

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

**7:00 P.M.**

**CITY COUNCIL CHAMBERS**

**JANUARY 19, 2006**

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

**MEMBERS PRESENT:** John Ricci, Vice-Chairman; M. Christine Dwyer, City Council Representative; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; John Sullivan; Raymond Will; Donald Coker; George Savramis; and Alternates Jerry Hejtmanek and Anthony Coviello

**MEMBERS EXCUSED:** n/a

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

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6:30 – 7:15 pm Work Session in City Council Chambers regarding Request for Amendment to Zoning Ordinance to Permit Financial Institutions in the Office Research Zone.

A public meeting will be scheduled for the next Planning Board Meeting on February 16, 2006.  
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**I. NEW BUSINESS**

A. Election of Officers

John Ricci was voted as Chairman  
Jerry Hejtmanek was voted as Vice-Chairman  
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**II. OTHER BUSINESS**

A. Presentation of **Capital Improvement Program**

City Manager John Bohenko addressed the Board and presented the CIP plan along with City staff members David Holden, Director of Planning Department, Christopher LeClair, Fire Chief, Captain Bill Irving, Police Department, Deputy City Manager Cindy Hayden, Steve Parkinson, Director of Public Works, David Allen, Deputy Director of Public Works and Peter Rice, Water Sewer Engineer.

The Board voted to accept the plan and recommend to the City Council.  
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**III. APPROVAL OF MINUTES**

- A. Approval of Minutes from the November 17, 2005 Planning Board Meeting Unanimously approved.

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**IV. PUBLIC HEARINGS**

A. The application of **T-Beyer Realty, LLC, Owner**, for property located at **141 Banfield Road** wherein an amendment to Conditional Use Approval received on November 21, 2002 is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow parking on an existing area of pavement and revisions to the drainage swale within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 254 as Lot 2 and lies within an Industrial District. (This application was tabled at the December 15, 2005 Planning Board Meeting)

Voted to **grant** Conditional Use Approval subject to the following **stipulations**:

- 1) That the applicant shall provide a planting plan to be reviewed and approved by the Planning Department;
- 2) That a barrier shall be constructed at the edge of the pavement within the wetland buffer area and no snow storage shall be allowed in that area; and;
- 3) That the vegetative swale shall be constructed as originally approved and enhanced with plantings.

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B. The application of **T-Beyer Realty, LLC, Owner**, and **Tina Montgomery, Applicant**, for property located at 141 Banfield Road wherein amended site review approval is requested to revise the loading docks and the striping of the existing paved area, and the removal of the landscaped islands, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 254 as Lot 2 and lies within an Industrial district

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

- 1) That the guardrail detail shall be upgraded to a 6 x 8 post and a 3 x 8 horizontal section and so noted on the Site Plans;
- 2) That guardrails shall be extended along the roadside of the parking lot, and so noted on the plans;
- 3) That all parking spaces shall be painted (and not taped) and so noted on the Site Plans;
- 4) That a new Site Review Agreement will be required, along with a corresponding bond to be posted with the City in an amount to cover all proposed site work;

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C. The application of **Irving W. Spinney, Revocable Trust, Janice L. Karkos, Trustee, Owner and Dawn M. & Arthur R. Tobin, III, Applicants**, for property located **off Middle Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the construction of a two story residential building to be built on an existing concrete foundation within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 232 as Lot 122 and lies within a Single Residence B District. (This application was tabled at the December 15, 2005 Planning Board Meeting)

Voted to **grant** Conditional Use Approval subject to the following **stipulations**:

1. That the natural vegetation be left at the 44 foot contour;
2. That there shall be no fertilizers or pesticides within the buffer zone, with the exception of using fertilizer on the front lawn, and this condition shall be included in the Warranty Deed for the property and recorded in the Rockingham County Registry of Deeds; and
3. That the driveway and patio shall have a pervious surface.

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D. The application of **Portsmouth Farms, LLC, Owner, and Starbucks Coffee Company, Applicant**, for property located at **1855 Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the renovation of an existing building and the addition of a drive-thru window within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 215 as Lot 11 and lies within a General Business District. (This application was tabled at the December 15, 2005 Planning Board Meeting)

Voted to **table indefinitely**.

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E. The application of **Thomas J. Flatley, Owner and Home Depot, Applicant**, for property located at 500 Spaulding Turnpike wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the demolition of the existing building, the construction of a 145,193 ± s.f. retail store and a 26,650 ± s.f. pad building and corresponding parking within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 238 as Lot 20 and lies within a General Business District.

Voted to **table indefinitely**.

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F. The application of **Lewis A. and Ruth Cicero, Owners, and Changing Places, LLC, Applicant**, for property located **off Falkland Way** wherein site review approval is requested for the creation of 24 new town home units on a proposed 8 lot subdivision, with all of the proposed lots having access off of a proposed extension of Crescent Way extending through to Saratoga Way, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 212 as Lot 123 and lies within a General Residence B District;

Voted to **table** this application until the next regularly scheduled Planning Board meeting on February 16, 2006.

Concerns from the January 19, 2006 Planning Board Meeting:

- 1) That a traffic study be provided to the Planning Board;
- 2) That City Staff be present at the next Planning Board meeting to address the infrastructure;
- 3) That the drainage concerns of PSNH be more adequately addressed;
- 4) That building elevations be provided to the Planning Board.

Stipulations from the January 3, 2006 Technical Advisory Committee Meeting:

- 1) That prior to approval by the Planning Board a report shall be provided to DPW and the Planning Board either that there is approval by the adjacent property owners to the increased drainage flow or that some Agreement is in place to allow such drainage flow;
- 2) That the two outfall structures (one swale and one level spreader) shall be fully constructed and stabilized before use;
- 3) That a detail be added to the Site Plans showing an armored slope from both the outlet of the treatment swale and the bypass culvert to the toe of slope or the stone wall;
- 4) That Saratoga Way be widened to 24' for approximately 100' near the intersection with Raleigh Way where there is no parking and that the hydrant be relocated as required;
- 5) That the applicant shall meet with Debbie Finnigan, City Traffic Engineer, to review the revised Site Plans to make sure that Saratoga Way meets all requirements;
- 6) That the water line should be 10" CLDI connecting to the 8" main in the Raleigh Way intersection and to the future 10" on Crescent, with a 10" diameter stub to the Portsmouth Housing Authority property line so that the City could extend the line for a looped feed;
- 7) That a meeting be scheduled with the applicant and Tom Cravens and David Allen of DPW to discuss off-site improvements on the water mains;
- 8) That the Planning Department will review the "cut through" that is being used on private property and provide a report at the Planning Board meeting;
- 9) That a 10' vegetative buffer easement shall be prepared by the Applicant and reviewed and approved by the City Attorney;
- 10) That a stop line and stop sign shall be added to the Site Plans at the intersection of Saratoga and Raleigh Way;
- 11) That there shall be an independent inspector for the proposed roadway as this will eventually be a city street;
- 12) That the water service as shown crossing the lot line on Lot #1 shall be amended on the Site Plans;
- 13) That on the road profile, the sewer is shown very steep and a drop manhole should be added uphill to relieve the slope;
- 14) That a detail showing well drained material 2' below the treatment swale shall be added to the Site Plans so that the Field Contractor will be aware of it;
- 15) That it is recommended that the wooden guardrail detail be upgraded to a 6 x 8 post and 3 x 8 horizontal section;
- 16) That a full detail of the roadway cross section where it crosses the large existing ditch showing well graded fill under the road be added to the Site Plans; and
- 17) That language shall be added to the deeds of the two lots that border the wetland buffer, relative to the prohibition of dumping debris in the wetland buffer zone, and said language shall be approved by the Planning Department and the City Attorney;

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G. The application of **Marilyn Rath, Owner**, and **Portsmouth Fabric Company, Applicant**, for property located at **112 Penhallow Street** wherein site review approval is requested to construct a 679± s.f. second floor addition to the existing one story section of the building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 106 as Lot 20 and lies within Central Business B, Historic A and Downtown Overlay Districts;

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

- 1) That a note shall be added to the plans stating that the storm drains and roof drains are not tied into the City sewer;
- 2) That the applicant shall work with the Planning Department and DPW to review the revised Site Plans prior to submittal to the Planning Board;

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H. 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 **Pioneer Development, LLC, Applicant**, for property located at **29 New Hampshire Avenue**, wherein site plan approval is requested for the construction of two buildings, each being 2-story office buildings with 11,600 ± s.f. footprints, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 302 as Lot 5 and lies within the Business Commercial District.

Voted to **recommend<sup>1</sup> Site Review approval**, with the following **stipulations**:

Stipulations from the January 19, 2006 Planning Board Meeting:

- 1) That the mature trees (8-10 years old) shall be transplanted on site and should they not survive, they shall be replaced with 3” caliber trees;
- 2) That the Landscaping Plan be reviewed and approved by the Planning Department;

Stipulations from the January 3, 2006 Technical Advisory Committee Meeting:

- 3) That the note on the Utility Plan regarding tapping the main should be amended to say that the tapping sleeve and the tap on the main shall be supplied and installed by the Portsmouth Water Division;
- 4) That two water services should be shown for the property; one domestic for the whole property with only one meter and one fire service;
- 5) That the note on the Detail Sheet about concrete casing around the water main coming too close to the sewer should specify a sleeve rather than an encasement or that the sewer shall be encased in concrete;
- 6) On the standard detail of the hydrant setting, the note should require that the hydrant meet Portsmouth Water Division standards rather than NHDOT standards;
- 7) That the drainage portion shall be finalized in a meeting with DPW to review the design for a report back at the Planning Board meeting;
- 8) That a maintenance schedule of the subsurface drainage system shall be provided to DPW and a yearly confirmation report be filed showing that the maintenance is being performed;
- 9) That a note should be added to the Site Plans that the existing hydrant in the southwesterly corner of the building should be removed and abandoned;
- 10) That the entrance onto New Hampshire Avenue should have a stop line and a stop sign to delineate the site;
- 11) That the traffic impact study shall be provided to Debbie Finnigan, City Traffic Engineer, and the Planning Board for their review prior to the next meeting;
- 12) That automatic notification of emergency services is required along with a knox box on each building by the main entrance;
- 13) That a sign detail be added for the handicapped accessible parking spaces showing the MUTCD standard;
- 14) That concrete sidewalks be provided along the front of the property and for all walkways and sidewalks need to be built to Portsmouth DPW standards;
- 15) That all lighting shall be “Dark Sky Friendly”;

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<sup>1</sup> 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.”

- 16) That an easement or license shall be obtained for access/egress cross-easements for the property subject to the approval by the PDA as to content and form;
- 17) That a sewer and drainage easement shall be prepared by the applicant for review and approval by the City Attorney;
- 18) That an appropriate payment shall be made into the TIIF fund, per the PDA requirement, with a report to Debbie Finnigan, City Traffic Engineer;
- 19) That bike racks and motorcycle pads shall be added to the Site Plans; and
- 20) That the drainage pipes on the Site Plans shall be consistent between what the notes say and what the plans show.

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**V. OLD BUSINESS**

- A. Report back from DPW on current standard for monuments;

Voted to **table** this matter to the next regularly scheduled Planning Board meeting.

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**VI. NEW BUSINESS**

- A. Project of potential regional interest (Letter enclosed)

Voted to **table** this matter to the next regularly scheduled Planning Board meeting.

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**VI. ADJOURNMENT** was had at approximately 11:45 p.m.

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