

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

7:00 PM Public Hearing Begins

August 15, 2024

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the July 18, 2024 Meeting Minutes.

*The Board voted to **approve** the July 18, 2024 meeting minutes as presented.*

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

Motion passed with members K. Conard and T. Coviello recusing.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The request of **Christ Church Parish (Owner)**, for property located at **1035 Lafayette Road** requesting Site Plan Review Approval for construction of a 4-story, 44-unit multi-family residential building and construction of a 7-unit transitional housing addition. The project will include associated site improvements such as parking, pedestrian connections, access to public transportation, utilities, stormwater management, lighting, and landscaping. Said property is located on Assessor Map 246 Lot 1 and lies within the Gateway Center (G2) District. (LU-24-92)

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:** T. Coviello*

Motion passed with all in favor.

III. PUBLIC HEARINGS -- OLD 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.

- B.** 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 131Lot 13-3 and lies within the General Residence A (GRA) District. (LU-23-179)

*Motion to **postpone** to the September meeting due to the applicant not being present.*

***Motion:** K. Conard; **Second:** G. Mahanna
Motion passed with all in favor.*

Motion to reconsider after the applicant arrived at the meeting.

***Motion:** T. Coviello; **Second:** K. Conard
Motion passed with all in favor.*

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:** K. Conard
Motion passed with all in favor.*

*2.) The Board voted to **grant** the Conditional Use Permit as presented.*

***Motion:** B. Moreau; **Second:** K. Conard
Motion passed with all in favor.*

IV. 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.

- C.** The request of **Elisabeth Blaisdell, Sheppard Houston and Charles Stewart (Owners)**, for property located at **77 New Castle Avenue** requesting a Conditional Use Permit from Section 10.814 for the conversion of an existing accessory structure into a Detached Accessory Dwelling Unit (DADU) that does not conform with the dimensional requirements of the

Ordinance. Said property is located on Assessor Map 101 Lot 50 and lies within the General Residence B (GRB) and Historic Districts. (LU-24-126)

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

D. The request of **Flipping Bergers, LLC (Owner)**, for property located at **1 Sagamore Grove** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the demolition of the existing dwelling and construction of a new single-family dwelling with attached garage, walkway, patio, driveway and the removal of an existing septic tank. The proposed impervious surface within the wetland buffer will be 2,376 s.f. and will be 40' from the wetland edge. The applicant is proposing a permeable driveway, walkway and patio, a stone drip edge, a vegetated swale in the front lawn, the restoration of the 25' vegetated buffer on site and additional wetland buffer plantings. Said property is located on Assessor Map 201 Lot 8 and lies within the Single Residence B (SRB) District. (LU-24-100)

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: T. Coviello; **Second:** K. Conard

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.

2.2) The final letter of decision from the Planning Board shall be placed with the deed and recorded at the registry of deeds to ensure that all future property owners are aware of the stipulations associated with this Wetland Conditional Use Permit.

2.3) All fertilizers to be used on the property, if any, shall be slow-release fertilizers.

2.4) A visual buffer shall be placed along the edge of the naturalized restoration area to deter disturbance within the buffer (i.e. boulders, shrubbery).

Motion: T. Coviello; **Second:** K. Conard

Motion passed 8-1 with member Mahanna voting against.

E. The request of **Samuel Holman** and **Kristina Schneider Holman (Owners)**, for property located at **271 Lafayette Road** requesting a Conditional Use Permit from Section 10.814 for the construction of a new Detached Accessory Dwelling Unit (DADU). Said property is located on Assessor Map 230 Lot 18 and lies within the Single Residence B (SRB) District. (LU-24-138)

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: K. Conard; **Second:** A. Samonas

Motion passed with all in favor.

*2) The Board voted to **grant** the following **modifications**:*

2.1) Modification from Section 10.814.434 to allow a building footprint of 1,106 square feet.

2.2) Modification from Section 10.814.435 to allow 1,785 square feet gross floor area for the building containing the DADU.

2.3) *Modification from Section 10.814.436 to allow a roof dormer to occupy 82% of the roof plane.*

Motion: K. Conard; **Second:** P. Giuliano
Motion was withdrawn.

Motion to continue the application to the September meeting.

Motion: T. Coviello; **Second:** J. Almeida
Motion passed with all in favor.

F. The request of **Matt Ball** and **Andrea Fershtam (Owners)**, for property located at **252 Wibird Street** requesting a Conditional Use Permit from Section 10.814 for the conversion of an existing accessory structure into a Detached Accessory Dwelling Unit (DADU) that does not conform with the dimensional requirements of the Ordinance. Said property is located on Assessor Map 149 Lot 12 and lies within the General Residence A (GRA) District. (LU-24-137)

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: T. Coviello; **Second:** P. Giuliano
Motion passed with all in favor.

2) *The Board voted to **grant** the following **modifications**:*

2.1) *Modification from Section 10.814.422 to allow a DADU that is within the rear yard setback to have a window higher than 8 feet in height above grade facing the adjacent property.*

2.2) *Modification from Section 10.814.436 to allow the roof dormers to occupy more than 33% of the roof plane.*

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

Motion to continue to the September meeting.

Motion: B. Moreau; **Second:** k. Conard
Motion passed with all in favor.

G. The request of **Christ Church Parish (Owner)**, for property located at **1035 Lafayette Road** requesting Conditional Use permits from Section 10.5B41.10 for a Development Site, from Section 10.5B72 for density bonus incentive for increased dwelling units per building and a Conditional Use Permit from Section 10.1112.14 to provide less than the required parking and Site Plan Review Approval for construction of a 4-story, 44-unit multi-family

residential building to the south of the existing church building, conversion of the first-floor of the existing church into office space and construction of a 7-unit transitional housing addition. The lower level of the existing church will be renovated for the daycare and the church will be relocated to the existing rectory building on the site. The project will include associated site improvements such as parking, pedestrian connections, access to public transportation, utilities, stormwater management, lighting, and landscaping. Said property is located on Assessor Map 246 Lot 1 and lies within the Gateway Center (G2) District. (LU-24-92)

Parking Conditional Use Permit

1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as presented.*

Motion: P. Giuliano; **Second:** T. Coviello
Motion passed with all in favor.

2) *The Board voted to **grant** the Conditional Use Permit.*

Motion: P. Giuliano; **Second:** K. Conard
Motion passed with all in favor.

Density Incentive Conditional Use Permit

1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5B11 and 10.5B73 and to adopt the findings of fact as presented.*

Motion: P. Giuliano; **Second:** K. Conard
Motion passed with all in favor.

2) *The Board voted to **grant** modifications of standards from Section 10.5B41.81 to allow 0% community space where 20% is required.*

Motion: P. Giuliano; **Second:** K. Conard
Motion passed with all in favor.

3) *The Board voted to **grant** the Conditional Use Permit.*

Motion: P. Giuliano; **Second:** T. Coviello
Motion passed with all in favor.

Development Site Conditional Use Permit

1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5B43.10 and to adopt the findings of fact as presented.*

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

Motion passed with all in favor.

- a. *The Board voted to **grant** the conditional use permit for a Development Site **subject to the requirements and conditions** of site plan review approval.*

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

Motion passed with all in favor.

Site Plan Approval

- 1) *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:** J. Almeida

Motion passed with all in favor.

- 2) *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) *Applicant will coordinate with DPW the final sewer connection location on Lafayette Road.*

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:

- 2.5) *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) *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: P. Giuliano; **Second:** K. Conard
Motion passed with all in favor.

H. The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** requesting Site Plan Approval from the Pease Development Authority (PDA) for the addition of two (2) industrial equalization (EQ) tanks and one (1) pump house located between the EQ Tanks that will include portions of the existing detention basin to be regraded. Installation of a new outlet structure to support the resized detention basin and a stormwater filtration system are proposed with this project. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. (LU-24-112)

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

1.1) The applicant shall clean the drainage swale from Goose Bay to Corporate and on Corporate Drive.

Motion: B. Moreau; **Second:** T. Coviello
Motion passed with all in favor.

I. The request of **231 Corporate Drive LLC (Owner)**, for property located at **231 Corporate Drive** requesting Site Plan Review Approval from the Pease Development Authority (PDA) for the construction of a 2,340 SF addition for a linear accelerator vault to support the veterinary hospital. The project includes removal of a row of parking which will reduce overall impervious surface impacts within the wetland buffer by approximately 8,801 SF. The project consists of associated site improvements such as lighting, landscaping, and stormwater management that will include stormwater treatment via a Contech Jellyfish unit to treat the proposed pavement section and building addition. Said property is located on Assessor Map 314 Lot 2 and lies within the Airport Business Commercial (ABC) District. (LU-24-114)

1) The Board voted to recommend Amended Site Plan Approval to the PDA Board.

Motion: B. Moreau; **Second:** T. Coviello

Motion passed with all in favor.

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of Wenberry Associates LLC (Owners), and One Market Square (Applicant), for property located at 21 Congress Street, 1 Congress Street, and 15 Congress Street.** The project is a combination of the previously approved project located at 1 Congress Street and property located at 15 Congress Street. The proposal includes a lot line adjustment with the City, merging the subject lots into one, and re-developing the combined lot as a Mixed Use Building. Said properties are located on Assessor Map 117 Lot 12, Map 117 Lot 14 and lies within the Character District 5 (CD-5) District. (LUPD-24-6)

VI. CITY COUNCIL REFERRALS

- A.** Letter from Mark McNabb, One Market Square, LLC - Haven Court Changes

1) The Board voted to recommend to City Council to move forward with the appropriate legal vehicle as agreed upon by the applicant and the City's Legal Department.

Motion: K. Conard; **Second:** T. Coviello

Motion passed with all in favor.

- B.** Letter from residents of Islington Creek regarding zoning of 361 Hanover Street

1) The Board voted to schedule a work session to discuss potential zoning amendments on or before their second meeting in September.

Motion: B. Moreau; **Second:** T. Coviello

Motion passed with all in favor.

- C.** CIP Meeting – August 19, 2024 City Council

VII. OTHER BUSINESS

- A. 1 Raynes Avenue** - requesting a 1-Year extension to the Site Plan Review, Parking and Wetland Conditional Use approvals set to expire on September 15, 2024.

*1.) The Board voted to **grant** a one-year extension of the Planning Board Approval of the Site Plan and Conditional Use Permits to September 15, 2025.*

Action Sheet, Planning Board Meeting, August 15, 2024

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

Motion passed 8-1 with member Hewitt voting against.

- B. 53 Green Street** – requesting a 1-Year extension to the Site Plan and Wetland Conditional Use Permit approvals; and a second 6-month extension to the Subdivision approval set to expire on September 29, 2024.

*1) The Board voted to **grant** a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use permit to September 29, 2025, and a second six-month extension for the Subdivision to March 29, 2025.*

Motion: T. Coviello; **Second:** J. Almeida

Motion passed with 8-1 with member Hewitt abstaining.

- C. Chairman updates and discussion items
- D. Co-living zoning amendment
- E. Board discussion of Regulatory Amendments, Master Plan Scope & other matters

VIII. ADJOURNMENT

Meeting adjourned at 11:35 pm.