibilities by the homeowners for the rain garden and overflow control structures shall be included in the easement language and addressed through a maintenance agreement. That document shall be recorded as part of the conservation easement deed.*

Motion: C. Clark; Second: K. Conard. Motion passed with all in favor.

- J.** The request of **Daniel Sigalovsky and Sarah Cook (Owners)**, for property located at **390 F.W. Hartford Drive** requesting a Wetland Conditional Use Permit from Section 10.1017 for the removal of an existing 16' x 24' rear deck within the 100-ft wetland buffer and the replacement of the deck with a 14' x 16' permeable paver patio. The project will include enhanced stormwater management including a gravel infiltration area, installation of a rain garden, native plantings, and the installation of a permeable patio in place of the existing deck. Said property is located on Assessor Map 249 Lot 25 and lies within the Single Residence B (SRB) District. (LU-23-140)

The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and to adopt the findings of fact as presented.

Motion: C. Clark; Second: J. Almeida. Motion passed with all in favor.

*The Board voted to **grant** the Wetland Conditional Use permit with the following **condition**:*

- 2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

Motion: C. Clark; Second: J. Almeida. Motion passed with all in favor.

III. ADJOURNMENT

The meeting adjourned at 8:00 p.m.