

**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**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Greg Mahanna, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; James Hewitt; Paul Giuliano; Andrew Samonas; Anthony Coviello; and William Bowen, Alternate

**ALSO PRESENT:** Peter Stith, Planning Department Manager

**MEMBERS ABSENT:** None.

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**I. APPROVAL OF MINUTES**

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

*Mr. Giuliano moved to **approve** the minutes as presented, seconded by Mr. Samonas. The motion **passed** with all in favor.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

**Note:** the following two items were considered together.

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) *Councilor Moreau moved that the Board 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. Ms. Conard seconded. The motion **passed** with all in favor.*

## **SITE PLAN REVIEW**

**Note:** Items A through E were considered together.

- 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.

- 1) *Ms. Conard moved that the Board 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. Councilor Moreau seconded. The motion **passed** with all in favor.*

### III. PUBLIC HEARINGS - OLD BUSINESS

- 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)

The petition was withdrawn by the applicant.

### IV. PUBLIC HEARINGS – NEW BUSINESS

- 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)

### SPEAKING TO THE PETITION

[Timestamp 12:12] The owner/applicant Eric Brassard reviewed the site plan and said he needed a 5-ft setback so that the ADU did not overlap with his neighbors' backyards.

[Timestamp 18:04] Mr. Almeida said the drawing showed that the face of the garage was so far forward that there would not be room to park a car. He asked if the fence line was the property line. Mr. Brassard agreed and said the fence was about six feet from the road and 16 feet to the garage door. Councilor Moreau asked for more detail on the door surround of the proposed ADU. Mr. Brassard said it would stick out 18 inches and that it was trim work, but the front face of it would make the setback 14-1/2 feet instead of 16 feet. Mr. Coviello asked where the vehicles would be parked. Mr. Brassard said two vehicles would be parked in the garage and the tenant's vehicle would be parked outside the garage. Mr. Samonas asked the applicant if he considered attaching the garage to the home and setting it back farther. Mr. Brassard said if he could afford it, he would attach it and do a larger renovation.

Chair Chellman opened the public hearing.

## **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Chellman closed the public hearing.

## **DECISION OF THE BOARD**

1) *Mr. Giuliano moved that the Board 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. Vice-Chair Mahanna seconded. The motion **passed** with all in favor.*

2) *Mr. Giuliano moved that the Board 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.*

*Vice-Chair Mahanna seconded. The motion **passed** with all in favor.*

3) *Mr. Giuliano moved that the Board 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.*

*Mr. Coviello seconded. The 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)

## **SPEAKING TO THE PETITION**

[Timestamp 26:11] Project engineer John Chagnon and representatives from Port City Air were present to receive the Board's recommendation to the PDA Board of Directors for the site plan and the Conditional Use Permit (CUP). Mr. Chagnon said the proposal was to change the Officers Club use to a catering business. He reviewed the site plan and improvements in detail. He reviewed the PDA's five criteria and said they would be met.

[Timestamp 37:34] Mr. Almeida verified that there would be no change to the exterior lighting. He asked if the existing signage would remain the same. Mr. Chagnon said the signage would be repurposed for the new use. Mr. Coviello asked how the Green SnowPro salting program would be monitored. Mr. Chagnon said the PDA had a registered list of contractors who were certified to do the plowing but that Port City Air wanted to use sand.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

- 1) *Councilor Moreau moved that the Board 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.*

*Vice-Chair Mahanna seconded.*

Mr. Hewitt noted that the Board reviewed the Longo expansion a year before and voted that the project go to the Rockingham Planning Commission for a regional impact development, but then learned a few months ago that the PDA ignored it. He said if the PDA were going to ignore the Board's opinions, it was a waste of the Board's time. He recused himself from the vote.

*The motion **passed** 8-0, with Mr. Hewitt abstaining.*

*1) Councilor Moreau moved that the Board recommend Amended Site Plan Approval to the PDA Board. Vice-Chair Mahanna seconded.*

Councilor Moreau said it was good that the applicant would revive the wetlands by getting rid of the invasive species and making the site look better. Chair Chellman said he would like to see more cooperation from the PDA.

*The motion **passed** 8-0 with Mr. 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)

### **SPEAKING TO THE PETITION**

[Timestamp 42:42] The owner/applicant Jeffrey Nawrocki was present and said he had been unable to lease the first-floor office space in his 2-story building since April and wanted to replace it with two apartments instead, which would result in less parking demand.

[Timestamp 43:33] Councilor Moreau asked if any of the existing three on-site parking spaces would be assigned to the residential units. Mr. Nawrocki agreed. Mr. Bowen said the current regulations called for 13 spaces and the applicant had three, and the proposal was that regulations would require 10 spaces and he had three spaces. Mr. Nawrocki agreed and said the parking would be more conforming. He said there was also a parking garage behind his office.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Chellman closed the public hearing.

### **DISCUSSION OF THE BOARD**

At this point, Mr. Samonas said he would abstain from the vote.

[Timestamp 45:23] Mr. Bowen said he was bothered by the frequency with which downtown developers wished to develop a property that requires parking and the Board approved it without parking. He said a parking shortage would develop and thought it might not be the right strategy

to have each parcel build its own parking. He said it might be better to have centralized parking and have people pay a fee that would go into a capital fund and be used to develop a new parking garage. He explained why it didn't seem sensible to him that the requirement called for 10 spaces and the Board said it was okay for three spaces. Mr. Almeida said the applicant's parking requirements were going down by the change in use. It was further discussed. Chair Chellman said there was a need for more public utility meeting more public parking and that was the reason there was a line item in the Capital Improvement Plan. Mr. Almeida said the lot had more parking than most buildings on the street and that he didn't want to penalize the applicant with any condition and would prefer to leave it to the property owner to manage. Mr. Giuliano said the applicant wanted to convert commercial to residential on the first floor and would not expand the footprint. He said it would add much needed residential to the area.

### DECISION OF THE BOARD

- 1) *Mr. Giuliano moved that the Board 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. Vice-Chair Mahanna seconded. The motion **passed** 8-0 with Mr. Samonas abstaining.*
- 2) *Mr. Giuliano moved that the Board grant the Conditional Use Permit as presented. Vice-Chair Mahanna seconded. The motion **passed** 8-0 with Mr. 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)

### SPEAKING TO THE PETITION

[Timestamp 53:13] Project engineer Ian MacKinnon was present on behalf of the applicant and said the property had a service garage with an apartment and also an apartment in the rear that they wanted to demolish and replace with four single-family homes. He said the homes would be four condominium units. He reviewed the stormwater, water and sewer and said a landscape buffer would be created around the development. He said the project received variances from the ZBA in May 2023 and that TAC recommended approval in November 2024.

[Timestamp 56:01] Mr. Hewitt said a 3-lot proposal was presented at the January 2022 Planning Board meeting, and the driveway at that time was located farther southeasterly at the end of the property. He asked why the driveway was moved. Mr. MacKinnon said they had a highway access plan and had done a heavy analysis of sight and stop distances and felt that the new location was the safest location. Mr. Samonas asked about the TAC meetings. Mr. MacKinnon said they discussed stormwater with Altus Engineering. He said the site had a lot of slope and that there were recommended conditions due to the stormwater system and to condominium requirements related to maintenance and inspection during construction. Mr. Samonas said the blasting and undermining of the trees and root systems would be alarming to the neighborhood,

and he wanted to ensure that the drainage and retention pond had been looked at in terms of insurability and would not create additional issues to the neighborhoods behind it. Mr. MacKinnon said there was a catch basin that was installed on Sagamore Avenue to help with the neighboring community. He said the locations for the viral retention system were chosen based on test pit locations, so there was some exposed ledge in the area and the percolation tests would have been at the correct horizon to insure that any infiltration practice would operate efficiently. He said the peer review engineer thought it was a suitable system. Mr. Samonas asked if there was an Operations and Maintenance (O&M) plan. Mr. MacKinnon agreed and said it would be submitted to the City yearly. Mr. Samonas said the building design had changed because there were walkout basements in Buildings 3 and 4 that were not on prior plans. Mr. MacKinnon said the walkout basement was a product of the stormwater component.

[Timestamp 1:02:13] Councilor Moreau said there was a big grade change from the street to the lot that would be increased by two feet, and there would be four 3500-sf homes built. She said she was concerned about residents trying to get out of a frozen driveway in winter and the fact that there was no place for guests to park. She asked why the lot had to be built up higher and why the driveway depth had to go up so high, creating drainage issues and not providing enough parking spaces. Mr. MacKinnon said there was an 8 percent grade coming in from the driveway, and they had a driveway plan profile in the package that mirrored the existing grade for the first 150 feet. He said when the high point in the site was crested, the design had a vertical curve for shared access. He said the parking consisted of two spaces in the garage and two cars on the outside. Councilor Moreau said it didn't go up to 72 square feet in the existing conditions and that the applicant was making a big hill in the neighborhood even bigger. It was further discussed. Councilor Moreau said it was not safe for people driving out of their driveway in the middle of winter. Mr. MacKinnon said 8 percent was the maximum and 8-10 percent depending on the terrain. He said a public roadway was limited to 8 percent. Chair Chellman said there was a road coming in at 8 percent and almost 5 feet higher than the existing grade at the end. He said he was more concerned about its intersection with the main public road. He said there was a slope that transitioned from a 6 to 8 percent grade with no landing, and in snow and icy conditions, people would slide into the road. He said the stopping sight distance was also inadequate and the exiting sight distance was not addressed. It was further discussed. Chair Chellman said it did not conform and was a public safety matter.

[Timestamp 1:08:36] Vice-Chair Mahanna said Plan C2 still called it a 5-unit residential site. He said the stormwater O&M plan had a notation about cleaning grease traps and disposing of rags property. He asked if that was a cut-and-paste area, and Mr. MacKinnon said it was likely because it would not be required on the site. Vice-Chair Mahanna said he lived in a similar development and thought the applicant's O&M plan was onerous. He noted that TAC told the applicant to change things to quarterly, yet everything in the plan still said monthly. He said there was also the issue of requiring a chemical analysis of the leaves pulled when removing the debris from the sand traps monthly. He said dredging and chemical analysis were expensive and asked if the applicant would warn the homeowners of the cost and level of detail and if it would be recorded on the deeds that the owners were subject to all of that. Mr. MacKinnon said the monthly term came from the NHDES Best Management Practices (BMP) manual for inspection. He said the yearly inspection by a professional might be a requirement by the City, but the



monthly inspection was a guide for the condo association. He said the sand trip was a unique feature and that recommendation came from the peer review engineer. Vice-Chair Mahanna said 99 percent of the applications the Board got for similar projects had a Green SnowPro program, an organic fertilizer maintenance plan, a State-certified organic plan, and an invasive species mitigation plan. He said the applicant's plan also showed no plan for snow storage, which was a requirement, and that the plan also indicated that the snow would be stored off the pavement. He asked if the applicant intended to put contaminated snow on a filter that would filter into the stormwater and if a lab would have to test for chemicals. Mr. MacKinnon said the report would not be recorded at the Rockingham Registry of Deeds but would be an attachment as part of the HOA documents. He said they had snow storage outlined in the plan and further explained it.

Chair Chellman said there was a disconnect from what was presented and things that the applicant wanted to change. Mr. MacKinnon said the monthly inspections were part of the recommended tables. Vice-Chair Mahanna said TAC had spent a lot of time on the topic of quarterly inspections, yet it was still listed as monthly in the plan. Mr. Coviello said there was a lack of clarity in the application. Mr. Samonas said there were two precedent cases that were both the same clustered development style and had ten units and were about the same size, so conceptually it was not unheard of. He said the massing was overwhelming. He asked where contractors, fire trucks, and so on would park. He said the barrier at the rear of the property might fail and Tidewatch would have to deal with it. He said adjustments had to be made.

[Timestamp 1:22:43] Mr. Bowen said the four condo families had to have specific information, and he suggested a detailed attachment to the condo documents related to the frequency of inspections. He said the developer could be contracted to do the maintenance at first and then it could be adapted by the owners. Councilor Moreau said very few people read their condo documents and suggested including conditions in the deed instead. She said she would like to see more room for parking, cars, and delivery vehicles and thought two duplexes would take up less space and allow more parking. She said the grade could be changed more. Chair Chellman said he could not support the proposal because it was not ready.

[Timestamp 1:25:45] Project manager Mike Garrepy suggested a site walk. He said traffic and drainage were vetted through the TAC process and that the applicant worked with City Staff in doing the sight distance analysis. He said he had one controlled point of access for the site that was reviewed by their traffic and civil engineers and City Staff and that it was in the safest location on the site. He said the proposed trips per day were less than the existing trips per day, with respect to traffic. He asked for more clarification on what the Board wanted. Mr. Bowen said the January 22 plan had the location of the driveway at the end of the property and he suggested a sight line analysis. Mr. Garrepy said they did one at that point and also did one farther up the slope. Mr. Bowen asked why the driveway was therefore in the proposed location. Mr. Garrepy said it was due to discussions with their engineers, the Department of Public Works (DPW), and City Staff. Mr. Bowen said the applicant could do a comparative analysis that showed why his proposed plan was the safest, but he felt that the safest location was the one on the January 22 plan. Mr. Almeida said the previous condition had multiple uncontrolled access in and out but thought the proposed conditions were very improved as far as safety and control of traffic and that a controlled access point was in place. Mr. Garrepy said the frequency of the

inspections was once a month, but the DPW, City Staff and TAC thought that was burdensome and agreed to change it. He said it just wasn't included in the document. Mr. Samonas agreed that the proposed conditions had improved but feared the hesitation between drivers going between Tidewatch and cyclists cresting the hill. He agreed that alternative access points could work to create more safety. Chair Chellman said stopping sight distance was in the study and that the study said it was close. He said intersection sight distance referred to vehicles coming out of a driveway onto Sagamore Avenue. He said based on the information the applicant submitted, they were more deficient there than on the stopping sight distance. He said an additional factor was adding the grade without having a landing on a north facing slope, which could pose problems and was a concern. He said a site walk and a continuance was a good idea.

Chair Chellman opened the public hearing.

## **SPEAKING TO, FOR, OR AGAINST THE PETITION**

### **First Round Speakers [Timestamp 1:41:25]**

Peter Wissel of 579 Sagamore Avenue (via Zoom) asked that the Board reject the application and limit the development to a single unit for reasons of public safety, an unworkable stormwater management system, the use of city and tax payer resources for the benefit of the applicant, inadequate onsite parking, and an inadequate buffer between the development and Tidewatch. He said the minimal sight distance requirements for traffic exiting the property were not met, and that four units would create more traffic and an increased risk of collision. He said the plan diverted more stormwater toward Tidewatch and additional stormwater and snowmelt would flow down the hill. He said TAC required monthly inspection reports of the stormwater management to be filed with DPW.

Project engineer Eric Weinberg clarified that he did not make design recommendations but only reviewed designs. He said the sand filter was the design engineer's idea.

Jeff Serto of Tidewatch Condominiums said the turn into Tidewatch up from Atlantic Road was a blind turn. He asked how the 635 Sagamore Avenue residents would pull out of the development. He asked what kind of damage the blasting would do to the community and whether there would be chemicals leaching into his property from the water runoff.

Ann Hartman of 579 Sagamore Avenue said the NH Department of Business and Economic Affairs Handbook for Planning Boards outlined the duties of planning boards and said the board could exercise independent knowledge and judgment of an area. She asked that the Board hear the concerns raised for several years and exercise their judgment on the issues of drainage mitigation, a challenging traffic configuration, and the safety and wisdom of the blasting.

Andrew Jaffe of 579 Sagamore Avenue said the access road for Tidewatch had a single point of access to Sagamore Ave. He said most of the residents of Tidewatch were seniors and needed to have continuous access for emergency vehicles and medical appointments.

Elise Gallo of 579 Sagamore Avenue said she attended the TAC meetings and heard their concerns about the drainage and retention pond and that any changes should go back to the ZBA.

Tim McNamara of 579 Sagamore Avenue said the Board reduce the number of units and send the petition back to the ZBA for reconsideration. He said the project posed too much risk on the abutters and the public due to traffic safety, inadequate distance for stopping, and parking issues.

### **Second Round Speakers**

Tim McNamara said the proposed drainage system, stormwater management, water quality, and property flooding were concerns and that TAC had significant concerns about the system working as planned. He said the developer put an unsightly retention pond on the property lines of two abutters, and the buildings were now much closer to the abutters, which was against the ZBA's ruling. He asked that the number of units be reduced.

No one else spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

[Timestamp 1:59:03] A site walk, continuing the application, and sending the application back to the ZBA were discussed. Mr. Stith said the variances were for more than one principal dwelling on the lot and the lot area per dwelling unit, which had not changed. He said there was a condition that it could change with site plan review. He said the changes to the house complied with zoning, and if it were changed to duplexes, then it should go back to the ZBA. Chair Chellman said the applicant offered to have the driveway and the four corners of the building staked with grades. He thought the additional analysis for the continuation of the meeting would be necessary. *Note:* Councilor Moreau originally moved to continue the application to the February 20 meeting and schedule a site walk before then, but after further discussion, she amended her motion to state that the application would be continued to the January 16 meeting.

*1) Councilor Moreau moved that the Board **continue** the application to January 16, 2025 and schedule a site walk. Vice-Chair Samonas seconded. The 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)

### **SPEAKING TO THE PETITION**

[Timestamp 2:15:13] Project engineer Eric Weinberg was present on behalf of the applicant and said they wanted to replace the mixed-use building with an 8-unit residential building. He said there would be 16 underground parking spaces and five external visitor/handicap spaces. He said the access would be safer because people would drive in and out. He explained how the water, sewer, underground electric service, and gas would be serviced, and he described the screening landscaping and lighting.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

- 1) *Councilor Moreau moved that the Board 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. Ms. Conard seconded. The motion **passed** with all in favor.*
- 2) *Councilor Moreau moved that the Board 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.*

*Ms. Conard seconded. The 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)

### **SPEAKING TO THE PETITION**

[Timestamp 2:27:05] Project engineer Eric Weinberg was present along with realtor Jenna Green, the option holder for the property. Mr. Weinberg said after the preliminary design review they found a small wetland that did not meet the criteria for wetland buffer protection. He said the lot was 62,754 sf and in the SRB zone and had enough land area for four lots, and the parcel had 140 feet of frontage along Sagamore Avenue. He said they presented both a 4-unit and 3-unit development as a single parcel but that they were denied by the ZBA due to a lack of a hardship. He said the applicant now had a conventional subdivision with a private roadway and three buildable lots, with the fourth lot being the right-of-way that would be owned by the homeowners association. He reviewed the requested waivers and said the narrow road and cul-de-sac were functional for emergency vehicles. He said water runoff would not be increased and most of the site would be cleared of trees to achieve grading and storm management. He said the mature evergreens would be replaced with new trees.

[Timestamp 2:34:58] Councilor Moreau said the Board received a letter from the abutter who did not want the large old trees over the property line removed. Mr. Weinberg said the trees were on the applicant's property and needed to come down. He said the abutter who bought the property was at the November TAC meeting when the applicant explained the situation and that the applicant submitted the current plans to the Planning Board in November on the same day the abutter bought the property, so she had known what would happen. He said the trees needed to be removed because they would deteriorate the roof and create shade problems.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

[Timestamp 2:37:30] Christana Wille McKnight of 546 Sagamore Avenue said she was opposed because there would be a big road next to her house and more water would go into her basement because one of the big trees with a large root system that held water would be taken down.

Stephanie (no last name given) of 576 Sagamore Avenue said the plans were drawn incorrectly because they did not include the Douglas fir trees that were property line trees and co-owned by her. She said it wasn't the applicant's right to cut the trees down without her agreement, which would alter the plan presented to the Board and to TAC.

Suzan Harding of 594 Sagamore Avenue said there would be more traffic coming in and out of the development and did not know if the road could handle it. She said the neighbors had lived with blasting for two years and that the trees behind them had been cut down.

Peter Wissel of 579 Sagamore Avenue (via Zoom) said there was inadequate onsite parking and no way for a fire engine to turn around. He said no parking was allowed on Sagamore Avenue because of the bike lane. He said more parking was needed for visitors and municipal vehicles.

No one else spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD** [Timestamp 2:46:47]

- 1) *Mr. Coviello moved that the Board 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.*

*Ms. Conard seconded. The motion **passed** with all in favor.*

- 2) *Mr. Coviello moved that the Board 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. Ms. Conard seconded. The motion **passed** with all in favor.*

- 3) *Mr. Coviello moved that the Board 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.*

*Ms. Conard seconded. The motion **passed** with all in favor.*

### **Site Plan**

- 1) *Mr. Coviello moved that the Board 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. Ms. Conard seconded. The motion **passed** with all in favor.*

There was further discussion. Mr. Coviello said the trees should be decided between the parties and not by the Board. He said State and City regulations allowed blasting on properties using the necessary precautions and monitoring, so it was nothing the Board could deny. He said he did

not think that the three units would have an impact on Sagamore Avenue traffic and that the presented data seemed to meet the standards. He said there was ample parking space on the site. Chair Chellman said the applicant showed that a fire vehicle could get in and out of the site, and he changed the paving width in one location. Mr. Samonas said Walker Bungalow was a dense road, and the rear part of it demanded attention. He said he saw no problem with the style of the development and subdivision but thought the Board was setting a dangerous precedent in subdividing three lots in the SRB zone because someone with a similar lot could realize that they might have three lots. Chair Chellman said the applicant showed that they could do a 3-lot subdivision without any waivers. Vice-Chair Mahanna said the Board was not ignoring public comment but should do what was in their purview.

2) *Mr. Coviello moved that the Board 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.*

*Ms. Conard seconded. The 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)

Mr. Samonas recused himself from the petition, and Mr. Bowen took a voting seat.

### **SPEAKING TO THE PETITION**

[Timestamp 2:54:03] Andrew Hayes of Eastern Real Estate was present on behalf of the applicant, along with lead architect Brett Benson, landscape designer Nick Aceto, Patrick Crimmins of Tighe and Bonds, and Attorney John Bosen. Mr. Hayes said they had their initial consultation with the Board in February and that the objectives set forward then were the same. He said they had extensive discussions with the City, TAC, the Conservation Commission and the abutters. Mr. Benson reviewed the site plan for the proposed 360 apartment development with a mix of 3-story and 4-story development. He said 573 parking spaces and 2.7 acres of community space were proposed. He said they would improve the multimodal connection along Durgin Lane and into the site. He said they provided traffic, acoustics and solar panel studies, easement and maintenance agreements, and that they would provide EV car charging. He said the project had evolved significantly and the key change was concentrated development outside the buffers. He said the site included several constraints that limited the potential building footprint, like access agreements, wetlands, and utilities. He said they restored 17,000 sf of impervious surface in the wetland buffer to pervious surface and created a variety of wayfinding.

[Timestamp 3:00:42] Mr. Aceto reviewed the landscaping plan, the connectivity along Durbin Lane, and the community spaces. [Timestamp 3:10:55] Mr. Benson described the signage design plan and the multimodal resources. He discussed site logistics, the architectural design and diversity of the buildings, and building massing and locations. He said there were changes in the building scales and entrance locations and roof slopes. He said the site would include a noise barrier wall that would connect to residents' garages. He said the exterior wall assemblies would also mitigate highway noise. He said the sustainability strategies included a low-impact urban design that decreased the impervious surface and reduced the heat island effect.

[Timestamp 3:15:09] Mr. Crimmins said the 17 buildings, parking spaces, and three proposed lots were on the site plan and that they now had a separate access to the hotel, per DPW's request, and had a turnaround at the entry. He said they located the buildings in a way that avoided the easements and wetland buffers. He reviewed the grading and drainage plans. He said a third-party peer review was done for water and sewer and that a portion of the water main in Woodbury Ave had to be upgraded. He reviewed the required permits.

**Note:** At this point, it was moved, seconded and passed to go past 10:00 p.m.

[Timestamp 3:22:08] Mr. Coviello asked if the provision of nearly 100 parking spaces above what was required was due to a demand analysis of the tenants. Mr. Crimmins said it was a



market analysis done by the project team and that, given the site's location, they anticipated the necessary spaces. Mr. Coviello asked if the applicant had an example of another project where a similar rain garden overlook was done and if it actually got used. Mr. Benson said the structure would provide a nice community benefit to the residents by providing a place to sit and that the overlook would activate the space and prevent people from walking into the rain garden. He said the Conservation Commission liked it and the interpretative signage as well. The sound barrier was further discussed. The applicant said the 6-ft height complied with the Noise Ordinance. Councilor Moreau asked if the bump out in Durgin Lane was for the plow trucks to use as a traffic circle. Mr. Crimmins agreed.

[Timestamp 3:26:30] Mr. Almeida said he did not see any waste management locations on the plan. Mr. Crimmins said the waste would be managed and picked up between the buildings. Mr. Almeida said the project was an island onto itself and there was nothing about the area that suggested community at all, which bothered him. He said he knew housing was needed but thought the buildings all looked the same and he did not think it was an exciting project. He also thought it was massive and repetitive, with thousands of the same window pattern over and over again. He said there was nothing that would draw anyone out there as an amenity, like retail or a playground or basketball courts. Chair Chellman said the applicant did a nice job integrating different types of public spaces, but he thought the southeast corner was lacking. He asked why the applicant did not consider joining the west side in the southeast corner and just have one east-west circulation, with extra green space around Buildings 1 and 2. The applicant said the parallel driveway was there and that TAC had a comment about separating out the access to the Hampton Inn as its own dedicated driveway. Chair Chellman disagreed and said it could be greenspace, and he said adjacent parallel routes were a waste of space. He asked for more explanation about the butterfly roof. Mr. Benson said they had several sloped roofs that manifested as butterfly roofs or gables, and they thought it was an aspect that incorporated a traditional New England sloped roof but more contemporary. Mr. Hayes said it was more of an architectural treatment to break up the massing. Chair Chellman asked how the applicant saw the setback issue and related it to the buffer. Mr. Crimmins said the zoning ordinance talked about setbacks and that he would try to find his paperwork.

[Timestamp 3:34:44] Mr. Hewitt asked what the breakout in the bedrooms was. Mr. Hayes said they had 530 bedrooms of which 14 percent were studios, 45 percent were one-bedrooms, 40 percent were two bedrooms, and under 2 percent were three bedrooms. Mr. Hewitt said it was mentioned that the parking ratio was 1.6, and he asked if that was per dwelling unit. Mr. Hayes agreed and said they were over the minimum parking requirement but still in compliance with the zoning. Mr. Hewitt asked if they generally did one parking space per bedroom in their national work, and Mr. Hayes said they did unless it was a downtown urban condition. Mr. Hewitt asked for more detail on the Gosling Road access, noting that the applicant had easements with Motel 6 and perhaps another property owner. Mr. Hayes said they had existing easements between the two private access points, Arthur Grady Dr and Gosling Road, that gave their property the right to enter and depart via those points. He said they were in discussions with the abutters Motel 6, Home Depot, and New Frontiers Church to clean up those easements. He said it was a complicated network and their goal was to preserve the existing rights between parcels and modify them to accommodate the future development and enhance the abutters'

rights. Mr. Hewitt said the traffic would blow up on the access through Gosling Road. He asked the applicant if he had seen a situation nationally where the parking demand was based on the unit area of the dwelling unit, and Mr. Hayes said he had not. Mr. Bowen asked who would live in the units and what the impact on the community would be. Mr. Hayes said they expected that young professionals and young families would live there and perhaps some empty nesters. He said they anticipated one child per household but had no specific target at this point. Mr. Coviello said the West End Yards was a comparable project and that an analysis for the student demand was shocking low at less than 10 students in 250 units, so he thought 15 or so kids could be expected. He asked how package delivery would be handled. Mr. Hayes said it would be centralized in the main community building and that the room was about 500 square feet. Mr. Coviello said he thought it was very low for that big of a development. Mr. Crimmins said he could not find the setback analysis, and Chair Chellman said if Mr. Crimmins thought it was an accurate one, then the Board could go with it.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

[Timestamp 3:43:54] Attorney Larry Gormley and representatives of the New Frontiers Church were present. Attorney Gormley said they were generally supportive of the project and were working cooperatively with the applicant to identify and relocate easements, and their only issue was that the applicant bought a commercial lot that was historically an auto dealership, which required tractor trailers to deliver vehicles, so one of the values of the lot was as a commercial lot serviced by tractor trailers. He said there was no guaranteed access for tractor trailers to continue to access the New Frontiers Church lot, and if it stayed that way and the church sold its lot, it would be selling less than it bought because it would not be able to sell to a buyer that required deliveries brought in via truck and that the turnaround would not accommodate a tractor trailer. He said they were assured by the developer that they were negotiating access alternatives, but the New Frontiers Church's request was a condition that a CMMP will be required for construction, and portions of that plan will be a proposed utility and access sequencing plan for the two nearby lots that are dependent on the parcel for its utility and access needs. He said the church sought the Planning Board's assurance that their highest and best use would be preserved.

No one else spoke, and Chair Chellman closed the public hearing.

### **DECISION OF THE BOARD**

[Timestamp 3:47:25] Mr. Almeida said the church's request seemed reasonable but asked how the Board would do that to protect tractor trailer access to the site. Chair Chellman said that any existing tractor trailer access should be preserved. It was further discussed.

- 1) *Mr. Coviello moved that the Board 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. Mr. Almeida seconded. The motion **passed** with all in favor.*

- 2) *Mr. Coviello moved that the Board 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.*

*Mr. Almeida seconded. The motion **passed** with all in favor.*

### **Wetland Conditional Use Permit**

- 1) *Mr. Coviello moved that the Board 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. Mr. Almeida seconded. The motion **passed** with all in favor.*
- 2) *Mr. Coviello moved that the Board 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 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.*

*Mr. Almeida seconded. The motion **passed** with all in favor.*

### **Conditional Use Permit (Highway Noise)**

- 1) *Mr. Coviello moved that the Board 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. Mr. Almeida seconded. The motion **passed** with all in favor.*
- 2) *Mr. Coviello moved that the Board grant the Conditional Use Permit as presented. Ms. Conard seconded. The motion **passed** with all in favor.*

### **Conditional Use Permit (Site Development)**

- 1) *Mr. Coviello moved that the Board 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. Councilor Moreau seconded. The motion **passed** with all in favor.*
- 2) *Mr. Coviello moved that the Board grant the Conditional Use Permit for the development site. Ms. Conard seconded. The motion **passed** with all in favor.*

### **Site Plan**

- 1) *Mr. Coviello moved that the Board 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. Ms. Conard seconded. The motion **passed** with all in favor.*
- 2) *Mr. Coviello moved that the Board 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.*
- 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.*

*Ms. Conard seconded. The motion **passed** with all in favor.*

[Timestamp 3:54:15] There was more discussion. Mr. Coviello said he felt that it was a failure of the zoning ordinance, noting that the Board could have done better and probably met the applicant's goal by adding another story to get to the unit and opening up more space. He said language could be added to the ordinance about architecture for the applicant's size of development and for more public use, like pickleball courts and so on. Chair Chellman agreed. Councilor Moreau amended her motion for the 2.4 condition for the construction management plan and add "utility and access needs as currently present and not diminished". Chair Chellman said the Board had discussed additional design standards, which could include building and architecture that was more minimal. Mr. Bowen asked if it would be a more robust development if it had commercial, like a day care. Chair Chellman said that topic would be taken up when additional changes were discussed.

**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)

*Councilor Moreau moved to **grant** the applicant's request to **postpone** the petition to the January 16, 2025 meeting, seconded by Ms. Conard. The motion **passed** with all in favor.*

## **VII. CITY COUNCIL REFERRALS**

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

[Timestamp 3:58:40] Mr. Stith said the previously missing attachment was now included with the conditions.

*Ms. Conard moved that 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. Mr. Giuliano seconded. The motion **passed** with all in favor.*

### **B. Arts Overlay District**

Mr. Stith said further information would be provided.

## **VIII. OTHER BUSINESS**

### **A. Chairman Updates and Discussion Items**

This topic was included in Item B below.

### **B. Board Discussion of Regulatory Amendments, Master Plan Scope and Other Matters**

[Timestamp 3:59:18] Chair Chellman said City Staff was working on several zoning amendments. Ms. Conard said the City received four responses to the Master Plan RFQ and were in contract negotiations with one firm relating to scope, schedule and price.

## **IX. ADJOURNMENT**

The meeting adjourned at 11:00 p.m.

Submitted,

Joann Breault  
Planning Board Meeting Minutes Taker