

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

7:00 PM Public Hearing Begins

June 20, 2024

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A.** Approval of the May 16, 2024 meeting minutes.

*The Board voted to **approve** the May 16, 2024 meeting minutes as amended, with Mr. Hewitt abstaining.*

***Motion:** G. Mahanna; **Second:** B. Moreau*

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A.** The request of **Friends of Lafayette House in care of Melanie Merz (Owner)**, for property located at **413 Lafayette Road** requesting Site Plan Review Approval to construct an attached caretaker's unit to the existing residential care facility with associated site improvements. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District.

- 1) The Board voted to determine that Item A is complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the application for consideration.*

***Motion:** B. Moreau **Second:** G. Mahanna*

III. 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 **Edmund R. St. Pierre (Owner)**, for property located at **15 Mariette Drive** requesting a Conditional Use Permit from Section 10.814 for a Detached Accessory

Dwelling Unit. Said property is located on Assessor Map 292 Lot 167 and lies within the Single Residence B (SRB) District. (LU-24-57)

The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.814.62 of the Ordinance and adopt the findings of fact as presented.

Motion: B. Moreau **Second:** K. Conard

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

2.1) *Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.*

2.2) *A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.*

2.3) *The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.*

Motion: B. Moreau **Second:** K. Conard

B. The request of **Richard M. and Francoise S. Kinney (Owners)**, for property located at **89 Cliff Road** requesting an after the fact Wetland Conditional Use Permit from Section 10.1017.50 for violations within the City's 100' wetland buffer. A three-season porch, deck and concrete landing pad were constructed without permits, of which 225 s.f. is within the buffer. Said property is located on Assessor Map 223 Lot 9 and lies within the Single Residence B (SRB) District. (LU-24-54)

The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented.

Motion: P. Giuliano **Second:** J. Almeida

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

2.1) *In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers where applicable. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.*

Motion: P. Giuliano **Second:** K. Conard

- C. The request of **Wentworth Senior Living (Applicant)**, and **MH Wentworth HM for CHRNC INV (Owner)**, for property located at **346 Pleasant Street** is requesting a Wetland Conditional Use Permit from Section 10.1017.50 to replace an existing wooden fence along the back of the property which abuts the South Mill Pond. This replacement project will have approximately 200 s.f. of impact within the buffer, with 10 s.f. of permanent impact below ground with the posts and 500 linear feet of permanent impact from the fence. Said property is located on Assessor Map 109 Lot 10 and lies within the General Residence B (GRB) District. (LU-24-63)

The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented.

Motion: B. Moreau **Second:** J. Almeida

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

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers where applicable. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.

2.2) Maintenance for the new fencing shall include power washing with water only.

2.3) Fencing along Pleasant Street if replaced, will remain the current material that exists.

Motion: B. Moreau **Second:** J. Almeida

- D. The request of **Friends of Lafayette House in care of Melanie Merz (Owner)**, for property located at **413 Lafayette Road** requesting Site Plan Review Approval to construct an attached caretaker's unit to the existing residential care facility with associated site improvements. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208)

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: P. Giuliano; **Second:** G. Mahanna

*The Board voted to find that the requested waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to **waive the regulations** as requested.*

Motion: P. Giuliano **Second:** B. Moreau

*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:

3.1) *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.*

Motion: P. Giuliano **Second:** K. Conard

E. 806 US Route 1 Bypass requesting Amended Site Plan Approval and a second 1-Year extension to the Site Plan Approval originally granted on June 23, 2022. (LU-22-81)

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:** K. Conard

*The Board voted to **grant** amended Site Plan Approval and a second one-year extension with the original conditions as approved on June 23, 2022 and the following **conditions**.*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

2.1) *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.*

2.2) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

Motion: B. Moreau; **Second:** K. Conard

F. The Planning Board will hold a public hearing on the following amendments to Chapter 10, Article 5A - Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the ZONING ORDINANCE of the City of Portsmouth, pursuant to Section 10.150 of the Zoning Ordinance.

The Board voted to recommend to City Council to approve the zoning amendments as amended and to hold first reading and to convey the discussion the Board had about the 50% community space requirement.

Motion: K. Conard **Second:** P. Giuliano

The motion passed 7-2 with Member Hewitt and Member Mahanna voting against.

IV. CITY COUNCIL REFERRALS

- A. Chapter 10, Article 5A - Character-Based Zoning (*See item F. above*)

V. OTHER BUSINESS

- A. **325 Little Harbor Road** requesting a 1-Year Extension to the Wetland Conditional Use Permit originally granted on July 20, 2023. (LU-23-81)

*The Board voted to **grant** a one-year extension to the Planning Board Approval of the Conditional Use Permit to July 20, 2025.*

***Motion:** B. Moreau **Second:** J. Almeida*

- B. Chairman updates and discussion items
- C. Board discussion of Regulatory Amendments, Master Plan Scope & other matters

VI. ADJOURNMENT

The meeting adjourned at 8:20 p.m.