

December 27, 2023

City of Portsmouth Planning Department
1 Junkins Ave
Portsmouth, NH 03801

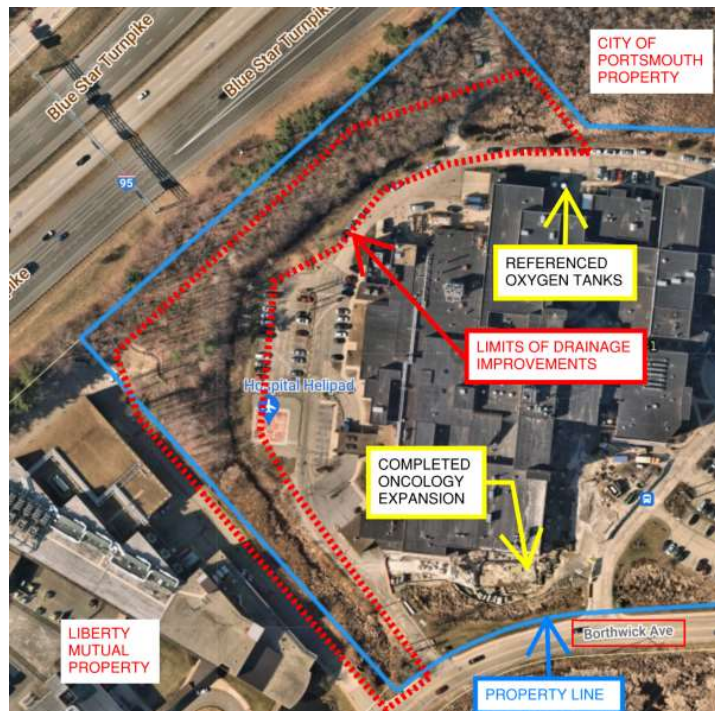
Re: **Portsmouth Regional Hospital - Radiation Oncology (LU-22-35)**
333 Borthwick Avenue, Portsmouth, NH
Request to Amend Planning Board Condition of Approval #2.6 and #2.8 from July 21, 2022 Meeting

Dear Planning Department,

HCA Health Services of NH, Inc dba Portsmouth Regional Hospital requests an amendment to two (2) conditions of approval associated with permit LU-22-25. Per the attached meeting minutes from the July 21, 2022, Planning Board Meeting, conditions #2.6 and 2.8 state:

- *2.6 The wetland area adjacent to the emergency area will be dredged from Borthwick to the oxygen tank area to restore free flowing drainage. This will be done in conjunction with an associated wetland enhancement along the edges of this same area.*
- *2.8 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*

Through further discussion with the planning department and public works, the referenced area in condition #2.6 is indicated below.



Site Permit LU-22-35 - Radiation Oncology (Cancer Treatment) facility is completed, and final inspections for mechanical, plumbing and building have been completed. However, the occupancy permit cannot be issued due to the condition #2.6 and subsequent condition #2.8 above not being satisfied. The Radiation Oncology Department is requesting a Certificate of Occupancy to allow Portsmouth Regional to treat patients while the dredging condition is completed. Condition #2.6 and subsequent condition #2.8 are

suggested to be tracked as a separate permit and the existing bond held in-place until condition #2.6 and subsequent condition #2.8 are satisfied.

Below is a timeline of activities since the July 21, 2022, Planning Board Minutes were posted:

- July 2022 to September 2022 – Final Pre-construction Coordination and Bonding Coordination with City of Portsmouth
- October 2022 - Begin Radiation Oncology Construction
- January 2023 - Initial engagement with NHDES (David Price) about the NH State Permitting Requirements for the proposed dredging activity. Gove Environmental requested an Exemption due to the fact this ditch was constructed to convey public and private stormwater runoff in 1988.
- March 2023 – Feedback from NHDES this would not be an exemption, but actually a “Major Impact Dredging Activity”, due to precedence set by a 2011 permit the hospital pulled for similar scope of work.
- March 2023 – City of Portsmouth Public Works provided 1987 Site Drawings by Kimball Chase for Liberty Mutual (neighbor) and 1988 Site Drawings by Kimball Chase for Portsmouth Regional Hospital. Additionally, the city identified and provided photos of detention structures with orifices on city wetland property.
- July 2023 – Concept grading plan issued by Kimley-Horn to match the 1988 design for the swale on Portsmouth Regional Hospital property. Virtual meeting held with City of Portsmouth to review conceptual drawing. No major issues were found with drawing
- September 2023 – Finalized scope was solicited to obtain local budgeting to submit funding based on the Concept Grading Plan by Kimley-Horn.
- November 2023 – Additional funding secured for dredging work.
- November 2023 - The contractor for the Radiation Oncology Addition (DPR) has been engaged to manage the dredging, and has solicited bids for it. A construction contract utilizing the awarded dredging bidder and management fees is anticipated to be executed in January 2024. Work will commence once all permitting is approved.
- Current – Additional information is being compiled from survey, civil engineering, environmental engineering, and contractor input for the Initial NHDES Permit Submittal.

Below are the current action items and schedule moving forward:

- January 2024 - Finalize contract with General Contractor
- February 2024 - Site Surveying Deliverable – shoot exiting elevations to include with NHDES permit (field work to start in early Jan 2024)
- March 2024 – Grading/dredging design drawings finalized with information from survey

Below is the currently understood City of Portsmouth and NHDES Permitting Process:

- December 2023 – Planning board submittal to revise permit LU-22-25 to allow for building occupancy.
- March 2024 - Finalize and submit NHDES permit. Per environmental consultant (Gove Environmental), the overall NHDES review could take 6 months.
- September 2024 - After NHDES permit approval, submittal to the Army Corps of Engineer and Department of Fish and Game is required.
- December 2024 – Receive Army Corps of Engineer and Fish and Game approvals. All permits should be received by this date.

Below is the currently anticipated construction schedule:

- December 2024/January 2025 – Begin grading/ dredging activities immediately following approval of permits.
- April 2025 – Grading/ Dredging activities completed and stabilization measures installed (3-4 months of construction)

This timeline is our best estimate using the consultants' input. We trust this timeline can be improved, and anticipate working with the City of Portsmouth to provide regular updates and receive any assistance available to expedite the permit processes.

Please consider amending permit LU-22-35 conditions 6 of approval #2.6 and subsequent condition #2.8 from the July 21, 2022, Planning Board Meeting to allow for planning's sign off of the Radiation Oncology's final Certificate of Occupancy.

Please feel free to reach out with any questions or concerns.

Trip DeMoss
HCA Healthcare
Sr. Construction Manager - Design & Construction

Attachment: Planning Board Meeting Minutes (July 21, 2022)
Rear Swale/Wetland Dredging Concept Drawing – Kimley-Horn dated July 11, 2023

Cc: Thomas Jean – Portsmouth Regional Hospital
Brenden Walden – Gove Environmental
Matthew Hamby, PE – Bowman
Brent Bachman – HCA Healthcare

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

July 21, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joe Almeida, Facilities Manager; Beth Moreau, City Councilor; Greg Mahanna; Peter Harris; James Hewitt; Jane Begala; Andrew Samonas, Alternate;

ALSO PRESENT: Beverly M. Zendt, Planning Director; Stefanie Casella, Planner 1

MEMBERS ABSENT: Franco DiRienzo, Alternate;

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REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of June 16, 2022 and June 23, 2022 meeting minutes.
- B. Approval of June 29, 2022 special meeting minutes.
- C. Approval of June 29, 2022 joint work session minutes.

City Council Representative Moreau moved to approve the June 16, 2022, revised June 23, 2022 meeting minutes, June 29, 2022 special meeting minutes, and the June 29, 2022 joint work session meeting minutes as presented, seconded by Mr. Mahanna. The motion passed unanimously.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The request of **230 Commerce Way LLC (Owner and Applicant)**, for Property located at **230 Commerce Way** requesting **Amended Site Plan Review Approval** to construct a new two-story building.

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

2.8) 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;


2.9) 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.

The motion passed unanimously.

- B.** The request of **230 Commerce Way LLC (Owner and Applicant)**, for Property located at **230 Commerce Way** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for the installation of a treated stormwater drainage outfall, removal of 5,070 square feet of impervious surface, and 9,250 square feet of buffer enhancements within the 100 foot buffer area for associated construction outside the buffer area. Said property is located on Assessor Map 216 Lot 1-5 and lies within the Office Research (OR) District. (LU-22-14)

DISCUSSION AND DECISION OF THE BOARD

This was voted on under Item A.

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- C.** The request of **HCA Health Service of NH IINC (Owner)**, for property located at **333 Borthwick Avenue** requesting Amended Site Plan Approval for an 8,700 square foot addition to the existing building with associated landscaping, utilities, sidewalk connectivity, and other related site work. Said property is located on Assessor Map 240 Lot 2-1 and lies within the Office Research (OR) District. (LU-22-35)

City Council Representative Moreau moved to consider Public Hearings - New Business Item C and D together and vote on them separately, seconded City Manager Conard. The motion passed unanimously.

SPEAKING TO THE APPLICATION

Matthew Hamby and Chris Dumont spoke to the application. Mr. Hamby commented that the building addition is a horizontal expansion of the cancer treatment facility. They are removing 200 sf of wetland but establishing 1,150 sf of new wetland. It is a manmade pond, and the volume will be increased by 2,000 cubic feet. There will be a new mobile MRI unit with small retaining wall. They are removing 15 parking spaces, 4 of which are ADA. They will be adding 8 spaces back, 6 of which will be ADA. They are reworking the entrance to make a more functional entrance for the cancer center entryway.

Ms. Begala requested clarification about the expansion of the pond. Mr. Hamby responded that they were filling one portion and digging out another area. They are increasing the volume by 2,000 cubic sf. It will be a detention pond.

Ms. Begala questioned if there was any bird life on the pond that would be impacted. Mr. Hamby responded that nothing came up in the environmental studies.

Mr. Mahanna questioned if there was any alternate location on the site to put the addition. Mr. Dumont responded that the wetlands and power line easement dictated the location. The addition needs to have a radiation vault that needs to be on the ground level.

Chairman Chellman questioned if there was an alternate location within the existing building. Mr. Dumont responded that this location was next to the radiology department which made sense for cancer treatment patients.

Mr. Harris questioned if they were adding more parking to the site. Mr. Hamby responded that there was an upcoming application to build a satellite lot for employees.

Mr. Hewitt questioned if they could build it on a second floor. Mr. Dumont responded that the radiation vault was too heavy and needed to be on the ground floor.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

- 1) Vice Chairman Clark moved to find that the application meets the criteria set forth in 10.1017.50 and to grant the Wetland Conditional Use Permit as presented, seconded by City Council Representative Moreau.

Vice Chairman Clark commented that they did a good job explaining the constraints of the location. The pond and the plantings will help mitigate the impacts.

Mr. Mahanna questioned what the difference between a natural and a manmade wetland were. Ms. Zendt responded that this was called a jurisdictional wetland and was used for a storm water wetland.

Vice Chairman Clark added that they have some value and were mapped as a wetland but not as good at providing ecological value.

The motion passed unanimously.

- 2) Vice Chairman Clark moved to grant Amended Site Plan approval, seconded by City Council Representative Moreau with the following conditions:

Conditions to be satisfied subsequent to final approval of site plan but prior to commencement of any site work or construction activity:

- 2.1) New sewer manhole will be a cut in manhole.
- 2.2) Borthwick Ave handicap access ramp flooding will be addressed and approved by DPW.
- 2.3) Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.
- 2.4) 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.
- 2.5) Associated recording fees shall be paid to the City prior to recordation.

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

2.6) The wetland area adjacent to the emergency area will be dredged from Borthwick to the oxygen tank area to restore free flowing drainage. This will be done in conjunction with an associated wetland enhancement along the edges of this same area.

2.7) Prior to release of bond, Applicant will work with DPW to determine fair share contribution amount that will be dedicated to City sediment mitigation project that is proposed for the area from the oxygen tanks to the Route 1 bypass area.

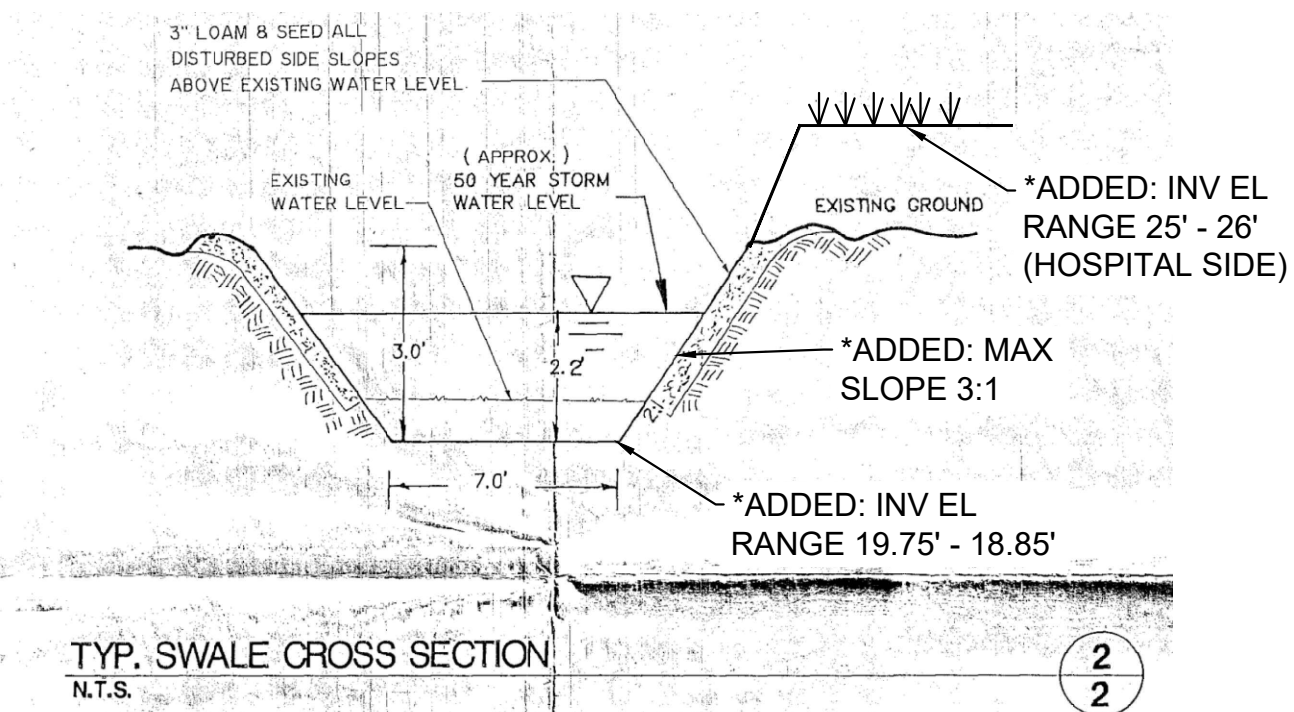
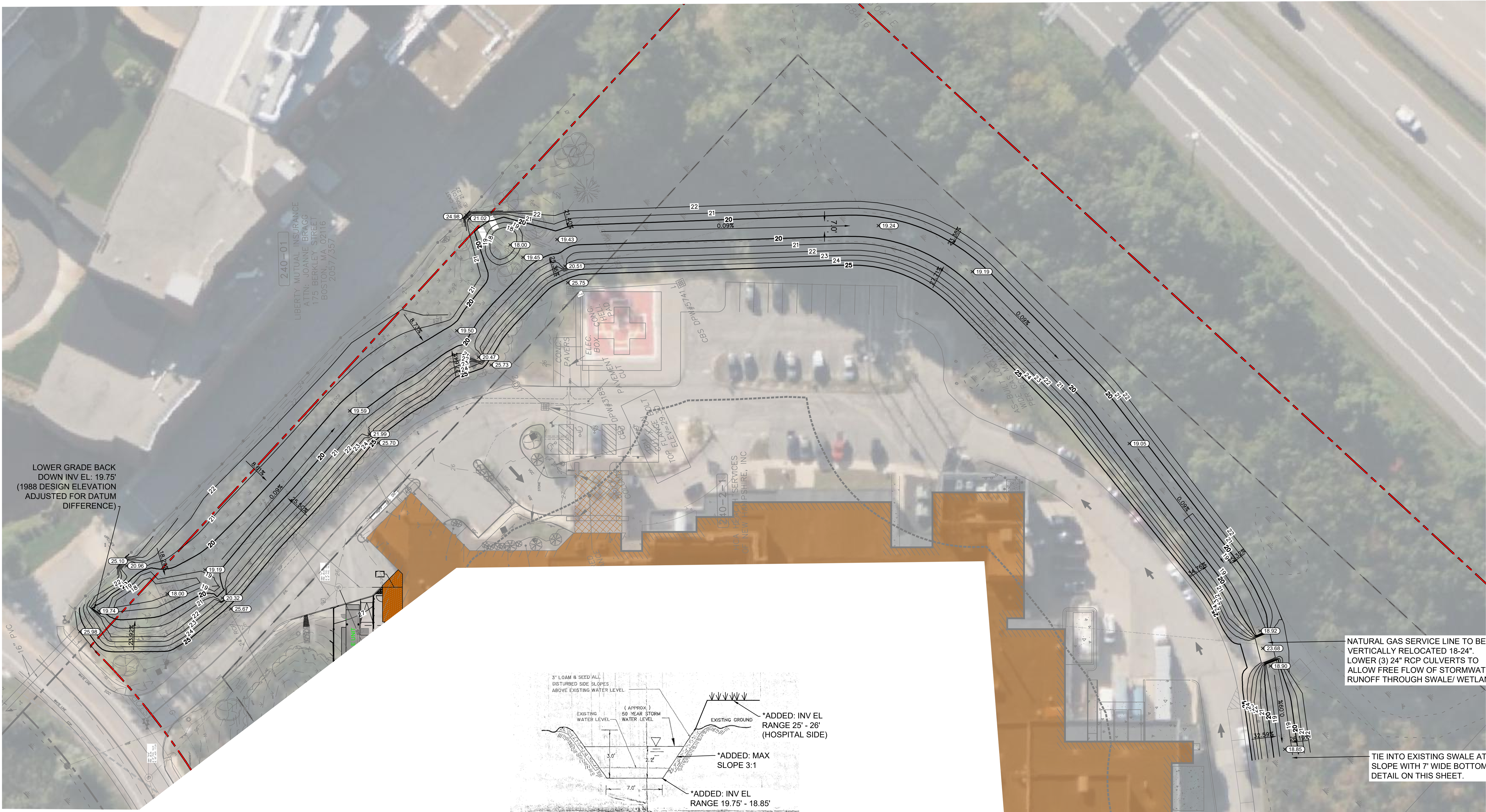
2.8) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.

The motion passed unanimously.

D. The request of **HCA Health Service of NH IINC (Owner)**, for property located at **333 Borthwick Avenue** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for 200 square feet of permanent and 4,400 square feet of temporary impact to the inland wetland; and 13,000 square feet of permanent and 4,300 square feet of temporary impact to the 100 foot buffer area for associated expansion of hospital facilities. Said property is located on Assessor Map 240 Lot 2-1 and lies within the Office Research (OR) District. (LU-22-35)

DISCUSSION AND DECISION OF THE BOARD

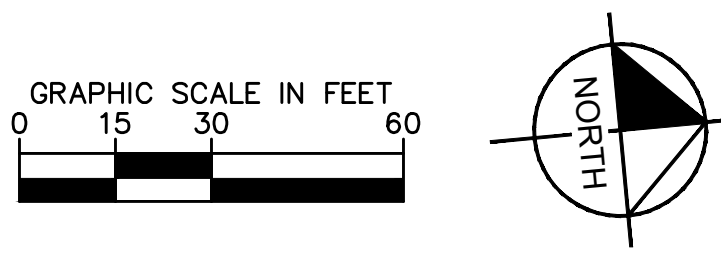
NOT ASSOCIATED
WITH CONDITION
#2.6 ABOVE



X SWALE DESIGN DETAIL FROM 1988 DRAWINGS BY KIMBALL CHASE
NOT TO SCALE

NATURAL GAS SERVICE LINE TO BE VERTICALLY RELOCATED 18-24\"/>

TIE INTO EXISTING SWALE AT 0.09%
SLOPE WITH 7' WIDE BOTTOM PER
DETAIL ON THIS SHEET.



REAR SWALE/ WETLAND DREDGING CONCEPT
PORTSMOUTH REGIONAL HOSPITAL - PORTSMOUTH, NH