

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

**7:00 P.M.**

**CITY COUNCIL CHAMBERS  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**AUGUST 18, 2005**

**MEMBERS PRESENT:** Kenneth Smith, Chairman; John Ricci, Vice-Chairman; John Sullivan; Richard A. Hopley, Building Inspector; Raymond Will; George Savramis; and Alternate Jerry Hejtmanek;

**MEMBERS EXCUSED:** Cindy Hayden, Deputy City Manager; Thomas Ferrini, City Council Representative; and Donald Coker;

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

Chairman Smith introduced the newest member of the Planning Board, Anthony Coviello, who was present but not participating until he was sworn in by the City Clerk.

.....  
**I. APPROVAL OF MINUTES**

1. Minutes from the July 21, 2005 Planning Board Meeting- Unanimously approved.

.....  
**II. PUBLIC HEARINGS**

A. The application of **360 Constitution Avenue, LLC, Owner**, for property located at **360 Constitution Avenue**, wherein approval is requested to excavate 28,000 ± cubic yards of material from the site. Said property is shown on Assessor Plan 274 as Lot 1-C and lies within an Office Research district.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Dwight Snow, of AMES MSC, addressed the Board on behalf of the applicant. He indicated that they were seeking approval for an excavation plan at 360 Constitution Avenue. The number of cubic yards they are requesting to excavate has now been reduced to approximately 10,500. This will make the site more suitable for development. There are three areas on the lot that they will be working with. Area One is a pile of boulders from previous development of the site, Area Two is ledge that they would like to clear for an extension of parking and Area Three has ledge and is the biggest area of concern. They will need blasting and that will provide access out to Constitution Avenue. They are proposing 4" of loam and seed at all effected areas at the conclusion of their work. Slopes are shown on the plans and post development stormwater drainage will actually be less and there will be a decrease in run-off. Fencing will be provided in the front and vegetation will remain as a visual barrier. Routes for transportation and hours of operation are provided in the handouts. The wetland buffer is shown on the plan and they will not be doing any work in the buffer.

Mr. Sullivan asked what effect this would have on the natural flow of water across Constitution and into the brook on the other side of Banfield Road?

Mr. Snow stated that the general direction of stormwater flow will not be changed. There will be a little more contributing out towards Constitution but the other water flow will be decreasing. They will not be putting up any barriers. The only structural object will be a 12" pipe underneath the accessway.

Mr. Sullivan was concerned about Hodgkins Brook and the Great Bog.

Mr. Snow confirmed it would not be interrupted in any way.

Mr. Ricci felt that, as they were hauling a lot of material off site and probably bringing it down Constitution, could they be responsible for cleaning up Constitution at the end of their job?

Chairman Smith felt they could work something out with Public Works and that it would be appropriate.

Mr. Snow clarified that the traffic will go out the back of the parking lot and not onto Constitution Avenue during construction. Mr. Snow also advised the Board that if his client can find a buyer without removing the ledge, that is what he will do.

Chairman Smith asked if this meant that the other accessway will be developed after, when area three comes down and that will be the final driveway?

Mr. Snow indicated that was correct.

Chairman Smith indicated a stipulation would be that they would need approval from DPW and the Planning Department for a driveway and the curbcut.

Chairman Smith was also concerned about coming off of Constitution and onto Route One. He asked where they would go from there? Would they turn right or left?

Mr. Snow indicated it was their intention to grind the rock up on site and find a buyer for it. It would depend on who the buyer was to determine which route they would take.

Chairman Smith asked for comments from the Board on that?

Mr. Holden did not feel that the Board has to worry about that. The road is currently used for industrial purposes and this will be a short-time operation.

Chairman Smith asked what the projected time frame would be?

Mr. Snow indicated that the permit would be good for one year but they would like to remove the rock pile immediately. Hopefully it would be done well within one year. They will need blasting permits.

Chairman Smith reminded them that they would need to do videos of neighboring buildings prior to the blasting.

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

## **DISCUSSION AND DECISION**

Chairman Smith noted that this had a unanimous vote from the Conservation Commission.

Mr. Holden stated that the Department was recommending approval with 8 stipulations plus Mr. Ricci's stipulation, the Conservation Commission stipulations and Chairman Smith's driveway stipulation. That would total 12 stipulations.

Mr. Hopley made a motion to approve with stipulations.

Mr. Sullivan seconded the motion.

The Motion to approve passed unanimously with the following stipulations.

**Conditions of Deputy Public Works Director (City Engineer):**

- 1) That a SWPPP (Stormwater Pollution Prevention Plan) shall be prepared. They will not need a site specific permit but would need NOI (Notice of Intent for NPDES) as they are over an acre;
- 2) That per Article VIII, Section 10-801 (A)(2), the applicant is to provide volume calculations of both Pre and Post cutting of earth;
- 3) That site distance figures shall be provided from the stop bar at the driveway to prove that the driveway meets site visibility standards;
- 4) That the water lines be shown on the plans;
- 5) That a blasting permit be obtained from DPW;
- 6) That the hydrant symbol be corrected on the plans;
- 7) That a drainage analysis study to be performed to insure that no additional flows will be generated; and,
- 8) That a culvert be added at the bottom of the road.

**Conditions of the Conservation Commission:**

- 9) That silt fences be installed during construction;
- 10) That the silt fences be removed after the vegetation has stabilized;

**Conditions of the Planning Board from the August 18, 2005 meeting:**

- 11) That the applicant shall work with the Department of Public Works at the completion of all work to determine what is required to clean up Constitution Avenue;
- 12) That the applicant shall obtain the necessary approvals and permits for any future driveways and curbcuts from the City;

.....

B. 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. Gructer, 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) (This application was tabled at the July 21, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Sullivan made a motion to take the application off the table. Mr. Will seconded the motion. The motion passed unanimously.

Mr. Holden stated that the application continues to be contested and he recommended tabling to a time indefinite.

Mr. Sullivan made a motion to table indefinitely.

Mr. Will seconded the motion.

The Motion to table indefinitely passed unanimously

.....

C. The application of **Thomas Heany, Owner**, for property located at **816 Middle Street** where Preliminary and Final Subdivision approval is requested to subdivide one lot into two lots with the following: Lot 1 having 10,056 ± s.f. and 100 feet of continuous street frontage on Lawrence Street and Lot 2 having 15,046 ± s.f. and 97.79 feet of continuous street frontage on Middle Street, and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of continuous street frontage is required. Said property is shown on Assessor Plan 152 as Lot 44 and lies within a General Residence A district. (Plat plan is on file in the Planning Department Office and is identified as Plan #15-01-05).

The Chair read the notice into the record.

Mr. Ricci indicated he was a direct abutter and reclused himself from the hearing.

**SPEAKING TO THE APPLICATION:**

Karen Lovejoy of Ambit Engineering appeared on behalf of Thomas Heany. They were requesting both preliminary and final subdivision approval. They would be dividing one lot into two conforming lots, which would maintain a shared driveway with an easement. The garage will be moved to proposed Lot 2.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition.

Barbara Peterson of 796 Middle Street, addressed the Board and asked what would happen to the existing building?

Ms. Lovejoy pointed out the existing building and garage and confirmed that they are proposing to move the garage and the house will stay as is.

Thomas Heany, owner, indicated that it was his intent to create a residential lot and he presumes that a single family home will be built on it.

The chair asked if anyone else was present to speak. Seeing no one rise, the public hearing was closed.

**DISCUSSION AND DECISION**

Mr. Holden indicated that the Department was recommending three conditions and added a fourth being that the garage would be relocated subject to approval by the HDC. Otherwise it would have to go to the BOA.

Mr. Hopley also added that the process of moving the garage would be done through the building permit process.

Mr. Sullivan asked if there were any regulations on shared driveways?

Chairman Smith confirmed that there were not but it would be sent to the Legal Department for their review.

Mr. Sullivan felt that the neighbors were interested and concerned that the trend of developing condos on Middle Street would happen on this lot. He asked if it would be a single family home?

Mr. Heany confirmed that yes, the new lot being created is just over 10,000 s.f. and is not large enough to have more than one unit on it per the ordinance. It will also actually have more land than most of the surrounding houses, some of which are duplexes.

Mr. Hopley made a motion to grant preliminary and final approval with the four stipulations.

Mr. Will seconded the motion.

The Motion to approve passed unanimously with the following stipulations:

1. That the driveway easement shall be approved as to content and form by the Planning and Legal Departments;
2. That digitized GIS data shall be provided to Department of Public Works as per the City's requirements for updating relevant land records;
3. Placement of permanent boundary monuments as required by the Department of Public Works; and
4. That the existing garage be relocated subject to the review and approval of the Historic District Commission.

.....

D. The application of **Marc C. Griffin and Beth P. Griffin, Owners**, for property located at **239 Broad Street** and **Mary Catherine Gato, Owner**, for property located at **336 Miller Avenue** where Preliminary and Final Subdivision approval (Lot Line Change) is requested between two lots having the following: Lot 15 as shown on Assessor Plan 131 increasing in area from 5,654 ± s.f. to 7,454 ± s.f. and having 48' of continuous street frontage off of Broad Street and Lot 27 as shown on Assessor Plan 131 decreasing in area from 12,857 ± s.f. to 11,057 ± s.f. and having 83' of continuous street frontage off of Miller Avenue, and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of

continuous street frontage is required. Said properties are located in a General Residence A district and are shown on Assessor Plan 131 as Lot 15 and Lot 27. (Plat plan is on file in the Planning Department Office and is identified as Plan #16-01-05).

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Beth Griffin, who was present with her husband Marc, addressed the Board. Mary Catherine Gato was also present. Mrs. Griffin explained it was a very small portion of land that is currently unused that they would like to transfer so that they would have a bigger back yard for their two daughters to play in.

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

**DISCUSSION AND DECISION**

Mr. Hopley made a motion to grant preliminary and final approval with the two stipulations.

Mr. Will seconded the motion.

The Motion to approve passed unanimously with the following stipulations:

1. That digitized GIS data shall be provided to Department of Public Works as per the City's requirements for updating relevant land records;
2. Placement of permanent boundary monuments as required by the Department of Public Works.

.....

E. 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 **40 Oak Avenue** wherein Preliminary and Final Subdivision approval is requested with the following: Lot 0000 having an area of 11.57 ± acres and with 600' ± of continuous street frontage off Oak Avenue; and the remaining land area being decreased by 11.57 ± 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 plan is on file in the Planning Department Office and is identified as Plan #02-02-05).

The Chair read the notice into the record.

Mr. Will recused himself due to a conflict with the application.

**SPEAKING TO THE APPLICATION:**

Michael Williamson, Project Manager, addressed the Board on behalf of the General Services Administration. He indicated that they were requesting to subdivide 11.57 acres at PDA.

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

**DISCUSSION AND DECISION**

Mr. Holden indicated that the Department has worked with the PDA in reviewing this application. The PDA has asked that we detail the need for an easement or license area, which is recommended stipulation #5 and #6. The difference between this application and the previous application is with the lot area, which has been negotiated with the PDA. The Department recommends that the Board favorably recommend this application back to the PDA with the 7 recommended stipulations.

Mr. Savramis made a motion to recommend preliminary and final subdivision approval with the seven recommended seven stipulations.

Mr. Hopley seconded the motion.

The Motion to recommend preliminary and final subdivision approval passed unanimously with the following stipulations:

1. That Note #8 be corrected to identify the current FIRM Maps;
2. Change address to 40 Oak Avenue;
3. That the PDA Subdivision Application shall be amended to reflect the current application and that a copy shall be provided to the City’s Planning Department for inclusion with this application;
4. That digitized GIS data shall be provided to Department of Public Works as per the City’s requirements for updating relevant land records.
5. That all utility easements/licenses shall be identified and located on the Plat;
6. That the easements/licenses shall be approved as to content and form by the City’s Planning and Legal Departments; and,
7. That all permanent boundary monuments shall be placed in accord with the PDA regulations.

.....

F. A public meeting is convened to review a new version of the City’s zoning map. Please note there are no changes in zoning boundaries or districts. This map is a different presentation of the existing zoning information. The black and white version will be replaced with a full color map. This map uses Geographic Information System (GIS) as base data and incorporates property boundaries. The zoning map is on file in the City Planning Department Office.

The Chair read the notice into the record.

Peter Britz, Environmental Planner, presented the new Zoning Map. He showed the existing map which was black and white and pointed out the City zones. He confirmed that the new version does not have any layout or zone changes. It shows lot (parcel) boundaries which will be helpful in tight areas. All zones are in color. This map is on display at the Planning Department. By having it in the GIS format it allows them to interpret the information in many different ways and is more user friendly.

Mr. Holden indicated that when they do the next zoning map based on the next Master Plan they will use this version. He asked Mr. Britz to explain the accuracy difference in this map.

Mr. Britz stated that the previous map was in CAD format and a lot of boundaries were approximated. With the GIS, they could be more exact with those boundaries. The accuracy is now closer to 10-15’ as opposed to 25 – 50 feet before.

Chairman Smith commented that it was much easier to read. He asked that a copy be sent to the Public Library for public viewing.

Mr. Hopley asked if there was any talk about trying to get this on the web?

Mr. Britz confirmed that after the map is approved by the City Council, it will be memorialized as a digital file and it will be very easy to download. They will probably have a low resolution map available for the web.

Mr. Holden indicated that the City Council will start readings in September and the public hearing will likely be in September or October.

Chair called for public speakers. There being none, the public meeting was closed.

.....  
**III. CITY COUNCIL REFERRALS/REQUESTS**

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

Mr. Holden confirmed that the Department is working with other departments, has accumulated quite a bit of data and they would like to table to this matter until September for a final report.

Mr. Hopley made a motion to table this matter to September.

Mr. Will seconded the motion.

The motion to table to September passed unanimously.

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

Chairman Smith stepped down from this hearing. Vice-Chair Ricci chaired the hearing.

Mr. Holden indicated they were working on an exhibit that should bring this all together and they were asking to table this matter to September.

Mr. Will made a motion to table to September.

Mr. Sullivan seconded the motion.

The motion to table to September passed unanimously.

- .....
3. Request for Amendment to Zoning Ordinance to Permit Financial Institutions in the Office/Research Zone;

Mr. Holden indicated that they are continuing to work on this but because the issues are key to the Master Plan they are retaining the services of a consultant and it will probably be Taintor & Associates. When they do this, they will tie this use to all districts which is more than what was originally encompassed when they started on this. The original applicants have been advised and this is no longer as time sensitive as it originally was.

Mr. Holden requested that this be tabled to the October meeting.



Mr. Will made a motion to table to October.

Mr. Savramis seconded the motion.

The motion to table to October passed unanimously.

.....  
4. Request to Re-Zone land at Banfield Road and Constitution Avenue;

Mr. Holden advised the Boart that this was referred by the City Council. The department finds that the request has merit and asks that the Board direct the applicant to prepare a matrix for review at the September meeting. They could also schedule it for a public meeting at that time or wait to see the materials.

Chairman Smith felt it would be better to hold off until they see the matrix.

Mr. Will made a motion to table this matter until a matrix is received from the applicant.

Mr. Hopley seconded the motion.

Mr. Sullivan asked if this would hold up any construction on the site?

Mr. Holden felt that, even if it did, it was better to take the time to look at it. The reason that the Earth Product Removal was before the Board is because it is not attached to a building permit. That was the first time in his memory that the Board has actually used Article VIII.

The motion to table passed unanimously.

.....  
**IV. NEW BUSINESS**

A. Seacoast Foundation, Walking Trail Signs – Central Business District;

Mr. Holden indicated that this request was received several months ago. The Seacoast Foundation has worked closely with the Department of Public Works, the Police Department and the Planning Department. They would like to create a walk to encourage better health styles in the Central Business District. They would like to set up a pilot program.

Sue Bunting addressed the Board. They have been working with the Portsmouth Hospital and the schools regarding obesity in children. The neighborhoods are also involved in this. She indicated that downtown Portsmouth is gorgeous. They are developing 12 different walking opportunities around the Seacoast area but Portsmouth is the main one to get people out walking in groups. By 2006 all public schools must have a wellness policy and one goal is to change the nutrition program at school, the second is to get kids up and moving and the third is to actually change the school environment as far as health goes. This is not an expensive project but they do have funding. This is being done in Dover and Laconia.

Beth Hartnett also addressed the Board. She is a resident of Portsmouth and a member of the Seacoast Coalition. She reviewed the walk route which is a 2.5 walk, starting at the South Mill Pond playground. There will be three areas available with free parking.

Chairman Smith asked if there are sidewalks and crosswalks along the route?

Ms. Bunting stated they had worked with Public Works and they made some changes to the route, however, the one place where there is no crosswalk is at the end of Junkins Avenue.

Chairman Smith asked if there would be any problem with construction on the Scott Street bridge?

Mr. Holden stated this was only being recommended at a one year pilot program.

Mr. Sullivan pointed out that there was no sidewalk underneath the bridge and he felt that was dangerous. He felt they should take that into consideration.

Ms. Bunting confirmed that they have taken that into account in their meetings with Steve Parkinson and David Holden. It was felt that route has less traffic than crossing State Street. This was approved by Mr. Parkinson & the Planning Department.

Chairman Smith indicated that maybe they could take that into consideration when they redesign the Scott Street Bridge.

Mr. Hopley asked if the City still has a contract with the Masonic Temple for free parking?

Mr. Holden confirmed that they did and that would be another option for free parking.

Mr. Savramis asked where the signs will face?

Ms. Bunting stated that the signs will be quite small, 8" x 8", facing the street at a 4 ½' height on existing posts.

Mr. Sullivan felt the 4 ½' height would be a dangerous height for bicyclists and pedestrians.

Ms. Bunting indicated the signs would be on existing posts.

Mr. Holden also reminded the Board that all locations will be approved by the Department of Public Works to insure they meet with regulations.

Mr. Will made a motion to recommend approval of this plan to the City Council with the nine stipulations.

Mr. Hopley seconded the motion.

The Motion to recommend approval to the City Council passed unanimously with the following stipulations:

1. That this year should be a trial period extending through to December 1<sup>st</sup>;
  - As such, any signs are temporary;
  - Sign locations to be approved by DPW;
  - Sign locations are limited to existing poles or posts;
  - Locations are limited to public right-of-ways;
  - All signs should be removed by the Foundation for Seacoast Health at the immediate conclusion of this trial period;
2. A scale mock up of the sign should be provided for review/recommendation by the Planning Board at this meeting. It is recommended that the following should be included in this referral response.
  - Signs should not contain any advertising;
  - Signs should be limited in size and appropriate to a walking trail;
  - No pamphlets should be provided at sign locations;
  - Any pamphlet distribution should be limited to interior spaces;

Mr. Sullivan asked where the City stood with regard to signage for the entire City? The Board had talked previously about regulating signs to help clean up the City and he was wonder where that stood?

Mr. Holden indicated that the Board’s last action was to table the matter until the hiring of a new Parking Transportation Director. A new Director has just recently been hired so this should come back soon. That is another reason why this program is being recommended as a pilot program. The matter on City signage should come back to the Board in perhaps October or November.

.....

**B. Request for One Year Extension for Site Review Approval for 1800 Woodbury Avenue;**

Ms. Tillman indicated that this was the first one year extension and the Department recommends that it be extended. There are no changes in the plans.

Mr. Will made a motion to grant a one-year extension.

Mr. Sullivan seconded the motion.

The motion to approve a one-year extension of Site Review Approval passed unanimously.

.....

**V. AMENDED SITE PLAN REVIEW**

**1. 280 Heritage Avenue;**

Emery Smith, spoke on behalf of the applicant, and indicated that a small omission had been made on the Site Plan. The omissions include the utility room and a roof over the loading lock. These deal with safety issues and the aesthetic looks.

Mr. Holden indicated they brought these amendments before the Board because the Department deemed it to be sufficient enough for the Board to be aware of it and to be given an opportunity to ask questions. The Department does recommend approval.

Mr. Hopley indicated that when he received the building plans, they reflected these items and he remembered from the Board that they had approved a rectangular building.

Mr. Holden indicated that the Department would look for a motion recommending approval of the amended site plan.

Mr. Hopley made a motion to approve the amended Site Plan.

Mr. Will seconded the motion.

The Motion to approve the amended site plan passed unanimously.

.....

2. 155 Griffin Road;

Ms. Tillman indicated Harbor Woman’s Health was adjusting their handicapped parking spaces so they are more evenly distributed around three sides of the building. There are now two tenants being proposed for the building and this would provide handicapped parking at the individual doorways. Mr. Hopley has reviewed this plan and he liked it.

Mr. Hopley indicated that the building was originally a single occupancy building with one entrance but now the building it split up and has more than one main entrance. They are not adding spaces but just redistributing them.

Ms. Tillman indicated that the Department was recommending approval.

Mr. Will made a motion to approve the amended parking plan.

Mr. Hopley seconded the motion.

The Motion to approve passed unanimously.

.....

Non-Agenda Item:

Property Located at 107-109 Preble Way, Atlantic Heights.

The owner has submitted a letter indicating his intent to separate and transfer ownership of this building. He confirmed that this property is part of the original subdivision and the building was built before 1982.

Mr. Will made a motion to so acknowledge the owner’s intent.

Mr. Ricci seconded the motion.

The Motion passed unanimously.

.....

**VI. ADJOURNMENT**

A motion to adjourn at 8:27 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on September 15, 1005.