

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

July 18, 2024

MEMBERS PRESENT: Rick Chellman, Chairman; Greg Mahanna, Vice Chair; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; James Hewitt; Paul Giuliano; Andrew Samonas, and William Bowen, Alternate

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ALSO PRESENT: Peter Stith, Principal Planner

MEMBERS ABSENT: Karen Conard, City Manager; Anthony Coviello

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Chair Chellman called the meeting to order at 7:00 p.m. Alternate Mr. Bowen took a voting seat for the evening.

I. APPROVAL OF MINUTES

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

*Mr. Giuliano moved to **approve** The June 20 meeting minutes as submitted, seconded by Mr. Samonas. The motion **passed** with all in favor.*

II. PUBLIC HEARINGS – NEW BUSINESS

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)

DECISION OF THE BOARD

*Mr. Almeida moved to **postpone** the petition to the August 15 meeting, seconded by Vice-Chair Mahanna. The 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)

SPEAKING TO THE PETITION

[Timestamp 10:26] Neil Hansen of Tigue & Bond and Mike Feeney of Lonza were present to speak to the petition. Mr. Hansen said they needed an amended site approval plan to install solar canopies over the five rows of parking. He said Lonza also planned to place solar panels on the rooftops of the two buildings currently under construction. He said the surface parking had 150 spaces and that solar canopies would be installed over the five rows of parking, and an additional electrical conduit would be run to support the installation of 18 EV chargers. He said all the associated electrical infrastructure would connect the carports to the utility building currently under construction. He said there were no proposed changes to the previous stormwater treatment, grading, and so except for a slight increase in impervious surface associated with the footings of the solar carports. He noted that they submitted a revised drainage plan with the additional impervious surface calculated.

[Timestamp 12:33] Mr. Giuliano said the application indicated that it was temporary parking. Mr. Hansen said there was a master plan for the site that included two additional buildings and a parking garage, so as the site continued to be developed, a building would probably go in that location, which would relocate the solar panels to a different part of the site. Mr. Hewitt said the Board previously recommended a condition of approval that the request for regional impact development go to the Rockingham Planning Commission, and he asked its status. Mr. Hansen said the project had gone to the Rockingham Planning Commission in 2018 and was originally approved, and the recommendations were included in the original approval. He said the PDA determined that it would not need to go back. Mr. Hewitt said the Planning Board recommended that it go back again to the Rockingham Planning Commission due to the traffic impact on Route 33. Mr. Hansen said the decision was made by the PDA that the project had already been in front of the Rockingham Planning Commission.

[Timestamp 14:26] Chair Chellman asked Mr. Stith to look up the condition; meanwhile, he asked if the solar panels would power the charging stations. Mr. Feeney said the array over the carport would provide enough power to the EV chargers. Chair Chellman asked how many charging stations that number of solar panels would support. Mr. Feeney said they proposed 18 EV chargers and that he didn't know the level of charger but that he could get the information. Chair Chellman concluded that there was more than enough power to do 18 stations, and the rest

of the power would go into the grid. Mr. Feeney said they were currently in discussions about what the requirements would be for backfeeding into the grid, but they believed that most of it would be used on site. He said the array over the carport was roughly 600 kilowatts DC and 400 kilowatts AC. Mr. Stith said there had been a Planning Board recommended condition for the PDA to request a review by the Rockingham Planning Commission for a project of regional impact. Mr. Hewitt concluded therefore that the PDA ignored the Planning Board's request. Mr. Hansen disagreed and said the project had been reviewed by the Rockingham Planning Commission. Chair Chellman thought the request went to the PDA and they chose not to do it because of the 2018 analysis by the Rockingham Planning Commission. Mr. Hansen said after the request was made at the previous meeting, he saw the meeting minutes noting that the decision of the Rockingham Planning Commission from the original approval was sent back to the PDA, and he believed the determination was that the review and decision of the Rockingham Planning Commission from 2018 were already incorporated into the previous traffic study. Councilor Moreau suggested that the Planning Board ask that the 2018 report be sent to the City to be placed in the City's file. Chair Chellman said he would like clarification on what the PDA did with it as well. Mr. Hansen said part of the reason for the condition on the original approval that the PDA return to the Planning Board before the buildings were occupied and for Phase 2 was due to the recommendation of the Rockingham Planning Commission from 2018. Chair Chellman said the parking structure and other buildings would have been included in 2018. Mr. Hansen agreed. He said the 2023 study was an update for the overall plan for the full building, and what they were doing now was not the full buildout.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

[Timestamp 20:27] Councilor Moreau preliminarily moved to recommend site plan approval to the PDA, seconded by Mr. Samonas. The motion was further discussed. Mr. Hewitt recommended that in the future, if the Board made a recommendation to the PDA and the PDA chose not to act on it, there should be communication back to the Planning Board. It was further discussed. Chair Chellman said there were two issues: the application that should be proceeding, and a separate matter with the PDA to address. He proposed that the Board advance the motion and request from the PDA a written reply to the Board's previous request.

1) *Councilor Moreau moved that the Board recommend Amended Site Plan Approval to the PDA Board.*

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

*Mr. Samonas seconded. The 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)

SPEAKING TO THE PETITION

[Timestamp 27:23] Ken Linchey, Director of Buildings and Grounds for Portsmouth schools, was present and said the Conditional Use Permit was needed due to the growth of sports on the site. He explained why the existing practice field was the best location for the baseball and softball practice field. He said it would have minimal impact to the rest of the field and no impact to the roadway and building. He said they would remove 800 square feet of soil and replace it with an infield native ball mix, there would be five posts driven into the ground at the back of the field, and there would be a portable batting cage system instead of the originally proposed batting cage. He said they met with the Conservation Commission and agreed to place placards on the site indicating where the wetlands and native trails were.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

*1) Councilor Moreau moved that the Board 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. Mr. Samonas seconded. The motion **passed** with all in favor.*

*2) Councilor Moreau moved 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.

*Mr. Samonas seconded. The 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)

SPEAKING TO THE PETITION

[Timestamp 31:20] Christine Sproviero, Project Manager for Portsmouth Public Works, was present and said the project was prompted by a significant amount of further damage to 41 feet of a failing wall, so they applied for an emergency authorization permit. She said the work was completed on in June and they applied for an after-the-fact Conditional Use Permit and then received a recommendation for approval from the Conservation Commission with the conditions of seeding the disturbed area in front of the shore wall with an appropriate wetland buffer grass seed mix, which they did, and that they install plantings along the shore wall in the fall. She said the City's wetland scientist was putting together a planting plan.

The Board had no questions, and Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Sue Sterry, Co-Chair of the Portsmouth Cemetery Committee, said she was in favor of the petition. She said the committee received a grant to repair the wall, but a big piece of it came down during the January and February storms. She said the 1847 cemetery had important shipbuilders from the 1700s, along with other notable Portsmouth residents. She said a larger area was made available due to the emergency, and the proposed plantings would be very nice.

No one else spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

*1) Mr. Giuliano moved that the Board 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. Mr. Almeida seconded. The motion **passed** with all in favor.*

*2) Mr. Giuliano moved 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.

*Mr. Almeida seconded. The 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)

SPEAKING TO THE PETITION

[Timestamp 36:48] The applicant Karen Rosania was present and said she was requesting the Conditional Use Permit to have six students in her home art studio at one time. She reviewed the criteria and explained how she met them. She said she wanted to hold 1-2 classes a day for a few hours in length between 8 am and 5 pm Mondays through Fridays and also accommodate working adults by holding a class from 6 to 9 pm. during the week and one weekend day. She said four cars could fit in her driveway and that she was asking for two extra parking spots on the street. She said she would install a bike rack on her property and put in a porous brick walkway. She said the studio would be on the first floor and would be under 300 square feet.

[Timestamp 44:58] Councilor Moreau verified that the applicant was not asking for reserve parking on the street, and that hardly anyone parked in front of the applicant's property. Chair Chellman asked for more information on the weekend class. Ms. Rosania said it was unlikely that the weekend class would be during the day.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

[Timestamp 47:37] Attorney James Stevens of 66 Fells Road said an art space in the community was a good idea and he did not think it would have any impact on traffic or noise.

Julia Higgins of 344 Aldrich Road said Ms. Rosania's first application was denied but she worked to make a change. She said Ms. Rosania was respectful and stood by her word.

Linda Leland of 26 Thaxter Road said she saw no detriment to the neighborhood because the art would be therapeutic and bring the community together.

Attorney Brian Ziegler of 384 Peverly Hill Road said the true value of the arts was when they become an integral part of a community, and he thought the applicant's proposal embodied that.

Eric Weinberg of 9 Middle Road said he was against the proposal because the site was not appropriate for up to six people attending an art class at once. He said the intersection of Boss Street and Sunset Road was very busy, and parking in front of the house on the narrow road would force people into the wrong lane where there was limited sight distance, and emergency vehicles could not get up Sunset Road. He said it wasn't the right site or the right times.

Christine Howell of 71 Kensington Street said she knew the applicant's driveway could fit four cars. She said there was plenty of parking in that area and that people could park on another street if the two spots on Boss Street were not granted.

Sandra Girouard of 371 Washington Road said she had parked in front of the applicant's home many times and thought there was plenty of room for emergency vehicles to get by.

Dave Higgins of 344 Aldrich Road said cars parked on each side of Aldrich Road and emergency vehicles got through with no problem, even though it was narrow.

Attorney James Stevens of 66 Fells Road that Sunset Road was the street that intersected across from the applicant's home and had another access at the other end that was much wider.

Chair Chellman closed the first round of speakers and opened the second round.

Second Round Speakers

No one else spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

[Timestamp 59:30] A preliminary motion was made but there was further discussion. Vice-Chair Mahanna verified that the street parking was not in the Board's purview and that the issue was more of a traffic and safety one. Councilor Moreau said the Board could suggest a condition that the students park in the driveway first and then on the street if there wasn't room. Chair Chellman said the Board could not designate where the students would park. He suggested a condition that only four cars would park on the driveway. It was also discussed whether there should be two classes per weekday and not in the evening.

1) *Councilor Moreau moved that the Board 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. Mr. Samonas seconded. The motion **passed** with all in favor.*

2) *Councilor Moreau moved that the Board 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.

*Mr. Samonas seconded. The 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)

SPEAKING TO THE PETITION

[Timestamp 1:05:12] The applicant/owner Mark Greenwood was present and said he wanted to demolish the existing garage to build a 760-sf DADU, with one bedroom and bath that would mimic the main structure's architecture. He said all the setbacks were in compliance, the backyard was fenced on three sides, and he would backfill the rear and right yard setbacks with stone, swale, and pitch toward the driveway so that runoff would go into the street.

Mr. Hewitt said ADUs had been a big initiative in the City for housing situations, and part of that advocacy was that the homes would be more affordable and would rent for less than other units. Mr. Greenwood said it would be a family situation because his daughter and grandchildren would live in the main house and that he and his wife would occupy the DADU.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

First Time Speakers

[Timestamp 1:09:18] David Bealing of 466 Dennett Street said he was in favor of the petition but his concern was surface water runoff. He said in the spring, the water table came to the surface on his property and those around him, so he was concerned about rain and snow melt water runoff. He said the applicant did not address issues like adequate pitch, impervious surface, what would get paved over, and gutters and downspouts. He said he had experienced an increase in the incursion of water surface on his driveway since the applicant's last improvement and that he wanted to see more detail about surface water runoff. He gave a written summary to the Board.

There were no other speakers, and Chair Chellman opened the Second Time Speakers round.

Second Time Speakers

Mr. Greenwood said there was no requirement to show stormwater runoff on his application but he remodeled his house and excavated down to the basement's footing to get water to run to the sump pump, and he also dug a hole in the backyard and filled it with stone to act as a drywall. He said he would not make his or his neighbor's problem any worse than it already was.

No one else spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

1) Councilor Moreau moved that the Board 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. Vice-Chair Mahanna seconded.

[Timestamp 1:14:52] Mr. Bowen said he did not believe that the Board found all the facts needed relating to impermeable surfaces and coverage of land. Mr. Stith said the applicant complied with the coverage and open space for a single-family development and that there was no requirement for stormwater, but the applicant could not create a situation on his property that would exacerbate runoff onto an adjacent property. He said the City's building inspector monitored that issue through the building permit process, so if there was an issue it would be corrected. Mr. Bowen said the Board would not know ahead of time if it would create a situation and would have to wait for the building inspector to say so. Chair Chellman said the applicant was replacing the garage with a new building, so the footprint would be about the same.

*The motion **passed** 7-1, with Mr. Bowen voting in opposition.*

2) Councilor Moreau moved 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.*

*Mr. Samonas seconded. The 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)

SPEAKING TO THE PETITION

[Timestamp 1:23:19] The applicant Cody Whelan said he was the owner of Treeline Outfitters and wanted approval for a small 474 sf outdoor dining and drinking gravel patio on the back side of the property. He said the space wasn't currently being used and that they would expand that gravel area into the former landscaped area and keep some of the landscaping.

Mr. Almeida asked Mr. Whelan if he had authority for the applicant, and Mr. Whelan agreed. Vice-Chair Mahanna asked if he had a beer and food license, and Mr. Whelan agreed. Councilor Moreau asked if there would be a barrier for the patio due to the sale of alcohol. Mr. Whelan agreed and showed the area on the map where the patio and barrier would be located.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

[Timestamp 1:28:39] James Stevens of 66 Fells Road said the project would turn the little wasteland into a nicely shaded patio space and that he was in approval.

John Leland of 26 Baxter Road said he approved the project because it was an interesting concept that would create a community and enhance the building's appearance.

Dave Higgins of 344 Aldrich Road said it was a location to meet new people and that the patio would beautify the area.

No one else spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

- 1) *Vice-Chair Mahanna moved that the Board 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. Mr. Samonas seconded. The motion **passed** with all in favor.*
- 2) *Vice-Chair Mahanna moved that the Board approve the conditional use permit as presented. Mr. Almeida seconded. The 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)

SPEAKING TO THE PETITION

[Timestamp 1:35:26] Project engineer Eric Weinberg was present on behalf of the applicant, with Michael Green from Green and Company and Attorney John Bosen. Mr. Weinberg reviewed the petition and said it was 1.44 acres in area in the SRB zone, with just under 140 feet of frontage on Sagamore Road. He said the City was doing street improvements that would include a new sidewalk in front of the property. He said the parcel was 62,752 sf in area and had the ability to support only four single family homes. He said the previous application for three

detached homes and to preserve the majority of the site as undeveloped space was denied, so the applicant was now asking for a traditional three lot subdivision. He said a private roadway was proposed with less than 150 feet to the cul-de-sac and all lots would have minimum frontage and lot area and have adequate building envelopes. He said the small wetland on the site would not be impacted. He said they would reduce the right-of-way width from 50 feet to 40 feet and reduce the width of the pavement down to 20 feet. He said they got positive feedback from the Technical Advisory Committee, who wanted to ensure that the project would have adequate ability to maneuver a firetruck through the reduced width and that there would be no street parking allowed. He said the narrow roadway would be more appropriate for servicing three lots, and that based on the ledge and so on, he did not anticipate the ability to do infiltration.

[Timestamp 1:41:13] Vice-Chair Mahanna asked if all three lots would be served by the sidewalk sewer, and Mr. Weinberg agreed. Mr. Almeida asked about snow management. Mr. Weinberg said the shoulder width would be the same. Mr. Samonas said the proposed Lot 1 elevation 70 dropped down to Elevation 58 with the ledge consideration, and putting down another house and knowing what was known about the Walker Bungalow side of the area, he asked if the storm management would go only downhill or if it could be redirected. Mr. Weinberg said they would return with a full development plan. He said the first step was to do the predevelopment calculation and know how much flow would go in each direction, and then they would work with the proposed building and grades to mimic those predevelopment conditions. Mr. Samonas asked if they would build on top of that ledge, given the amount of ledge on proposed Lot One. Mr. Weinberg said they would work with the contours. Councilor Moreau asked if the association would maintain the private right-of-way. Mr. Weinberg agreed and said it would also be responsible for all the stormwater management aspects. Mr. Hewitt asked if there was any undeveloped land beyond the cul-de-sac and if the road could be used for a future drive-through. Mr. Weinberg explained how there was no opportunity for future expansion. Mr. Hewitt said the sight distance for the drive didn't look like there was much maneuverability. Mr. Weinberg said it would be ample going toward the town. He said the south would require cutting some the vegetation on the south end of the corner that would probably get cleared for the sidewalk construction. Mr. Samonas asked if the new sidewalk would change the sight lines. Mr. Weinberg said it would not because the road turned and they were on the inside of the curve. Mr. Bowen said the request for an entry road was narrower than code allowed for the project to fit. Chair Chellman said it was a subdivision matter and not a zoning matter.

[Timestamp 1:49:48] Chair Chellman noted that Mr. Weinberg said that they could get the three lots with a 60-ft right-of-way and a 60-ft radius turnaround, and he asked if it was sketched out. Mr. Weinberg said it was and that he could bring it back to the Board. He said it just pushed back the houses on Lots One and Two closer to the rear. Chair Chellman said the zoning ordinance caused increased development costs and that there was impacted land that should not be impacted with the ledge back there. He said there was a section in the ordinance that allowed more of a clustered project at the front of the project and that would preserve the back land, but it wasn't permitted in that zone. He said it was something to consider in the new Master Plan discussion and possible changes to the regulations. He said he would like to see if the applicant could fit the project in without the waivers. It was further discussed. Mr. Almeida asked how wide the existing driveway was. Mr. Weinberg said it was close to 30 feet because it wasn't safe

for the owner to back up, so the driveway was probably expanded over the years. He said that was why everything was being serviced off the subdivision road. Mr. Giuliano asked how the applicant would delineate between the existing driveway and the road. Mr. Weinberg said the existing house would be removed, so the existing driveway would be eliminated. He said the Sagamore Road project would be completed in the spring and the applicant's goal was to get to the permitting before the road project was done so they could put in all the underground utilities and not face an issue with a moratorium. Chair Chellman asked if the applicant would have considered a 4-unit project with one affordable unit if they had been allowed to do the other plan. Mr. Green said he didn't know if it would have worked. Chair Chellman said three units up front without the affordable unit would work. Mr. Bowen said there was development north and south of Sagamore Creek in both directions that impacted traffic flow and thought the City had to look at traffic management on Sagamore Road regarding speed. Mr. Weinberg said they would increase traffic by going from one home to three, but they were making the driveway a safer condition in which one would not be prone to back out of it.

DECISION OF THE BOARD

There was no action taken by the Board.

Councilor Moreau recused herself from the following petition.

- 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)

SPEAKING TO THE PETITION

[Timestamp 2:00:50] Attorney Bosen was present on behalf of the applicant, along with the project team Steve Wilson, Shane Forsley, and Nick Cracknell. Attorney Bosen reviewed the changes he said were based on input from the abutters and the Planning Staff. He said they were requesting a Conditional Use Permit for 48 units, but instead of two buildings, the development would be broken up into four buildings to allow more light and air. He explained how the property was in complicated zoning, with a mixture of the CD5, the Downtown Overlay, and the North End Incentive Overlay Districts. He said the revised project was more sensitive to the neighborhood by stepping down the buildings and eliminating the ground floor commercial use. He described each building and said Building A would include three workforce housing units, and a community space of 10 percent in the form of a pedestrian access would also be provided.

[Timestamp 2:08:16] Mr. Bowen said the chart for zoning relief indicated 36 units in the back building, and ten percent of 36 was 3.6, so it rounded down to three affordable units. Mr. Stith

said any fraction rounded down. Chair Chellman said the table was wrong and that it should be 34 units. Mr. Bowen asked if the calculation was based on the building or the project. Mr. Stith said the building was in the Incentive Overlay District, so the incentives only applied to that building. Mr. Hewitt said he looked over the plans and couldn't find any justification for the 69 parking spaces. Mr. Cracknell said there were 69 units left on the site, where there were previously 72. He said in the previous design review project, there were 45 units inside Building A and the remaining parking was in the larger building. He said most of the parking was in the back of the building in tandem spaces and 3-4 spaces in the courtyard. He said it was reduced to 69 spaces due to the loading space, which he further explained. Mr. Hewitt asked how the applicant knew that 69 spaces would be enough parking for the project. Mr. Cracknell said it met the code requirements for parking. Mr. Hewitt said he wasn't convinced that the parking satisfied the actual demand. Mr. Cracknell said they would go before the Technical Advisory Committee, who would look at the traffic impacts and code requirements, and if TAC thought the parking was inadequate, they would ask for a parking analysis.

[Timestamp 2:13:45] Chair Chellman asked if the applicant would do more in the back if he owned out to the street and all the back property. Mr. Wilson said the back property didn't enhance the project in any way. He said the building there had a thick foundation and that their interest in that property was purely beautification. Chair Chellman asked if the applicant would consider stepping the grade down between the historic building and the street if they owned out to the street. He said the applicant was proposing an additional slab on grade with a 4' frost wall, so they were going down into the urban fill. He said there was a rationale that the City isn't gaining anything by owning that retaining wall and that it made more sense if the applicant could own it and bring the grade in, perhaps under the addition for more storage space. Mr. Wilson said it met no economic feasibility test. He said they considered all the things they could do with it, like underground parking and so on, but the shoring and undermining of that building would be problematic and would also lower the building's overall grade. Chair Chellman said it was wasted space that would be more wasted when the project was completed, and it was further discussed. Mr. Wilson said the greenspace yielded back there would be beneficial but also thought lowering the grade could still accomplish the same goal of greenspace. He said he wanted to table the discussion until after he had more time to research it.

[Timestamp 2:20:21] Mr. Almeida said he felt more comfortable with the current application and thought the concept for all residential made more sense. Vice-Chair Mahanna said the way Buildings B, C and D were divided looked much better instead of the previous massive design with the tunnel. He said someone would not walk that far down to find a boutique or coffee shop and that everything else there was residential. Mr. Bowen said having commercial there would exacerbate the traffic problem in the neighborhood even more. Mr. Giuliano said he had hoped that something creative would be done with the wall. Attorney Bosen said the applicant didn't own the wall. Chair Chellman said there was a good opportunity for the applicant to fix the wall aesthetically and structurally because it would become a more expensive problem in the future. Mr. Almeida said the wall was City property and not part of the project. It was further discussed. Mr. Wilson said they could go to the City Council with proposals for the wall that would tie in with Public Works and that he would work on it. Chair Chellman said the gate would have to be considered as part of the traffic analysis, noting that a lot of development in the area had taken

place since the Foundry Garage was built. He said he sensed that the Board liked the project. Mr. Hewitt said the project was well thought-out one but that it would be a big project for the neighborhood, and he wanted to ensure that the neighbors were not flooded with excess parking because a lot of the homes didn't have off-street parking.

DECISION OF THE BOARD

There was no action taken by the Board.

IV. OTHER BUSINESS

A. Chairman Updates and Discussion Items

[Timestamp 2:34:53] Mr. Samonas said he and Chair Chellman had researched consultants and that a lot of them expressed interest in participating in the Planning Board's RFQ, so an RFQ was drafted and sent to the City. He said the RFQ mimicked a lot of what was seen in the last Master Plan. He said they touched on the topics of budgeting and time, and the consultants gave feedback as to whether that was in their range or not. Chair Chellman said the RFQ would not necessarily lead to an RFQ but probably to negotiations with whatever consultant the City wanted to choose. Mr. Hewitt said the last two Master Plans were silent on the PDA, which was 1300 acres and 10,000 jobs, and he asked if the new Master Plan would ask that the PDA area be part of the Master Plan. Mr. Samonas said it was hard to allocate for because they only had a certain amount of space that they could control. He said the PDA was its own entity that made its own decisions, but he thought they could meet with the PDA in conjunction with the Master Plan or another master plan of sorts because it was important. Mr. Hewitt said a chapter should be incorporated and that better communication was needed between the PDA and Portsmouth. Chair Chellman said it had to at least note the fact that times had changed since the PDA was established and issues of air, maritime, and land use had become big ones. He said the consulting firms he spoke to had experience with how that worked, and he thought it could be a few paragraphs. Mr. Samonas said there were a lot of interconnections between the PDA and Greenland, and as Portsmouth expanded, more utilities might be needed out that way and the PDA could be asked to contribute. Mr. Hewitt said he hoped that the existing Master Plan was reviewed and that goals that were met could be discussed and goals that were not met could be carried forward or dropped to get an idea of how well the current Master Plan worked in the context of what Portsmouth thought was important ten years ago up to now. Mr. Samonas suggested assigning metrics to them, and it was further discussed. Chair Chellman said he thought they were ready to have the Legal Department review the draft and consider a lot of the questions that would come up during the interview process. He said he felt that 3-4 consulting firms was enough. Mr. Bowen said Portsmouth was more part of Strafford County than Rockingham and that, from a housing and transportation perspective, they should also be thinking of the Maine border and people who worked at the Naval Shipyard and Pease and about the economic flow of the way the region worked. He noted that the previous master plan organized things around themes. He said RSA 675 lists two requirements and 10 potential chapters or so, and if Portsmouth used what the State law calls for, they would get more actionable concepts of things that could be measured and tracked. He said it was a land use document but there were other master plan city function activities that needed to be thought about, including economic development and social services.

Chair Chellman said it was in the draft and was a subject of negotiation and an informed process back and forth. It was further discussed.

[Timestamp 2:54:00] Chair Chellman said the Board had to draft a letter to the PDA asking that the Board receive a written response when they make a request. Mr. Hewitt said it was sent out six years ago and a lot had changed since then, like the traffic volume, so he thought it had to be revised to current conditions. It was further discussed. Mr. Hewitt said a fresh letter from the Rockingham Planning Commission was needed. Chair Chellman said there were two issues: the lack of response to the Board's requests and fresh data. He said their PDA representative was City Manager Karen Conard and that she could address it. Mr. Almeida said he hoped that the Board's recommendations were recognized and recorded in the PDA's meeting minutes and shared with the Board. It was further discussed. Councilor Moreau said she was the Chair of the Rockingham Planning Commission and that the Board did not have the statutory authority to ask the PDA to review something. Vice-Chair Mahanna said he went to the meetings and that the Board's recommendations were not even mentioned.

B. Board Discussion of Regulatory Amendments, Master Plan Scope & Other Matters

See Section A above.

V. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Joann Breault
Planning Board Recording Secretary