

ACTION SHEET
REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

7:00 P.M.

CITY COUNCIL CHAMBERS

JUNE 16, 2005

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

MEMBERS PRESENT: Kenneth Smith, Chairman; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; John Sullivan; George Savramis; Raymond Will, Donald Coker and Alternate Jerry Hejtmanek

MEMBERS EXCUSED: Thomas Ferrini, City Council Representative; John Ricci, Vice-Chairman;

ALSO PRESENT: David M. Holden, Planning Director; and, Lucy E. Tillman, Planner I
Peter Britz, Environmental Planner

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I. APPROVAL OF MINUTES

Minutes from the May 19, 2005 Planning Board Meeting - Unanimously approved.

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II. PUBLIC HEARINGS

A. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **General Services Administration, New England Region, Applicant**, for property located at **254 Corporate Drive** wherein Preliminary and Final Subdivision approval is requested with the following: Lot 0000 having an area of 30.18 ± acres and with continuous street frontage off Corporate Drive; and the remaining land area being decreased by 30.18 ± acres and constituting a portion of the Tradeport; and, lying in a zone where a minimum lot area of 5.0 acres and 200' of continuous street frontage is required. Said properties are located in an Airport Business Commercial district and are shown on Assessor Plan 315, as Lot 0004. (Plat plans are on file in the Planning Department Office and are identified as #02-01-05) (This application was tabled at the May 19, 2005 Planning Board Meeting)

Voted to **table** the application to the next regularly scheduled Planning Board meeting of July 21, 2005.

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B. The application of **2859 Lafayette Road Ventures, LLC, Owner**, for property located at **2859 Lafayette Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the addition of four bays to an existing car wash with associated accessways and parking within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 286 as Lots 19 and 20 and lies within a General Business district. (This application was tabled at the May 19, 2005 Planning Board Meeting)

Withdrawn by the applicant.

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C. The application of **Wal-Mart Real Estate Business Trust and Joker’s Realty One, LLC, Owners, Wal-Mart Stores, Inc., Applicant**, for property located at **2460 Lafayette Road**, wherein site plan approval is requested for the expansion of an existing 124,852 ± s.f. Wal-Mart Store to a 190,800 ± s.f. Wal-Mart Supercenter, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 285 as Lots 16-1 & 2 and lies within a General Business district. (This application was tabled at the May 19, 2005 Planning Board Meeting)

Voted to **approve** with the following **stipulations**:

- 1) That hoods will be placed on all new and existing catch basins;
- 2) That a Stormwater Treatment Maintenance schedule shall be provided to the Department of Public Works on an semi-annual basis (to include the level spreader) for two years and then as needed at the discretion of DPW;
- 3) That a carriage corral shall be relocated next to the handicapped parking spaces;
- 4) That the area behind the building shall be kept free of trash and debris at all times;
- 5) That bicycle racks shall be added to the Site Plans;
- 6) That all exterior lighting shall be Dark Sky Friendly;
- 7) That when the stop line is striped at the end of Heritage Road, consideration shall be given to the fire trucks turning radius at that intersection;
- 8) That all required exits from the building shall discharge on to paved sidewalks leading to the parking lot;
- 9) That upon approval of this project, the BOA variance which was granted to reduce loading berths shall be withdrawn in writing to the Planning Department by the applicant;
- 10) That the additional brick on the front of the building as reflected on the elevations presented at the June 16th Planning Board Meeting be incorporated into the architectural plans;
- 11) That the size of the trees in the front of the building as currently shown on the Site Plans be increased;
- 12) That an agreement be executed by Wal-Mart, the City and NHDOT for the acceptance of the \$500,000 offered by Wal-Mart for roadway enhancement and the expenditure of those funds by the City and the State on Heritage Avenue or Route 1 improvements. The general terms of the agreement being that:
 - Wal-Mart shall have no further obligation to fund road improvements.
 - The City’s financial obligation to road improvements shall not exceed the \$500,000 received from Wal-Mart.
 - NHDOT agrees to complete the project identified as, “Portsmouth US 1 intersection @Constitution Ave. and Roadway improvements” pending the availability of funding without further contribution from the City or Wal-Mart beyond the \$500,000;

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D. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Seacoast Newspapers, Inc., Applicant**, for property located at **111 New Hampshire**

Avenue, wherein Preliminary and Final Subdivision approval is requested with the following: Lot 3 having an area of 10 ± acres (435,600 ± s.f.) and with 1,167' ± of continuous street frontage off New Hampshire Avenue; and the remaining land area being decreased by 10 ± acres and constituting a portion of the Tradeport; and consisting of two different zones, one being a Business Commercial district where a minimum lot area of 5.0 acres and 200' of continuous street frontage is required and one being an Industrial district where a minimum lot area of 10 acres and 200' of continuous street frontage is required. Said properties are shown on Assessor Plan 306, as Lot 0003. (Plat plans are on file in the Planning Department Office and are identified as #08-01-05).

Voted to **recommend¹ preliminary and final subdivision approval**, with the following **stipulations**:

- 1) That the applicant minimize the lighting at the rear of the site to provide for the wildlife corridor;
- 2) That a fence be installed allowing for clearance at bottom to provide for reptile passage.
- 3) That the applicant shall coordinate with the Hodgson Brook watershed coordinator;
- 4) That the proposed lot shall be in conformance to all relevant dimensional standards;
- 5) That the Final Plat shall be amended to provide all relevant dimensional information;
- 6) That the note referencing the Flood Insurance Rate Map of 1982 should, as appropriate, be updated to the current set of 2005 [should be no change in the stated information];
- 7) That the zoning district be corrected to "Airport Business Commercial" rather than "Business commercial"; and,
- 8) That digitized GIS data shall be provided to DPW as per the City's requirements for updating relevant land records.

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E. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Seacoast Newspapers, Inc., Applicant**, for property located at **111 New Hampshire Avenue**, wherein site plan approval is requested for the construction of a 55,839 ± s.f. footprint, 2-story office and newspaper production facility with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 3 and lies within the Business Commercial district and the Industrial District.

¹ See RSA 12-G:10 (c) "In all instances the authority (Pease Development Authority) shall retain the power to make the final decision regarding applicability, interpretation and enforcement of its land use controls, which shall require 5 affirmative votes."

Voted to **recommend² site review approval** with the following **stipulations**:

- 1) That the concrete block berm detail be revised to show the mortar in the joints;
- 2) That all lighting shall be Dark Sky Friendly and noted on the Site Plans;
- 3) That the lighting in the rear shall be reviewed to make sure it is appropriate;
- 4) That all signage shall be in conformance with the PDA Zoning Ordinance;
- 5) That the distance to the nearest driveway to the west (facing the property) be provided to the Planning Department and DPW prior to the Planning Board Meeting;
- 6) That Seacoast Newspapers shall provide to the PDA an amount equivalent to their impact on the transportation network as deemed necessary by the Tradeport’s Long Term Traffic Report, compiled by VHB;
- 7) That a revised Landscape Plan be prepared for review by the Planning Department prior to the Planning Board meeting;
- 8) That prior to the issuance of a building permit by the PDA, all State permits shall be in place.
- 9) That the revised footprint of the building be shown on the Site Plans;
- 10) That the revised transformer location shall be shown on the Site Plans;
- 11) That a Knox Box shall be installed and shown on the Site Plans;
- 12) That the replacement of the 6” water pipe shall be discussed and approved by Thomas Cravens, of DPW, prior to the Planning Board Meeting;
- 13) That a Stormwater Treatment Maintenance schedule shall be provided to the Department of Public Works on a semi-annual basis;
- 14) That motorcycle pads be added next to the bike rack on the Site Plans;
- 15) That a trash bin be added to the “gathering area” in the rear and noted on the Site Plans;
- 16) That the applicant shall coordinate with the Pease Development Authority for in kind services with the TMA.

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F. The application of **Richard Boutin, Owner**, for property located at **200 and 278 Sherburne Road** where Preliminary and Final Subdivision approval (Lot Line Change) is requested between two lots having the following: Lot 2 as shown on Assessor Plan 261 decreasing in area from 50,121 ± s.f. to 17,304 ± s.f. and with 104’ ± of continuous street frontage off Sherburne Road and Lot 76 as shown on Assessor Plan 261 increasing in area from 61,822 ± s.f. to 94,641 ± s.f. and with 143’ ± of continuous street frontage off Sherburne Road, and lying in a zone where a minimum lot area of 15,000 s.f. and 100’ of continuous street frontage is required. Said properties are located in a Single Residence B district and are shown on Assessor Plan 261 as Lots 2 and 76. (Plat plan is on file in the Planning Department Office and is identified as Plan #09-01-05).

Voted to **grant preliminary and final** subdivision approval, with the following **stipulations**:

1. That the Board does not grant a waiver to Section VIII of the City’s Subdivision Rules and Regulations;
2. That a condition shall be identified on the Plat that no further subdivision of this lot is possible from Country Club Road as the continuous street frontage and access to a public street is by way of Sherburne Road;
3. That note 3 be corrected to identify the current series of FIRM maps;

² See RSA 12-G:10 (c) “In all instances the authority (Pease Development Authority) shall retain the power to make the final decision regarding applicability, interpretation and enforcement of its land use controls, which shall require 5 affirmative votes.”

4. That the Plat referenced all conditions relevant to this application and, in particular, those contained in the Plat that is referenced in note 5, which are as follows:
 - That no building or structure of any kind is allowed above or below ground within the 400' sanitary radius from the Smith well;
 - That any oil tank installed on the proposed vacant lot shall be inside the basement on an impermeable surface (concrete floor) with no floor drains;
 - That if a dwelling is constructed on the proposed vacant lot, a connection shall be made to the City sewer;
 - That no cars, trucks, or other vehicles are allowed to be stored on the property within the 400' radius;
 - That if the lot owner ever wants farm animals, such as horses or a kennel, that the animals be restricted from the 400' sanitary radius.
5. That property boundary monuments shall be placed in accord with DPW requirements; and,
6. That when all aforementioned conditions are satisfied that Final Subdivision Approval shall be requested.

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G. The application of **Smith, Minch and Frost Properties, Owner**, for property located at **159 State Street** and **Rand K. and Samantha R. Peck, James and Katherine Quick, Christopher Cloitre, Aaron J. and Jill A. Grueter, Jonathan A. and Lisa Daniels and Robert Kosciusko and Carrie Benn, Owners**, for property located at **147 State Street** where Preliminary and Final Subdivision approval (Lot Line Relocation) is requested between two lots having the following: Lot 46-3 as shown on Assessor Plan 107 increasing in area from 5,099 ± s.f. to 5,624 ± s.f and Lot 46-4 as shown on Assessor Plan 107 decreasing in area from 5,287 ± s.f. to 4761 ± s.f, and lying in a zone where a minimum lot area of 1,000 s.f. is required and no minimum street frontage is required. Said properties are located in a Central Business B and Historic A districts and are shown on Assessor Plan 107 as Lots 46-3 and 46-4. (Plat plan is on file in the Planning Department Office and is identified as Plan #10-01-05)

Voted to **table** the application until the next regularly scheduled Planning Board meeting on July 21, 2005.

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H. The application of **Adam H. and Frances Price, Owners**, for property located at **127 Martha Terrace** and **Adam H. Price and the Fritz Family Revocable Living Trust, Owners**, for property located **off Patrica Drive** where Preliminary and Final Subdivision approval is requested between two lots having the following: Lot 7 as shown on Assessor Plan 283 increasing in area from 15,247 ± s.f. (.35 acres) to 90,804 ± s.f. (2.08 acres) and having 90' of continuous street frontage off of Martha Terrace and Lot 11 as shown on Assessor Plan 283 decreasing in area from 213,105 ± s.f. (4.89 acres) to 137,549 ± s.f. (3.15 acres) with 284' of continuous street frontage off of Patricia Drive, and lying in a zone where a minimum lot area of 1 acre is required and 150' of continuous street frontage is required. Said properties are located in a Single Residence A district and are shown on Assessor Plan 283 as Lots 7 and 11. (Plat plan is on file in the Planning Department Office and is identified as Plan #11-01-05).

Voted to **grant preliminary** subdivision approval, with the following **stipulations**:

1. That the Board does not grant a waiver to Section VIII of the City's Subdivision Rules and Regulations;
2. That note 3 be corrected to identify the current series of FIRM maps;

3. That the Plat referenced Subdivision Approval and Permit Numbers from NH DES for an on-site septic system;
4. That property boundary monuments shall be placed in accord with DPW requirements; and,
5. That when all aforementioned conditions are satisfied that an application seeking Final Subdivision Approval shall be submitted.

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I. The application of **Emerson and Ruth McCourt, Owners**, for property located at **61 Mill Pond Way and adjacent lot** where Preliminary and Final Subdivision approval is requested between two lots having the following: Lot 10 as shown on Assessor Plan 143 increasing in area from 12,513 ± s.f. to 18,492 ± s.f. and having 124' of continuous street frontage off of Mill Pond Way and Lot 9 as shown on Assessor Plan 143 decreasing in area from 39,603 ± s.f. to 33,624 ± s.f. with 151' of continuous street frontage off of Mill Pond Way, and lying in a zone where a minimum lot area of 7,500 s.f. is required and 100' of continuous street frontage is required. Said properties are located in a General Residence A district and are shown on Assessor Plan 143 as Lots 9 and 10. (Plat plan is on file in the Planning Department Office and is identified as Plan #12-01-05).

Voted to **grant preliminary and final** subdivision approval, with the following **stipulations**:

1. That the Board does not grant a waiver to Section VIII of the City's Subdivision Rules and Regulations;
2. That note 3 be corrected to identify the current series of FIRM maps;
3. That property boundary monuments shall be placed in accord with DPW requirements; and,
4. That when all aforementioned conditions are satisfied that Final Subdivision Approval shall be requested.

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III. CITY COUNCIL REFERRALS/REQUESTS

1. Request to review archeological matters and historic sites in the City;

Voted to **table** to the next regularly scheduled meeting on July 21, 2005.

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2. Request to Re-consider the Conveyance of Land on Falkland Place and Ranger Way to Avanti Development;

Voted to recommend the sale of the property subject to the following stipulations

1. That the City Assessor shall determine the present value of this parcel, so current land values are made available for the Council's use.
2. That the property be consolidated by deed with the adjacent property of Avanti Development into one lot as required by RSA 674:39a.
3. That the City retain an easement over the parcel conveyed for municipal utility purposes, either current or needed in the future.
4. That the applicant must provide off-street parking for any development.
5. That the zoning classification be addressed.

- 6. That all representations made in Attorney Pelech’s letter dated April 21, 2006 are attached to this recommendation, including the conceptual designs of building as well as the public parking spaces.

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- 3. Request from Kenneth & Deborah Smith for a license for land use beside and in back of their property located at 298 Myrtle Avenue;

Voted to **table** to the next regularly scheduled meeting on July 21, 2005.

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IV. NEW BUSINESS

- A. Zoning Map Review by Peter Britz

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V. ADJOURNMENT was had at approximately 10:20 p.m.

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This Action Sheet was prepared by Jane M. Shouse, Administrative Assistant in the Planning Department.