

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM Public Hearings begin**

**November 21, 2024**

**ACTION SHEET**

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**REGULAR MEETING 7:00pm**

**I. APPROVAL OF MINUTES**

- A. Approval of the September 26, 2024 Work Session minutes, October 17, 2024 meeting minutes and the October 24, 2024 Work Session minutes.

*Motion: K. Conard, Second: J. Almeida  
Motion passed with all in favor.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

- A. The request of **Lawrence P. Bornheimer Revocable Trust and Roman Catholic Bishop of Manchester (Owners)**, for property located at **119 Diamond Drive and 827 Woodbury Ave** requesting Preliminary and Final Subdivision approval for a Lot Line Revision between Map 220 Lot 31 and Map 219 Lot 39 to relocate the common boundary line to encompass existing encroachments including a fence, retaining wall and drainage features.
- B. The request of **Northeast Credit Union (Owner)**, and **Liberty Mutual Insurance Company (Owner)**,for property located at **100 Borthwick Avenue and 0 Borthwick Avenue** requesting Preliminary and Final Subdivision approval to adjust the boundary between Map 240 Lot 3 and Map 259 Lot 15 by adding approximately 4.88 acres to Map 240 Lot 3.

*The Board voted to determine that Items A & B are complete according to the Subdivision Review Regulations, (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the applications 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.*

- A. POSTPONED TO JANUARY 2025** 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. **POSTPONED TO JANUARY 2025 (LU-24-137)**

**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 **Port Harbor Land LLC (Owner)**, for property located at **2 Russell Street** requesting a Conditional Use Permit Approval to allow a 40,000 square foot building footprint within the CD5 zone as permitted under Section 10.5A43.43 and a Conditional Use Permit to provide 340 parking spaces on separate lots where 334 are required under Section 10.1112.62 of the Zoning Ordinance. Said property is located on Assessor Map 124 Lot 12 and lies within the Character District 5 (CD5) Historic and Downtown Overlay Districts. (LU-24-191)

**Conditional Use Permit – 10.1112.62 Shared Parking**

- 1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as presented.*

**Motion:** B. Moreau, **Second:** P. Giuliano  
*Motion passed with all in favor.*

- 2) *The Board voted to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to **grant** the conditional use permit as presented with the following **condition**:*

- 2.1) *The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.*
- 2.2) *The number of spaces may be decreased by 1 space without impacting the approval as determined by staff.*

**Motion:** B. Moreau, **Second:** P. Giuliano  
*The motion **passed** with all in favor*

**Conditional Use Permit – 10.5A43.43 Maximum Building Footprint**

- 1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as presented.*

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

- B.** The request of **Hogswave LLC (Owner)**, for property located at **913 Sagamore Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for 9,574 square feet of disturbance within the wetland buffer area for re-development including demolition of the existing dwelling, construction of a new dwelling, re-configuration of the gravel driveway, pervious paver patio, and deck, grading, utility connections and landscaping. Said property is located on Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB) District. (LU-24-141)

*Motion to continue the application to the December meeting*

**Motion:** G. Mahanna **Second:** J. Hewitt

*Motion failed 3-6 with Members Mahanna, Hewitt and Bowen voting in favor*

**Wetland Conditional Use Permit**

- 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 to adopt the findings of fact as presented.*

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

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

- 2.1) *Wetland boundary markers shall be permanently installed prior to the start of construction in locations noted on plan set.*

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

*Motion passed 7-2 with Members Mahanna and Hewitt voting against*

- C. The request of Kevin **Shitan Zeng Revocable Trust of 2017 (Owner)**, for property located at **377 Maplewood Avenue** requesting a Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit. Said property is located on Assessor Map 141 Lot 22 and lies within the General Residence a (GRA) and Historic Districts. (LU-24-133)

**Detached Accessory Dwelling Unit Conditional Use Permit**

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 to adopt the findings of fact as presented.*

**Motion:** T. Coviello, **Second:** G. Mahanna  
*Motion passed with all in favor*

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

2.1) *Modification from Section 10.814.434 to allow a building footprint of 1,104 square feet.*

**Motion:** T. Coviello, **Second:** P. Giuliano  
*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:** T. Coviello, **Second:** G. Mahanna  
*Motion passed with all in favor*

- D.** The request of **Lawrence P. Bornheimer Revocable Trust and Roman Catholic Bishop of Manchester (Owners)**, for property located at **119 Diamond Drive** and **827 Woodbury Avenue** requesting Preliminary and Final Subdivision approval for a Lot Line Revision between Map 220 Lot 31 and Map 219 Lot 39 to relocate the common boundary line to encompass existing encroachments including a fence, retaining wall and drainage features. Said properties are located on Assessor Map 220 Lot 31 and Map 219 Lot 39 and lies within the Single Residence B (SRB) District. (LU-24-199)

**Subdivision Waiver**

- 1) *The Board voted to **grant** the requested waivers to the Subdivision Standards from Section IV.9/V.8 Requirements for Preliminary Plat and Requirements for Final Plat.*
- a. *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

**Motion:** B. Moreau, **Second:** G. Mahanna  
*Motion passed with all in favor*

**Subdivision**

- 1) *The Board voted to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

**Motion:** B. Moreau, **Second:** G. Mahanna  
*Motion passed with all in favor*

- 2) *The Board voted to **grant** Preliminary and Final Subdivision Approval with the following **conditions**:*
- 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

**Motion:** B. Moreau, **Second:** G. Mahanna  
*Motion passed with all in favor*

- 2) The request of **Northeast Credit Union (Owner)**, and **Liberty Mutual Insurance Company (Owner)**, for property located at **100 Borthwick Avenue** and **0 Borthwick Avenue requesting** Preliminary and Final Subdivision approval to adjust the boundary between Map 240 Lot 3 and Map 259 Lot 15 by adding approximately 4.88 acres to Map 240 Lot 3. Said property is located on Assessor Map 259 Lot 15 and Map 240 Lot 3 and lies within the Office Research (OR) District. (LU-24-151)

**Subdivision**

*1) The Board voted to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations 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** Preliminary and Final Subdivision Approval with the following conditions:*

- 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

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

**VII. CITY COUNCIL REFERRALS**

**A. Recommendation on FY2026-FY2031 Capital Improvement Plan**

*The Board voted to recommend a new element sheet for a new parking garage with an allocation of \$150,000 for FY27 to start the process for site selection and feasibility.*

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

*The Board voted to recommend adoption of the Capital Improvement Plan to the City Council.*

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

**B. Osprey Landing Open Space**

*Motion to **continue** to December to get additional information on the restrictions.*

**Motion:** K. Conard, **Second:** J. Almeida

*Motion passed with all in favor.*

**C. 27 Hancock Street**

*The Planning Board voted to waive the referral and report requirement pursuant to Ordinance Section 11.602(c).*

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

*Motion passed with all in favor.*

**VIII. OTHER BUSINESS**

**A.** Chairman updates and discussion items

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

**IX. ADJOURNMENT**

*The meeting adjourned at 10:26 p.m.*