

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

December 19, 2024

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

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

*The November 21, 2024 minutes were **approved** as presented.*

***Motion:** P. Giulian; **Second:** A. Samonas Motion passed with all in favor.*

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION 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 the 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.

- 1) 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: K. Conard Motion passed with all in favor.

SITE PLAN REVIEW

- A.** 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.
- B.** 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.
- C.** 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. Said property is located on Assessor Map 268 Lots 12 & 13 and lie within the Mixed Residential Business (MRB) District.
- D.** 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.
- E.** 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 the 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.

The Board voted 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.

Motion: K. Conard; Second: B. Moreau 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. WITHDRAWN** 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. **WITHDRAWN** (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 **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. (LU-24-213)

1) The Board voted 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:** G. Mahanna Motion passed with all in favor.

*2) The Board voted 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.

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

- 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. (LU-24-169)

The Board voted 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.*

Motion: B. Moreau; **Second:** G. Mahanna Motion passed 8-0 with member Hewitt abstaining.

Site Plan

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

***Motion:** B. Moreau; **Second:** G. Mahanna Motion passed 8-0 with member Hewitt abstaining.*

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). (LU-24-204)

1) *The Board voted 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.*

***Motion:** P. Giuliano; **Second:** G. Mahanna Motion passed 8-0 with member Samonas abstaining.*

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

***Motion:** P. Giuliano; **Second:** G. Mahanna Motion passed 8-0 with member Samonas abstaining.*

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. (LU-22-209)

1) *The Board voted to continue the application to January 16, 2025 and schedule a site walk.*

***Motion:** B. Moreau; **Second:** A. Samonas Motion passed with all in favor.*

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. Said property is located on Assessor Map 268 Lot 13 and lies within the Mixed Residential Business (MRB) District. (LU-23-191)

1) *The Board voted that the Site Plan application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and to 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** 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) *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.*

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

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. (LU-24-166)

- 1) *The Board voted to **grant** the requested waivers to the Subdivision Standards as outlined in the applicant's memo:*
 - 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: T. Coviello; **Second:** K. Conard *Motion passed with all in favor.*

- 2) *The Board voted 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: T. Coviello; **Second:** K. Conard *Motion passed with all in favor.*

- 3) *The Board voted to **grant** Preliminary and Final Subdivision Approval with the following conditions:*
 - 3.1) *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.

- 3.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*
- 3.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

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

Site Plan

1) *The Board voted 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:** K. Conard 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>*

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.*

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

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 the 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. (LU-24-62)

- 1) *The Board voted 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: T. Coviello, **Second:** J. Almeida *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: T. Coviello; **Second:** J. Almeida *Motion passed with all in favor.*

Wetland Conditional Use Permit

- 1) *The Board voted 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:** J. Almeida *Motion passed with all in favor.*

- 2.) *The Board voted 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 not be mowed more than 1 to 2 times per year.*
 - 2.2) *Applicant shall 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 shall 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.*

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

Conditional Use Permit (Highway Noise)

1) *The Board voted 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.*

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

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

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

Conditional Use Permit (Site Development)

1) *The Board voted 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: T. Coviello, **Second:** B. Moreau Motion passed with all in favor.

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

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

Site Plan

1) *The Board voted 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:** K. Conard 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) *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 as currently present and not diminished. The Department of PW will need to sign off on the proposed plan prior to the CMMP being authorized.*
- 2.5) *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.*

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.*
- 2.8) *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.*
- 2.9) *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.*
- 2.10) *Continue narrowing Durgin Lane to 28' to provide a grass strip along the road in the area adjacent to the Durgin Plaza parking lot.*

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

H. REQUEST TO POSTPONE 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. **REQUEST TO POSTPONE (LU-24-182)**

The Board voted to **grant** the applicants request to **postpone** to the January 16, 2025 meeting.

VII. CITY COUNCIL REFERRALS

A. Osprey Landing Open Space (*Continued from the November 21, 2024 meeting*)

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.

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

B. Arts Overlay District

VIII. OTHER BUSINESS

A. Chairman updates and discussion items

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

IX. ADJOURNMENT

The meeting was adjourned at 11:00 PM.