

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

7:00 PM Public Hearing Begins

July 18, 2024

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the June 20, 2024 meeting minutes.

*The Board voted to **approve** the June 20, 2024 meeting minutes as presented.*

***Motion:** P. Giuliano **Second:** A. Samonas; Motion passed with all in favor.*

II. 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. **REQUEST TO POSTPONE** The request of **Perkins Kwoka Joint Revocable Trust (Owner)**, for property located at **224 Broad Street, Unit 3** is requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction proposed for an addition of 384 s.f. to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site for the installation of a retaining wall and underdrain for stormwater control. The applicant is proposing to remove 491 s.f. of existing pavers and asphalt to be replaced with 401 s.f. of new pavers. This proposal includes the removal of the existing lawn to be replaced with a micro-clover seed mix, a planting plan, and a stone drip edge. Said property is located on Assessor Map 131 Lot 13-3 and lies within the General Residence A (GRA) District. **REQUEST TO POSTPONE (LU-23-179)**

*The Board voted to **postpone** the request to the August meeting.*

***Motion:** J. Almeida **Second:** G. Mahanna; Motion passed with all in favor.*

B. The request of **Lonza Biologics (Owner)**, for property located at **5 Technology Way (Formerly 70 Corporate Drive)** requesting Amended Site Plan approval for the addition of Phase Photovoltaic Cell (PV) Solar canopies over the previously approved temporary surface parking lot with associated utility infrastructure improvements. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business (ABC) District. (LU-23-108)

1) *The Board voted to recommend Amended Site Plan Approval to the PDA Board with the following **condition**:*

1.1) The 2018 Rockingham Planning Commission report on regional impact will be provided to the Planning Department.

Motion: B. Moreau **Second:** A. Samonas; Motion passed with all in favor.

C. The request of **The City of Portsmouth (Owner)**, for property located at **50 Andrew Jarvis Drive** requesting a Wetland Conditional Use Permit from Section 10.1017.50 of the Ordinance for the conversion of an existing practice field into a baseball and softball practice field which includes adding an 800 s.f. batting cage, a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer. Said property is located on Assessor Map 229 Lot 3 and lies within the Municipal (M) District. (LU-24-50)

1) *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:** A. Samonas; Motion passed with all in favor.

2.) *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: B. Moreau **Second:** A. Samonas; Motion passed with all in favor.

D. The request of **The City of Portsmouth (Owner)**, for property located at **0 Maplewood Avenue** requesting an after the fact Wetland Conditional Use Permit from Section 10.1017.50 of the Ordinance due to the emergency authorization issued by NHDES on May 16, 2024 for repair of the stone wall alongside the North Cemetery. This application is for the restoration and repair of the wall in-kind which includes installation of new stone, installing non-woven geotextile along the eroded bank, importing structural backfill, and loam and seeding the disturbed areas once finished. Said property is located on Assessor Map 124 Lot 2 and lies within the Municipal (M) District. (LU-24-102)

1) *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; Motion passed with all in favor.

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

2.1) Applicant shall monitor the success of reseeded areas to ensure stabilization. If stabilization is not successful within 30 days of seeding, the area will need to be reseeded.

2.2) A planting plan of the temporary accessway area shall be submitted to the Planning & Sustainability Department for review and approval.

Motion: P. Giuliano **Second:** J. Almeida; Motion passed with all in favor.

E. The request of **Rosania RR & KL Revocable Trust (Owner)**, for property located at **32 Boss Avenue** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.22 for a Home Occupation 2. Said property is located on Assessor Map 153 Lot 5 and lies within the Single Residence B (SRB) District. (LU-24-117)

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented.

Motion: B. Moreau **Second:** A. Samonas; Motion passed with all in favor.

2) The Board voted to **approve** the conditional use permit with the following **condition**:

2.1) The home occupation may have up to 2 additional classes per weekday between the hours of 6 – 9 pm and one day on the weekend between the hours of 8 am – 5 pm.

Motion: B. Moreau; **Second:** A. Samonas; Motion passed with all in favor.

F. The request of **Mark E. and Janet Greenwood (Owners)**, for property located at **480 Dennett Street** requesting a Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit (DADU) for the demolition of the existing garage and construction of a new DADU. Said property is located on Assessor Map 160 Lot 26 and lies within the General Residence A (GRA) District. (LU-24-120)

1) 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:** G. Mahanna; Motion passed 7-1 with Member Bowen voting against.

2) 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.*

2.4) *Applicant shall ensure all increase in stormwater runoff is maintained on the property.*

Motion: B. Moreau; **Second:** A. Samonas; *Motion passed with all in favor.*

G. The request of **Portsmouth West End Development LLC (Owner)**, for property located at **125 Brewery Lane** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use. Said property is located on Assessor Map 154 Lot 2 and lies within the Character District 4-W (CD-4W) District. (LU-24-108)

1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented.*

Motion: G. Mahanna; **Second:** A. Samonas; *Motion passed with all in favor.*

2) *The Board voted to **grant** the conditional use permit as presented.*

Motion: G. Mahanna; **Second:** J. Almeida; *Motion passed with all in favor.*

III. PRELIMINARY CONCEPTUAL CONSULTATION

A. The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** requesting preliminary Conceptual Consultation for a subdivision of one lot into three conforming lots with associated site improvements. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District. (LUPD-24-5)

No action taken by the Board.

B. **361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Preliminary Conceptual Consultation for the construction of three residential buildings along Hanover Street and add a fourth story with a penthouse to the existing 361 Hanover Street (Portsmouth Steam Factory) building for a total of 48 dwelling units including 3 workforce housing units and 69 parking spaces and associated community space. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) Downtown Overlay and North End Overlay Districts. (LUPD-24-3)

No action taken by the Board.

IV. OTHER BUSINESS

A. Chairman updates and discussion items

Action Sheet, Planning Board Meeting, July 18, 2024

B. Board discussion of Regulatory Amendments, Master Plan Scope & other matters

V. ADJOURNMENT

Meeting adjourned at 10:00 pm.