



City of Portsmouth  
Planning Department  
1 Junkins Ave, 3<sup>rd</sup> Floor  
Portsmouth, NH  
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP  
Planning Manager

Date: December 19, 2024

Re: Recommendations for the December 19, 2024 Planning Board Meeting

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## I. APPROVAL OF MINUTES

A. Approval of the November 21, 2024 meeting minutes.

*Planning Department Recommendation*

*1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the November 21, 2024 meetings and vote to approve meeting minutes with edits if needed.*

## II. DETERMINATION OF COMPLETENESS

### SUBDIVISION PLAN REVIEW

- A. The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** requesting Subdivision and Site Plan Review Approval to demolish the existing single-family residence and subdivide the lot into four new parcels with associated site improvements, including three single-family homes, a private roadway lot, stormwater management, utilities, and landscaping. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District.
- B. The request of **Oak Street Invest GRD NET (Owner)**, and **Oak Street Real Estate Capital (Owner)** and **Durgin Lane LLC (Applicant)**, for property located at **100 Durgin Lane** requesting Subdivision approval for a Lot Line Adjustment of the three existing parcels, a Wetland conditional use permit in accordance with Section 10.1017.50, a conditional use permit from the Highway Noise Overlay District (HNOD) in accordance with Section 10.613.60, a conditional use permit for a Development Site in accordance with Section 10.5B41.10, and Site Plan Review approval for the demolition of the existing buildings and construction of 360 rental housing units in a mix of 3-story and

4-story buildings with associated site improvements including parking, pedestrian access, community spaces, utilities, stormwater management, lighting, and landscaping. Said property is located on Assessor Map 239 Lots 13-2, 16 & 18 and lies within the Gateway Corridor (G1) and Highway Noise Overlay Districts.

**Planning Department Recommendation**

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- 1) *Vote 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.*

**SITE PLAN REVIEW**

- A. The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** requesting Subdivision and Site Plan Review Approval to demolish the existing single-family residence and subdivide the lot into four new parcels with associated site improvements, including three single-family homes, a private roadway lot, stormwater management, utilities, and landscaping. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District.
- B. The request of **Oak Street Invest GRD NET (Owner)**, and **Oak Street Real Estate Capital (Owner)** and **Durgin Lane LLC (Applicant)**, for property located at **100 Durgin Lane** requesting Subdivision approval for a Lot Line Adjustment of the three existing parcels, a Wetland conditional use permit in accordance with Section 10.1017.50, a conditional use permit from the Highway Noise Overlay District (HNOD) in accordance with Section 10.613.60, a conditional use permit for a Development Site in accordance with Section 10.5B41.10, and Site Plan Review approval for the demolition of the existing buildings and construction of 360 rental housing units in a mix of 3-story and 4-story buildings with associated site improvements including parking, pedestrian access, community spaces, utilities, stormwater management, lighting, and landscaping. Said property is located on Assessor Map 239 Lots 13-2, 16 & 18 and lies within the Gateway Corridor (G1) and Highway Noise Overlay Districts.
- C. The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** requesting Site Plan Review Approval for the demolition of the existing structures and construction of 4 single family dwellings with associated site improvements. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District.

- D.** The request of **Go-Lo Inc (Owner)**, for property located at **2059 Lafayette Road** requesting Site Plan Review Approval to demolish the existing mixed-use building and construct a new 8-unit residential building with associated site improvements. Said property is located on Assessor Map 268 Lots 12 & 13 and lie within the Mixed Residential Business (MRB) District.

**Planning Department Recommendation**

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- 2) *Vote to determine that Items A - D are 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 applications for consideration.*

### 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.*

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- A. 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)

***\*\*Application has been postponed to January 2025 meeting.\*\****

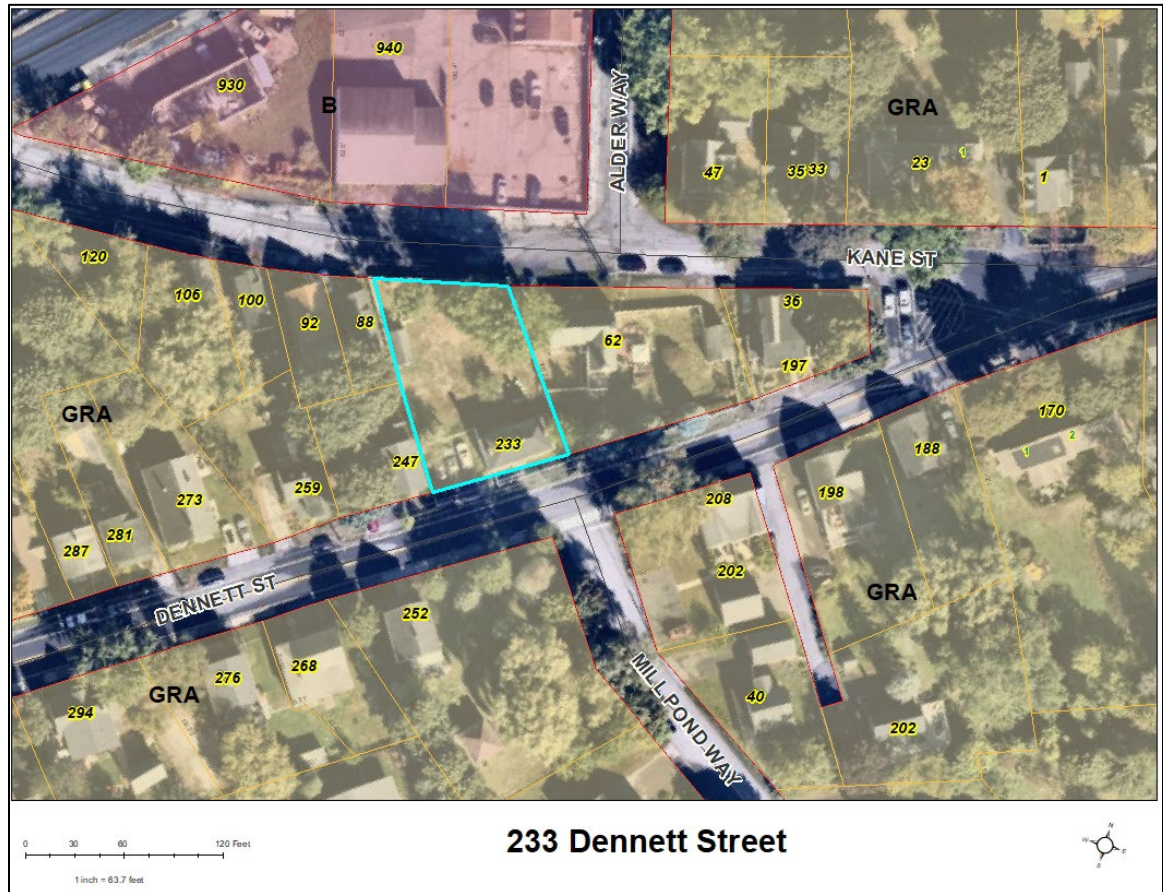
#### IV. PUBLIC HEARINGS – NEW BUSINESS

*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 **Eric Brassard (Owner)**, for property located at **233 Dennett Street** requesting a Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit (DADU). Said property is located on Assessor Map 142 Lot 7 and lies within the General Residence A (GRA) District.

#### **Project Background**

The applicant is proposing to construct a detached accessory dwelling unit (DADU) on the subject lot. The proposed DADU will mimic the architectural style and features of the principal dwelling and will conform to the requirements of the Ordinance for DADUs with the exception of one modification outlined below.



**Project Review, Decisions, and Recommendations**

Per Section 10.814.63 below, the Planning Board may modify certain standards in this section except for the size and height of the ADU.

**10.814.63** In granting a conditional use permit for an **accessory dwelling unit**, the Planning Board may modify a specific standard set forth in Sections 10.814.26 and 10.814.30 through 10.814.50 (except the size and height of any **ADU**), including requiring additional or reconfigured **off-street parking** spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.62.

The applicant is seeking one modification for the setback from the front of the principal dwelling from Section 10.814.431, which requires 10 feet and the applicant is proposing to be setback 5 feet.

**10.814.431** The front wall of a **DADU** that is not created within an existing **accessory building** shall be **set back** at least 10 feet further from the **front lot line** than the existing front wall of the principal **dwelling unit**.

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**Planning Department Recommendation**

**Detached Accessory Dwelling Unit Conditional Use Permit**

1) *Vote 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.*

*(Alt.) Vote 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 amended.*

2) *Vote to grant the following modification:*

*2.1) Modification from Section 10.814.431 to allow the DADU to be setback 5 feet from the plane of the principal building.*

3) *Vote 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.*

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#### IV. PUBLIC HEARINGS – NEW BUSINESS

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- B.** The request of **Shaines and McEachern Company (Owner)**, for property located at **282 Corporate Drive** requesting Site Plan Review Approval and a Wetland Conditional Use Permit in accordance with Article 304 - A.08 of the Pease Development Authority Ordinance for the renovation of the existing space with associated site improvements including paving, striping curbing, stormwater management and utilities. Said property is located on Assessor Map 315 Lot 2 and lies within the Airport Business Commercial (ABC) District.

##### Background

This project is located in the Pease Development Authority and is seeking a wetland conditional use permit and site plan approval for renovations to the interior of a building along with construction impacts within a wetland and wetland buffer and associated site improvements. The proposed jurisdictional impacts will be for the reconstruction of an existing swale as well as a new rain garden treatment area partially within the buffer. The permanent wetland buffer impacts to occur within the 25' wetland buffer will be 4,983 s.f. while the temporary impacts will be 1,086 s.f. The direct wetland impacts for grading and constructing the existing swale will be 1,448 s.f

*The PDA regulations allow for the use of stormwater treatment within their wetland buffers (see Section 304-A.07 (9)).*

- (9) Drainage ways to include paths of normal storm water runoff, the construction of detention ponds, drainage swales, ditches and other storm water treatment structures, snow storage and playing fields provided that at least 50% of the depth of the buffer zone remains undisturbed and provided all state and federal permits have been obtained.

##### Staff Review

- 1. *The land is reasonably suited to the use.***

This project proposes reconstructing existing drainage infrastructure that has previously been filled in and failing. In addition, this project proposes the removal of an existing concrete pad within the buffer and some impervious surface used for parking.

- 2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use.***



This buffer area has already been heavily impacted, and these efforts are meant to improve the stormwater treatment and wetland health of the immediate local resource.

**3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.**

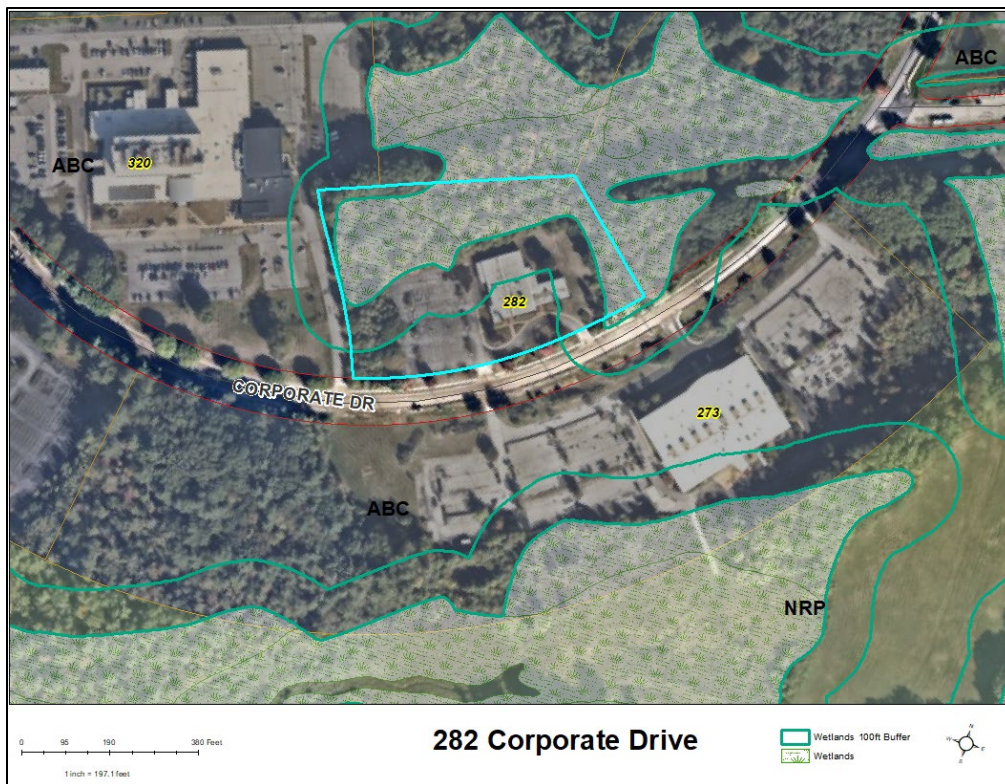
Construction will have temporary impacts, but it appears that post-construction will remove a lot of existing debris and harmful buildup in the wetland and buffer and will restore stormwater runoff and water quality within this area.

**4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.**

This plan only calls for some re-grading of these areas, with major improvements planned for the overall ecosystem health with the restoration of the existing swale and the installation of a new rain garden on the edge of the 25' wetland buffer. The applicant is also proposing the removal of invasive species as a part of this project.

**5. Potential impacts have been avoided to the maximum extent practicable and unavoidable impacts have been minimized.**

The proposed work will be done in order to improve overall site conditions within the wetland and wetland buffer. While some impacts from construction are unavoidable, the impacts proposed will be for the purpose of improving stormwater quality, infiltration and wetland health on the site.



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**Project Review, Discussion, and Recommendations**

The project was before the Technical Advisory Committee and Conservation Commission. See below for details.

**Technical Advisory Committee**

The applicant was before TAC at their regularly scheduled meeting of Tuesday, November 5, 2024 meeting. TAC voted to recommend that the Planning Board recommend approval to the Pease Development Authority with the following conditions:

- 1. Plans will be updated to reflect NO PARKING signs will be installed at the head of each handicapped parking space access aisle that is 8 feet wide, in a location that does not block the access route.*
- 2. Plans will be updated to reflect any disturbance in roadway aprons will result in reinstalled aprons as they currently exist to ensure that the sidewalk system stays ADA compliant.*
- 3. Applicant will coordinate with grease trap compliance at DPW.*
- 4. Plans will be edited to reflect accurate plan grades in right of way.*
- 5. A PDA Conditional Use Permit will be submitted to the Portsmouth Conservation Commission and Planning Board for review and recommendation.*

***The TAC comments have been addressed in the Planning Board application.***

**Conservation Commission**

The applicant was before the Commission at their regularly scheduled meeting of Wednesday, December 11, 2024 meeting. The Commission voted unanimously to recommend that the Planning Board recommend approval to the Pease Development Authority with the following conditions:

- 1. Owner should ensure that all snow salt and snowmelt applications on site are performed by someone who is certified by the NHDES Green SnowPro program.*
- 2. A schedule for the parking lot sweeping of debris should be included within the maintenance manual. This should occur at least twice annually, particularly in the spring.*
- 3. A schedule for invasive species management should be included within the maintenance manual with species-specific removal guidance for bittersweet, as well as references via a note on the plans.*
- 4. The proposed tree areas to remain and be removed should be clearly demarcated*

*on plan set.*

5. *The areas of proposed invasive species removal shall be denoted on plan set.*
6. *Wetland boundary markers should be placed along the 25' wetland buffer line.*
7. *A note should be added to the plan set stating that the area between the wetland boundary and 25' buffer line will be a 'no-mow' zone.*
8. *Applicant should add note to plan set stating that the area where pavement is to be removed (but not where the rain garden is proposed), conservation seed mix will be used for planting and mowing shall not occur.*
9. *Applicant should include a note on the plan set stating that snow storage shall only occur on the south side of the parking lot to ensure that melt is not being directed into the new rain garden.*

*The amendments to RSA 676:3 with regards to adopting findings of fact for a project apply to local planning boards making decisions based on the municipality's regulations. Pease falls exclusively under RSA 12-G and the Pease Land Use Controls, therefore the requirement to vote on and adopt findings of fact do not apply for this application.*

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**Planning Department Recommendation**  
**Wetland Conditional Use Permit**

**1) Vote to recommend approval of the Wetland Conditional Use Permit to the PDA Board with the following conditions:**

- 1.1) *Owner should ensure that all snow salt and snowmelt applications on site are performed by someone who is certified by the NHDES Green SnowPro program.*
- 1.2) *A schedule for the parking lot sweeping should be included within the maintenance manual. This should occur at least twice annually, particularly in the spring.*
- 1.3) *A schedule for invasive species management should be included within the maintenance manual with species-specific removal guidance for bittersweet, as well as references via a note on the plans.*
- 1.4) *The proposed tree areas to remain and be removed should be clearly demarcated on plan set.*
- 1.5) *The areas of proposed invasive species removal shall be denoted on plan set.*
- 1.6) *Wetland boundary markers should be placed along the 25' wetland buffer line.*
- 1.7) *A note should be added to the plan set stating that the area between the wetland boundary and 25' buffer line will be a 'no-mow' zone.*
- 1.8) *Applicant should add note to plan set stating that the area where pavement*

*is to be removed (but not where the rain garden is proposed), conservation seed mix will be used for planting and mowing shall not occur.*

- 1.9) *Applicant should include a note on the plan set stating that snow storage shall only occur on the south side of the parking lot to ensure that melt is not being directed into the new rain garden.*
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### **Planning Department Recommendation**

#### **Site Plan Approval**

- 1) *Vote to recommend Amended Site Plan Approval to the PDA Board.*
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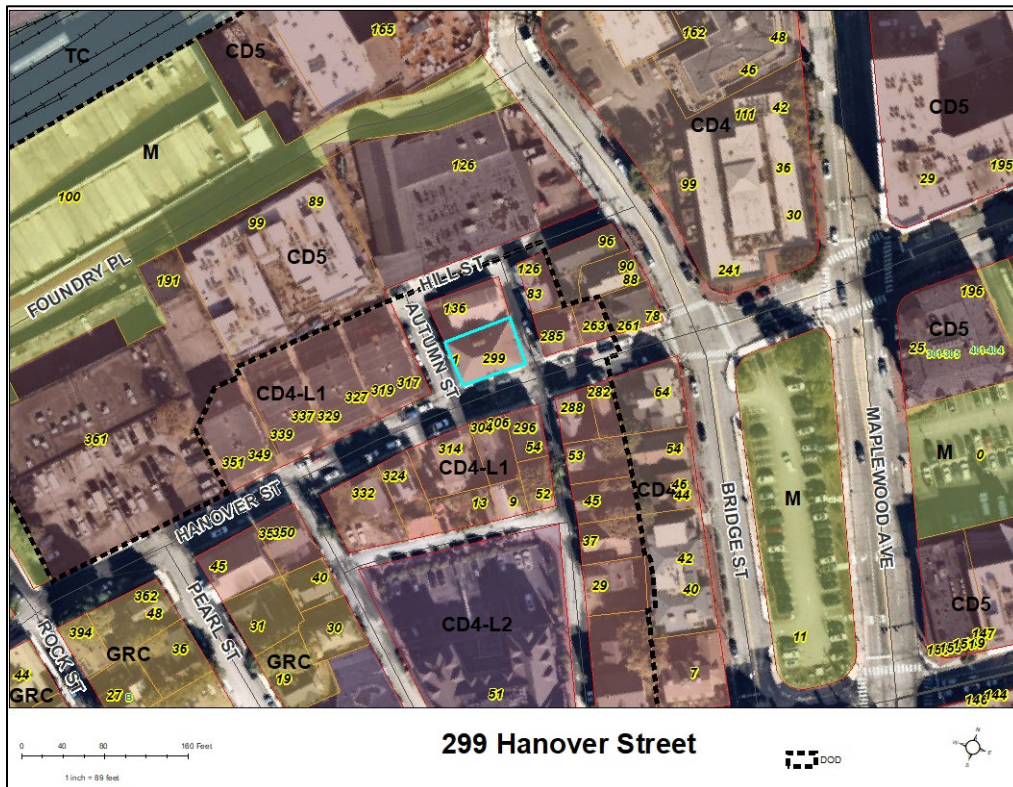
#### IV. PUBLIC HEARINGS – NEW BUSINESS

*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 **Jeffrey Nawrocki Revocable Trust of 2001 (Owner), 299 Hanover Street** requesting a Parking Conditional Use Permit from Section 10.1112.14 to allow three parking spaces where 10 are required. Said property is located on Assessor Map 125 Lot 10 and lies within the Character District 4-L1 (CD4-L1).

#### Project Background

The applicant is seeking a parking conditional use permit to convert existing office space into two residential units on the ground floor of the existing building. Currently both floors are used as office space, which requires 13 parking spaces per the Zoning Ordinance. The conversion of the ground floor into two apartments over 750 square feet will reduce the parking demand by 3 spaces. The property is just outside of the Downtown Overlay District (DOD). If it was in the DOD, the parking would be compliant with this proposal, however the residential would not be permitted on the ground floor. The property contains 3 spaces, however it is unclear in the application who will use those spaces, the residential units or the office.



**Project Review, Decisions, and Recommendations**

The applicant was before the Technical Advisory Committee at their regularly scheduled meeting on Tuesday, December 3, 2024 and the Board voted to find the parking demand analysis acceptable.

The demand analysis states the office use accounts for 2,500 square feet which calculates to 7.1 spaces and per the Ordinance would be rounded up to 8 spaces however, the square footage includes storage and mechanical space is typically removed from the parking calculation, thus the parking requirement for the office is 7 spaces and the proposed residential requirement is 3 spaces.

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**Planning Department Recommendation**  
**Parking Conditional Use Permit**

*1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as presented.*

*(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as amended.*

*2) Vote to grant the Conditional Use Permit as presented.*

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#### 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.*

- D. The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** requesting Site Plan Review Approval for the demolition of the existing structures and construction of 4 single family dwellings with associated site improvements. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District.

#### Project Background

The property is located in the Single Residence A district and contains an auto detailing shop and apartment. application is for site plan review to demolish the existing structures and construct four single-family dwellings on one lot. The applicant completed Preliminary Conceptual Consultation on January 27, 2022 with the Planning Board and initially presented 6 single-family units on one lot. This was reduced to a 4-unit development as the applicant went through the variance process with the Zoning Board outlined below.



### **Project Review, Discussion, and Recommendations**

The project was before the Technical Advisory Committee and Zoning Board of Adjustment. See below for details.

#### **Board of Adjustment**

The applicant first submitted to the Zoning Board in May of 2022 with a proposal for 5 single-family dwellings on a lot but withdrew the application before it was considered by the Board in order to work with neighbors to address concerns with the proposal. The applicant submitted a new variance application and was back before the Board at their regularly scheduled meeting of Tuesday, May 16, 2023 meeting. The applicant requested the following: 1) A Variance from Section 10.513 to allow four free-standing dwellings where one is permitted and 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 21,198 square feet per dwelling where 43,560 square feet is required.

The Board initially voted to deny the request, but the motion failed. A subsequent motion to approve the request passed with the following condition:

- 1. The design and location of the dwelling may change as a result of Planning Board review and approval.*

#### **Technical Advisory Committee**

The applicant began the site plan review process with TAC in April 2024 and has been working through site design since then. A third-party engineer was engaged to review the storm water and drainage design throughout the process. A letter from Altus engineering is included, stating they are satisfied with the design. At their regularly scheduled meeting of Tuesday, November 5, 2024 meeting TAC voted to recommend that the Planning Board recommend approval with the following conditions:

#### ***The following changes will be made prior to Planning Board submission:***

- 1. The stormwater maintenance manual shall be updated for the submission to the Planning Board.*
- 1. Trees to remain are clearly marked before site work can commence.*
- 2. Monthly and annual reporting of stormwater and drainage infrastructure as defined in the stormwater maintenance manual to the Department of Public Works.*
- 3. Engineer to certify that stormwater mitigation system was monitored during construction, is installed as designed and that the system will function in compliance with the proposed drainage study and plan.*



4. Developer to pay for the installation of the fire hydrant extended to the site. The hydrant was installed exclusively for the benefit of this site. The cost to install was \$20,900.

5. Developer to provide fair share contribution for catch basin installed up gradient to the Tidewatch intersection. The catch basin was installed partially for the benefit of this site. The fair share contribution is \$15,208.

**The TAC comments have been addressed in the Planning Board application or added as conditions of approval.**

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### Planning Department Recommendation

#### Site Plan Approval

1) Vote 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.

(Alt.) Vote 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 amended.

2) Vote 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) Key elevations should be added to the stone infiltration basins under the decks for Units 3 and 4. Add notes to the plan requiring inspection of the subgrade by the City to ensure that the design criteria is met.
- 2.5) The sitework details for both the sand absorption area and the infiltration

*stone underneath deck specify uncompacted in-situ soil or suitable backfill from subject parcel native material is placed beneath and adjacent to the systems. The Designer should provide gradation, compaction, and infiltration rate requirements for the placement of the fill adjacent, below and down gradient of the infiltration practice. The sand absorption area for unit 3 is in 5-foot fill section. The detail should include a minimum depth of native material below the treatment area as well as down gradient.*

- 2.6) Trees to remain shall be clearly marked before site work can commence.*
- 2.7) Developer shall pay \$20,900 to cover the cost of the installation of the fire hydrant extended to the site, which was installed exclusively for the benefit of this site.*
- 2.8) Developer shall provide fair share contribution for catch basin installed up gradient to the Tidewatch intersection. The catch basin was installed partially for the benefit of this site. The fair share contribution is \$15,208.*

*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:*

- 2.6) 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;*
  - 2.7) A stormwater inspection and maintenance report shall be completed annually (or monthly as outlined in O & M manual) and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*
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#### 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.*

- E. The request of **Go-Lo Inc (Owner)**, for property located at **2059 Lafayette Road** requesting Site Plan Review Approval to demolish the existing mixed-use building and construct a new 8-unit residential building with associated site improvements. Said property is located on Assessor Map 268 Lots 12 and 13 and lie within the Mixed Residential Business (MRB) District.

##### Project Background

The applicant is proposing to demolish the existing building and merge the two lots into one in order to construct an 8-unit residential building with associated site improvements. An 8-unit multi-family dwelling is permitted in the MRB district, however the lot area per dwelling requirement does not meet the 7,500 square feet per dwelling.



**Project Review, Decisions, and Recommendations**

The applicant was before the Technical Advisory Committee and Zoning Board of Adjustment. See below for details.

**Board of Adjustment**

The applicant was before the Zoning Board of Adjustment at its regularly scheduled meeting of Tuesday, December 19, 2023 and the Board voted unanimously to approve the following variances:

- 1) Variance from Section 10.1113.20 to allow parking located closer to the street than the principal building in the secondary front yard; and 2) Variance from Section 10.521 to allow 3,430 square feet of lot area per dwelling unit where 7,500 square feet are required.

**Technical Advisory Committee**

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, September 3, 2024 and the Committee voted unanimously to recommend approval with the following conditions:

**The following changes will be made prior to Planning Board submission:**

1. *A CUP will be needed to provide 175% of required parking.*
2. *Applicant will include existing vegetation and trees on landscape plan (what is to remain and what is to be removed) and demonstrate compliance with Section 6.2.1 of the Site Plan Review Regulations.*
3. *Applicant will demonstrate compliance with Site Plan Review Regulation 6.11 and note landscape irrigation source and plans.*
4. *Install new 5.5' asphalt sidewalk on Hoover Drive from Lafayette Road to Coolidge Drive to the satisfaction of DPW.*
5. *Change proposed drain manhole on Hoover Drive to in-line catch basin with sump.*
6. *Note added to plan reflecting MEP engineer to determine sizes of proposed fire and domestic water services.*
7. *NO PARKING signs must be installed at the head of each handicap parking space access aisle that is 8 feet wide, in a location that does not block the accessible route.*
8. *Plans updated to reflect tactile panels at the ends of the multi-use path must extend the full width of the path.*
9. *Plans will be updated to reflect the current preferred alternative route for the DOT Route 1 project provides for a 10-foot-wide multi-use path along the site, not 8 feet.*
10. *Applicant will consider bike racks that provide two points of contact with bikes.*
11. *All plans reflect compliance with the City's most up to date building codes.*
12. *Offsite plans will be provided for Hoover Drive that is approved by DPW.*

**Conditions:**

1. *Trees to remain clearly marked and fenced in before site work to commence.*
2. *Engineer to certify that stormwater mitigation system was monitored during construction, is installed as designed and that the system will function in compliance with the proposed drainage study and plan.*
3. *Access to utility room will be provided to DPW for water meter access.*

4. *New plantings will not block sight lines at driveway and vegetation will be cleared within Hoover Drive ROW to provide necessary sight lines*

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**Planning Department Recommendation**

**Site Plan Approval**

1) *Vote 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.*

*(Alt.) Vote 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 amended.*

2) *Vote to grant Site Plan approval with the following conditions:*

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*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) *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) *Offsite plans for Hoover Drive shall be reviewed and approved by DPW.*

*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:*

- 2.6) *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;*
  - 2.7) *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.*
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#### IV. PUBLIC HEARINGS – NEW BUSINESS

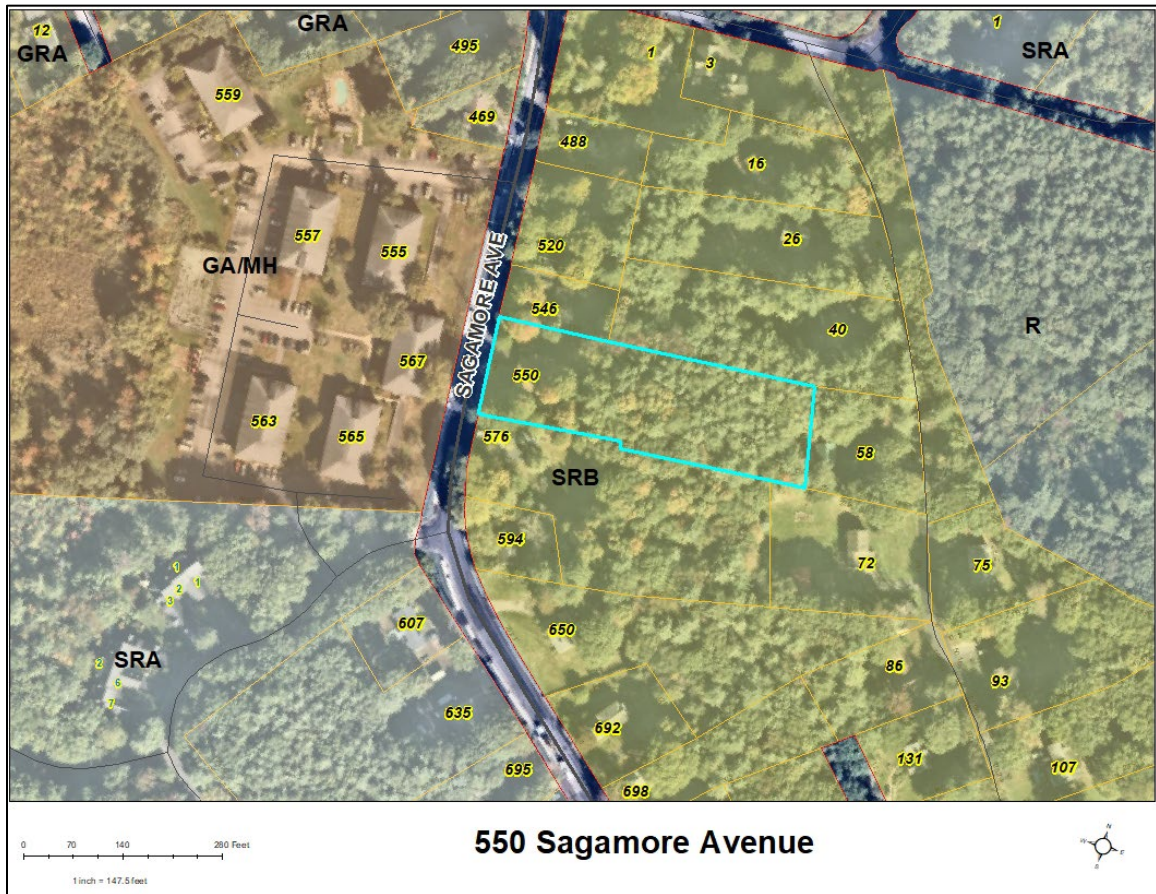
*The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

- F. The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** requesting Subdivision and Site Plan Review Approval to demolish the existing single-family residence and subdivide the lot into four new parcels with associated site improvements, including three single-family homes, a private roadway lot, stormwater management, utilities, and landscaping. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District.

#### Project Background

This application is for a four-lot subdivision, three single-family lots and a right-of-

way lot, conforms to the zoning requirements for lot size and dimensional standards for the proposed dwellings on each of the three lots. The applicant sought relief from the Zoning Board of Adjustment on two separate occasions, once for a four-unit, two duplex proposal and a second time for a three-family structure. Both proposals were denied by the Board of Adjustment and now the applicant is proposing a by-right subdivision.



### **Project Review, Decisions, and Recommendations**

The applicant was before the Technical Advisory Committee. See below for details.

### **Technical Advisory Committee**

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, November 5, 2024 and the Committee voted unanimously to recommend approval with the following conditions:



**The following changes will be made prior to Planning Board submission:**

1. *Applicant to provide a letter demonstrating compliance with Site Plan Review Regulations 6.2.1, 6.3.4, 6.3.8, 6.3.9, 6.3.14, 6.4, and 6.11.*

**Condition Precedent:**

1. *Trees to remain are clearly marked and erosion controls in place before site work can commence.*

**Conditions:**

1. *Applicant will provide a maintenance agreement for right of way.*
2. *Sewer will require NHDES sewer extension application.*
3. *A W14-2a sign will be used rather than a W14-2.*
4. *Engineer to certify that stormwater mitigation system was monitored during construction, is installed as designed and that the system will function in compliance with the proposed drainage study and plan.*

***The TAC conditions have been addressed in the Planning Board application or added as conditions of approval.***

The applicant is seeking waivers from the Subdivision regulations as outlined in their application for the right-of-way width, outside curb and street property line radius for a cul-de-sac and 20 – 22 feet of pavement along the roadway and cul-de-sac. These requests were presented to the Planning Board at Preliminary Conceptual Consultation review in July.

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**Planning Department Recommendation**

**Subdivision Waiver**

1. ***Vote to grant the requested waivers to the Subdivision Standards as outlined in the applicant's memo. [NOTE: Motion maker must select one of the following options]:***

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.*

[OR]

b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

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**Planning Department Recommendation**

**Subdivision**

- 1) *Vote 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.*

*(Alt.) Vote 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 amended and read into the record.*

- 2) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
  - 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;*

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**Planning Department Recommendation**

**Site Plan Approval**

- 1) *Vote 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.*

*(Alt.) Vote 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 amended.*

- 2) *Vote 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>*

*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:*

- 2.4) *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;*
  - 2.5) *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.*
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#### 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.*

- G.** The request of **Oak Street Invest GRD NET (Owner)**, and **Oak Street Real Estate Capital (Owner)** and **Durgin Lane LLC (Applicant)**, for property located at **100 Durgin Lane** requesting Subdivision approval for a Lot Line Adjustment of the three existing parcels, a Wetland conditional use permit in accordance with Section 10.1017.50, a conditional use permit from the Highway Noise Overlay District (HNOD) in accordance with Section 10.613.60, a conditional use permit for a Development Site in accordance with Section 10.5B41.10, and Site Plan Review approval for the demolition of the existing buildings and construction of 360 rental housing units in a mix of 3-story and 4-story buildings with associated site improvements including parking, pedestrian access, community spaces, utilities, stormwater management, lighting, and landscaping. Said property is located on Assessor Map 239 Lots 13-2, 16 & 18 and lies within the Gateway Corridor (G1) and Highway Noise Overlay Districts.

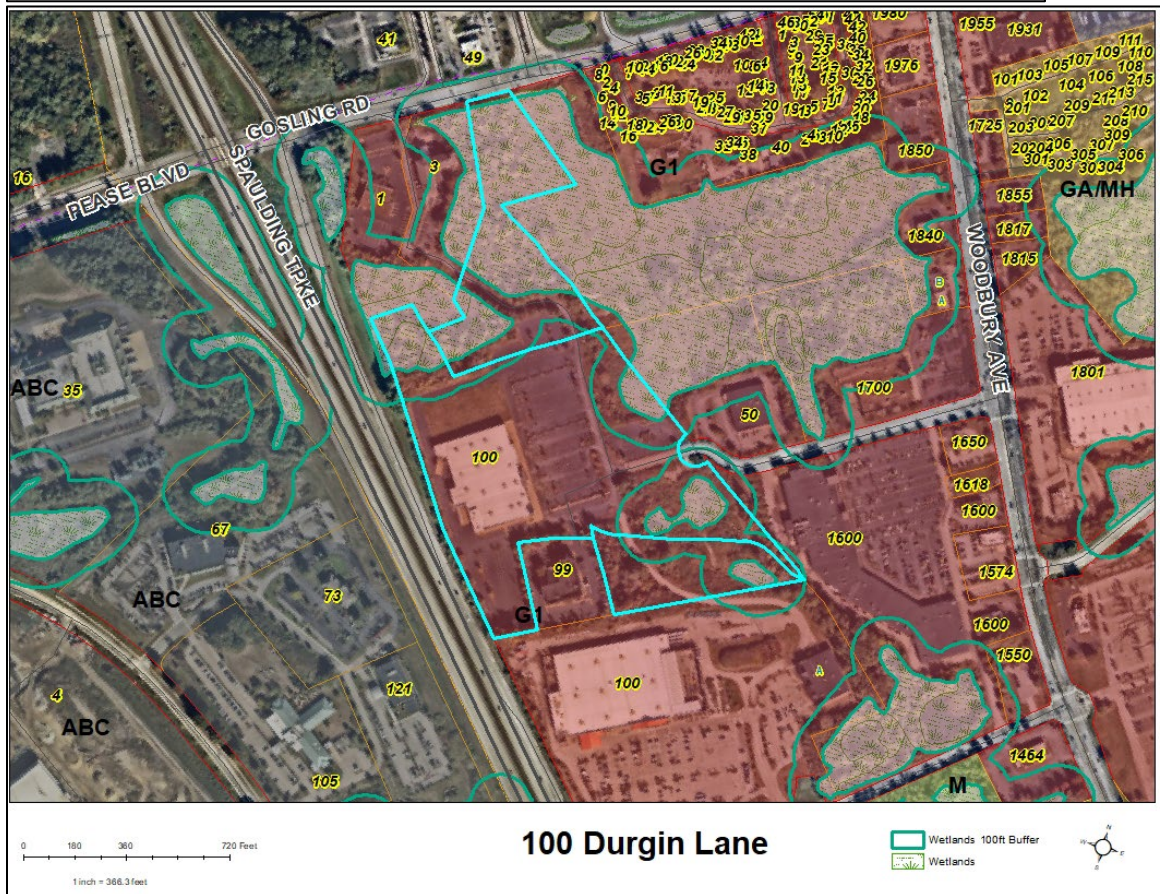
##### Project Background

The application includes the demolition of the existing structures, a re-subdivision of the three lots to accommodate a new residential development for 360 apartments in 17 buildings. The properties contain a large area of wetland and wetland buffers, an electrical utility easement and a portion of the proposed units are within the Highway Noise Overlay District (HNOD). A Conditional Use Permit (CUP) is required for work within the wetland buffer and for those buildings located in the HNOD. The property is located within the Gateway Corridor (G1) district and requires a CUP for a Development Site because multiple buildings are proposed with this development. Off-site improvements for upsizing the water line along Woodbury Avenue and constructing a 10' wide multi-use path along Durgin Lane which will connect the development to Woodbury Avenue.

The applicant is requesting the Planning Board allow an increase in the front

setback per Section 10.5B41.60 below and has provided an exhibit in their packet showing the incompatible land uses preventing them from complying with the maximum front setbacks. A perimeter buffer is not required for this development and if the Planning Board does not

**10.5B41.60 Perimeter Buffer:** The perimeter buffer requirements apply to the outside boundary of the **development site** where the site abuts adjoining properties that are not part of the **development site**, but not along the primary **street frontage**. In addition to the minimum perimeter buffer required, the Planning Board may require **landscaping**, fencing, or an increase in the **building setback** from **lot lines** where adjacent land uses may be incompatible. Perimeter buffer requirements supersede **parking setback** requirements and **building setbacks** from **lot lines** requirements for individual **building types**.



**Project Review, Discussion, and Recommendations**

The project was before the Technical Advisory Committee and Conservation Commission. See below for details. The applicant was before the Planning Board for Preliminary Conceptual Consultation on February 15, 2024.

**Technical Advisory Committee**

The applicant was before TAC for several months and third-party engineer peer reviews were conducted for traffic, storm water and flowage for the sewer.

their regularly scheduled meeting of Tuesday, November 5, 2024 meeting. TAC voted to recommend approval to the Planning Board with the following conditions:

**The following changes will be made prior to Planning Board submission:**

1. *R4-7b Keep Right signs to be used at traffic circle, and place signs inside the raised median island, not on the right-hand side of the roadway.*
2. *NO PARKING signs must be installed at the head of each handicap parking space access aisle that is 8 feet wide, in a location that does not block the accessible route.*
3. *When W11-2 signs are used at crosswalks, they must also include a W16-7P sign below them.*
4. *Detail highlighting changes in wetland buffer impacts since conservation commission approval will be included.*

**Conditions:**

1. *A CMMP will be required for construction. Portions of that plan will be a proposed utility and access sequencing plan for the two nearby lots that are dependent on this parcel for their utility and access needs. The Department of PW will need to sign off on the proposed plan prior to the CMMP being authorized.*
2. *Applicant shall replace the 6" water main in Woodbury Avenue from Gosling Road to the 16" main on Woodbury Avenue with a new 12" DI pipe installed to City standards.*
3. *Applicant shall construct a 10' multi-use path on Durgin Lane to Woodbury Avenue. The multi-use path tip downs are to be concrete with tactile panels as appropriate. Developer will provide a final layout, drainage and striping plan for final review by DPW.*
4. *Continue narrowing Durgin Lane to 28' to provide a grass strip along the road in the area adjacent to the Durgin Plaza parking lot.*
5. *Third party oversite engineer is required.*

***The TAC comments have been addressed in the Planning Board application or added as conditions of approval.***

Conservation Commission

The applicant was before the Commission at their regularly scheduled meeting of Wednesday, September 11, 2024 meeting. The Commission voted unanimously to recommend that the Planning Board recommend approval to the Pease Development Authority with the following conditions:

- 1. Applicant clarify the mowing plan for the passive areas within the buffer, which should be not be mowed more than 1 to 2 times per year.*
- 2. Applicant should have a conversation with the Department of Public Works to determine the curbing to be used within the roundabout area and use broken and/or slanted curbing.*
- 3. An educational sign should be installed in the passive recreation area that provides content on wetlands, wetland buffers and the sensitivity of the buffers.*
- 4. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department. Please mark on final plan set where the markers are to be placed.*
- 5. One year after landscaping is complete, if at least an 80% success rate has not been reached, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each subsequent year until an 80% success rate has been achieved.*

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Planning Department Recommendation

Subdivision

- 1) Vote 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.*

*(Alt.) Vote 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 amended and read into the record.*

- 2) Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*

- 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;*
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**Planning Department Recommendation**  
**Wetland Conditional Use Permit**

1) *Vote 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.*

*(Alt.) Vote 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 amended.*

2.) *Vote to grant the Conditional Use Permit with the following conditions:*

- 2.1) *Applicant clarify the mowing plan for the passive areas within the buffer, which should be not be mowed more than 1 to 2 times per year.*
- 2.2) *Applicant should have a conversation with the Department of Public Works to determine the curbing to be used within the roundabout area and use broken and/or slanted curbing.*
- 2.3) *An educational sign should be installed in the passive recreation area that provides content on wetlands, wetland buffers and the sensitivity of the buffers.*
- 2.4) *In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department. Please mark on final plan set where the markers are to be placed.*
- 2.5) *One year after landscaping is complete, if at least an 80% success rate has not been reached, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each*



*subsequent year until an 80% success rate has been achieved.*

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**Planning Department Recommendation**  
**Highway Noise Overlay District**  
**Conditional Use Permit**

1) *Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as presented.*

*(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as amended.*

2.) *Vote to grant the Conditional Use Permit as presented.*

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**Planning Department Recommendation**  
**Development Site**  
**Conditional Use Permit**

1) *Vote 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.*

*(Alt.) Vote 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 amended and read into the record.*

2) *Vote to grant the Conditional Use Permit for the development site.*

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**Planning Department Recommendation**

**Site Plan Approval**

1) *Vote 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.*

*(Alt.) Vote 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 amended.*

2) *Vote to grant Site Plan approval with the following conditions:*

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*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) A CMMP will be required for construction. Portions of that plan will be a proposed utility and access sequencing plan for the two nearby lots that are dependent on this parcel for their utility and access needs. The Department of PW will need to sign off on the proposed plan prior to the CMMP being authorized.*

*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:*

- 2.4) 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;*
  - 2.5) 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.*
  - 2.6) Applicant must replace the 6" water main in Woodbury Avenue from Gosling Road to the 16" main on Woodbury Avenue with a new 12" DI pipe installed to City standards.*
  - 2.7) A 10' multi-use path on Durgin Lane must be constructed by the developer all the way to Woodbury Avenue. Multi-use path tip downs are to be concrete with tactile panels as appropriate. Developer will provide a final layout, drainage and striping plan for final review.*
  - 2.8) Continue narrowing Durgin Lane to 28' to provide a grass strip along the road in the area adjacent to the Durgin Plaza parking lot.*
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- H. The request of **Durgin Square LLC (Owner)**, for property located at **1600 Woodbury Avenue** requesting amended Site Plan Review Approval for the addition of EV charging stations in the existing parking lot with associated equipment and transformer. Said property is located on Assessor Map 238 Lot 16 and lies within the Gateway Corridor (G1) District.

**\*\*POSTPONED TO JANUARY\*\***

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**V. CITY COUNCIL REFERRALS [NOTE: ANY REFERRALS REQUIRING PUBLIC HEARING SHOULD BE INCLUDED ABOVE]**

**A. Osprey Landing Open Space**

Background

See attached memo from Director Britz and Bob Sullivan related to the property at Osprey Landing. The referenced covenant that was missing from the packet last month has been included.

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**Planning Department Recommendation**

*The Planning Board recommend to the City Council that it approve the acceptance, execution and recording of the terms of a restrictive covenant agreement relating to Lot 2-1950 on a certain plan entitled, "Resubdivision Plan Osprey Landing, Shearwater Drive/Sanderling Way/Osprey Drive, Portsmouth, New Hampshire," by Costello, Lomasney & de Napoli, Inc., dated February 1999, and recorded in the Rockingham County Registry of Deeds as Plan No. D-27099, all in substantial conformance to those as presented to the Planning Board this evening.*

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**B. Arts Overlay District**

Background

At the December 2, 2024 City Council meeting, the Council took the action below to:

<p>18. <u>Arts Overlay District</u> – <b>Voted</b> to request that the Planning Board, Planning Staff, and Legal Department work together to draft an Arts Overlay District to be included in our zoning code, with incentives for artist live/work space, studio space, gallery space, and/or nonprofit arts and cultural organizational space, to be initially applied to the CD4-W zone in the West End Area as part of the Master Planning process.</p>
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Staff

**VI. OTHER BUSINESS**

**A. Chairman's Updates and Discussion Items**

**B. Board Discussion of Regulatory Amendments and Other Matters**

**VII. ADJOURNMENT**