

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

September 19, 2024

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the August 15, 2024 Meeting Minutes.

The Board voted to approve the August 15, 2024 Meeting Minutes as amended.

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

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The request of **Portsmouth Lumber & Hardware (Owner); Ricci Lumber (Applicant)**, for property located at **105 Bartlett Street** requesting Site Plan Review Approval for the demolition of existing sheds and construction of two new storage sheds with associated site improvements. Said property is located on Assessor Map 157 Lot 2 and lies within the Character District 4(CD4-W).

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: K. Conard. 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.

- A. **REQUEST TO WITHDRAW** 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.
REQUEST TO WITHDRAW (LU-24-138)

The Board acknowledged that the applicant withdrew the application.

B. REQUEST TO POSTPONE 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)

*The Board voted to **grant** the request to postpone to January 2025 meeting.*

Motion: B. Moreau, Second: T. Coviello 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.

A. The request of **Peter** and **Amy Lalime (Owners)**, for property located at **1004 Greenland 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 262 Lot 8 and lies within the Single Residence B (SRB) District. (LU-24-29)

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: K. Conard Motion passed with all in favor.

1) The Board voted to grant the following modification:

2.1) Modification from Section 10.814.434 to allow a building footprint of 777 square feet where 750 is the maximum allowed.

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

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

3.1) 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.

3.2) *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.*

3.3) *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 Motion passed with all in favor.

B. The request of **Portsmouth Lumber & Hardware (Owner); Ricci Lumber (Applicant), for property located at **105 Bartlett Street** requesting Site Plan Review Approval for the demolition of existing sheds and construction of two new storage sheds with associated site improvements. Said property is located on Assessor Map 157 Lot 2 and lies within the Character District 4(CD4-W). (LU-24-132)**

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: T. Coviello, 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) *Lot merger application shall be submitted and approved prior to issuance of a building permit.*
- 2.3) *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 for all on site utilities and public pathways.*
- 2.4) *Owner shall provide an access easement to the City for water valve and meter access and for leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

- 2.5) *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>*

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy.

- 2.6) *The Engineer of Record shall submit an Engineer's stamped written report (with photographs, dated inspection reports for critical areas, material certifications, etc) certifying that the stormwater infrastructure was constructed in accordance with the approved plans, the manufacturer's details and specifications, and requirements determined by State and local permits and that installed the system(s) will meet the design performance intent and requirements;*
- 2.7) *A stormwater inspection report showing the required maintenance has been performed shall be completed annually with copies submitted for review to the City's Stormwater Division of the Public Works Department.*

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

C. The request of **Deer Street Hospitality (Owner)**, for property located at **165 Deer Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 to allow 78 parking spaces where 83 are required. Said property is located on Assessor Map 125 Lot 17 and lies within the Character District 5 (CD5), and Downtown Overlay Districts. (LU-19-242)

- 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: K. Conard, Second: J. Almeida Motion passed 6-1 with Member Bowen voting against.

- 2) *The Board voted to grant the Conditional Use Permit with the following condition:*
2.1) *Hotel parking will be by valet only, with no on-street parking allowed.*

Motion: K. Conard, Second: T. Coviello Motion passed 6-1 with Member Bowen voting against.

V. CITY COUNCIL REFERRALS

- A.** Letter from James R. Knudsen, Estate of Star C. Johnson – Donation of Map 232 Lot 25 on Marjorie Street to the City

1) *The Board voted to recommend the City Council accept the donation of land from the Estate of Star C. Johnson.*

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

B. Request to Release a portion of Longmeadow Lane

1) *The Board voted to recommend the City Council not release the City's interest in Longmeadow Lane.*

Motion: B. Moreau, Second: T. Coviello Motion passed 6-0 with Member Samonas abstaining.

C. Gateway Neighborhood Overlay District (GNOD)

1) *The Board voted to schedule a public hearing at the October 17, 2024 Planning Board meeting.*

Motion: K. Conard, Second: A.Samonas Motion passed with all in favor.

VI. OTHER BUSINESS

A. 105 Bartlett Street requesting a 1-Year to the Site Plan Review, Shared Parking and Wetland Conditional Use approvals that are set to expire on October 12, 2024.

The Board voted to grant a one-year extension of the Planning Board Approval of the Site Plan and Conditional Use Permit to October 12, 2025.

Motion: T. Coviello, Second: J. Almeida Motion passed 5-0 with Members Moreau and Conard abstaining.

B. 928 & 936 South Street requesting a 1-Year extension to the Lot Line approval issued on September 21, 2023, extended on March 15, 2024, and due to expire on September 21, 2024.

The Board voted to grant a second six-month extension for the Subdivision to March 21, 2025.

Motion: B. Moreau, Second: J. Almeida Motion passed with all in favor.

C. Chairman updates and discussion items

A motion was made to provide a letter of support for the Invest NH HOP Grant 2.0 from the Planning Board.

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

- D.** Board discussion of Regulatory Amendments, Master Plan Scope & other matters
- VII. ADJOURNMENT**

The meeting was adjourned at 8:30 PM