

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

**7:30 P.M.**

**CITY COUNCIL CHAMBERS**

**NOVEMBER 16, 2006**

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

**MEMBERS PRESENT:** Jerry Hejtmanek, Vice-Chairman; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; Raymond Will; George Savramis; Anthony Coviello; Paige Roberts, Alternate; and Timothy Fortier, Alternate;

**MEMBERS EXCUSED:** John Ricci, Chairman; M. Christine Dwyer, City Council Representative; and Donald Coker

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

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**I. APPROVAL OF MINUTES**

A. Approval of Minutes from the October 19, 2006 Planning Board Meeting – Unanimously approved.

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**II. PUBLIC HEARINGS**

A. The application of **Millennium Borthwick, LLC, Owner**, for property located at **155 Borthwick Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to add 13,771 s.f. of grading and pavement within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 259 as Lot 14-1 and lies within an Industrial District; (This application was tabled at the October 19, 2006 Planning Board Meeting.)

Voted to **table to a time indefinite**.

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B. The application of **Elizabeth Cummings, Owner**, for property located at **39 New Castle Avenue**, wherein Preliminary Subdivision approval is requested to subdivide one lot into two with the following: Proposed Lot 1 having 10,500 ± s.f. and 68' of street frontage on New Castle Avenue and 141' of street frontage on Humphrey's Court and Proposed Lot 2 having 6,870 ± s.f. and 83.00' of street frontage on New Castle Avenue, and lying in a zone where a minimum lot area of 5,000 s.f. and 80' of street frontage is required. Said property is shown on Assessor Plan 101 as Lot 36 and lies within a General Residence B District and Historic District A.

Voted to **approve** preliminary subdivision approval with the following **stipulations**:

1. That a plan shall be prepared and stamped by a Wetland Scientist prior to final approval;
2. That a drainage report shall be prepared prior to final approval;
3. That if the applicant fails to satisfactorily comply with all conditions of approval then the lot shall be non-buildable;
4. That the Zoning Officer shall inspect 39 New Castle Avenue and report back to the Planning Board, Inspection Department and Assessor’s Office as to the number of units at this site;
5. That assuming no more than two units are located at this site, that applicable property records should be updated to identify the present situation;
6. That a note shall be added to the Plat verifying compliance with the Zoning Ordinance in terms of residential units on both lots e.g. one unit and two units;
7. That a Final Subdivision Plat shall be prepared and submitted to the Board in accordance with the Board’s *Regulations*.

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C. The application of **Arthur E. and Joan T. Jones, Owners**, for property located **off Merrimac Street** and **The Woman’s City Club of Portsmouth, Owner**, for property located at **375 Middle Street**, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 20 as shown on Map 136 decreasing in area from 12,471 s.f. to 12,982 s.f. and with 79.10’ of continuous street frontage on Middle Street and newly subdivided lot which was previously a portion of Lot 18 on Map 136 increasing in area from 10,370 s.f. to 15,082 s.f. and with continuous street frontage on Merrimac Street. Said lots are shown on Assessor Plan 136 as Lot 20 and a newly subdivided lot which was previously a portion of Lot 18, said lots lie within a Mixed Residential Office District and Lot 20 on Map 136 lies partially in the HDC Overlay District;

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

1. That the typo in Note 8 (benefited) shall be corrected or noted so as to conform to the deed reference;
2. That the Assessor’s Office shall supply appropriate lot identification to this application before recording in the Registry;
3. That boundary monuments shall be placed in accord with the requirements of the Department of Public Works; and,
4. That appropriate GIS information shall be provided to the City’s Department of Public Works for the purpose of updating the Tax Maps.

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D. The application of **The Home Depot U.S.A., Inc., Owner** and **Christmas Tree Shops, Inc., c/o Bed Bath and Beyond, Inc., Applicant**, for property located **Off Durgin Lane** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to demolish the existing building and replace with a retail plaza within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 239 as Lots 13-2, 16 & 18 and lies within a General Business District;

Voted to **approve** Conditional Use Approval with the following stipulations:

**Stipulations from the November 8, 2006 Conservation Commission Meeting:**

- 1) That the areas being returned from pavement to natural be planted with a wildflower conservation seed mix;
- 2) That the areas at the edge of buffer not be mowed.

**Stipulations from the November 16, 2006 Planning Board Meeting:**

- 3) That the Stormwater Protection Plan (SWPP) shall include sweeping the lot once a month.

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E. The application of **Perry Silverstein and Kristin Magnus Silverstein, Owners**, for property located **off Penhallow Street and 19 Market Street** wherein Preliminary and Final Subdivision approval (Lot Line Relocation) is requested between two lots having the following: Lot 12 as shown on Assessor’s Plan 106 decreasing in area from 6,266 s.f. to 6,220 s.f. and with continuous street frontage on Market Street and Lot 9 as shown on Assessor’s Plan 106 increasing in area from 2,273 s.f. to 2,319 s.f. and with continuous street frontage on Penhallow Street. Said property is shown on Assessor Plan 106 as Lots 9 & 12 and lie in a Central Business B District, Historic District A and the Downtown Overlay District;

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

- 1. That the Assessor’s Office shall supply appropriate lot identification to this application before recording in the Registry;
- 2. That boundary monuments shall be placed in accord with the requirements of the Department of Public Works; and,
- 3. That appropriate GIS information shall be provided to the City’s Department of Public Works for the purpose of updating the Tax Maps.

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F. The application of **Temple Israel, Owner**, for property located at **170 and 200 State Street**, wherein Site Review approval is requested to construct a 15’± x 8’± s.f. elevator enclosure and a 525± s.f. irregularly shaped entryway at the rear of the existing structure, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 107 as Lots 65, 66 and 75 and lies within the Central Business B, Historic District A and the Downtown Overlay Districts.

Voted to **approve** Site Review Approval with the following **stipulations**:

**Stipulations from the October 31, 2006 Technical Advisory Committee Meeting:**

- 1) That Utility Note 8 shall be removed from the Site Plans;
- 2) That Utility Note 13 shall be revised to read that all water work shall be constructed in accordance with the Portsmouth Water Division standards;
- 3) That the existing 4” domestic service on Court street shall be deleted from the Site Plans as it does not exist;
- 4) That Note 18 on the Site Plans regarding sprinkler installation should include NFPA 13 as that is the sprinkler system design and installation code;

- 5) That all buildings with sprinklers shall require automatic notification of emergency forces, per Portsmouth City Ordinances;
- 6) That the lots shall be consolidated prior to the issuance of a building permit; and
- 7) That all new site lighting shall be Dark Sky Friendly and cut sheets shall be provided to DPW and the Planning Department for review and approval;

**Stipulation from the November 16, 2006 Planning Board Meeting:**

- 8) That the applicant shall work with DPW, the Planning Department and the Legal Department on the final disposition of the grease trap.

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G. The application of **Strawbery Banke, Inc., Owner**, for property located on **Washington Street**, wherein Site Review approval is requested to construct an irregularly shaped 5,500± s.f. 2-story building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 108 as Lot 2 and lies within the Mixed Residential Office District and Historic District A.

Voted to **approve** Site Review Approval with the following **stipulations**:

**Stipulations from the October 31, 2006 Technical Advisory Committee Meeting:**

- 1) That the applicant shall seek an easement and/or license from the City Council to install the insulation for the foundation;
- 2) That this Committee recommends that the easement and/or license be granted;
- 3) That automatic notification of emergency forces and a knox box shall be installed; and
- 4) That Strawberry Banke shall be responsible for paying for the installation of the new drain manhole that is required for their on-site drainage as well as their drainage stub which they are asking to be installed.

**Stipulation from the November 16, 2006 Planning Board Meeting:**

- 5) That the Planning Board makes a favorable recommendation to the City Council regarding the easement and/or license agreement (as referenced in Stipulation #1) thereby fulfilling a requirement for a report back with recommendation.

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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 **Two International Group, LLC, Applicant**, for property located at **100 International Drive**, wherein site plan approval is requested for the construction of a 17,485 ± s.f. (footprint) 3-story addition to an existing office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 0007 and lies within an Industrial District.

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

**Stipulations from the October 31, 2006 Technical Advisory Committee Meeting:**

- 1) That the entire site, excluding the wooded and wetland areas, shall have at least 4” of loam and seed;
- 2) That the sewer pump station shall provide six hours of storage space;
- 3) That the concrete sidewalk that was started in Phase I shall be extended to the property lines in both directions;
- 4) That finished pavement shall be provided on the entire site and the pavement shall be re-stripped, including stop bars and stop lines where appropriate;
- 5) That the plans shall indicate that the applicant shall follow the City of Portsmouth Aquifer Protection Guidelines;
- 6) That the WSO symbol on the front of the building on the Site Plans shall be clarified;
- 7) That the applicant shall put in writing that the fire and domestic water services were originally sized to include this addition;
- 8) That the Site Plans shall indicate that the silt fence shall be removed once the site is stabilized;
- 9) That the City Environmental Planner and a representative of DPW shall conduct a site walk in the Spring to review the swale and detention basin to make sure they are in good working order;
- 10) That the fire alarm box and the knox box relocation shall be coordinated with the City Fire Alarm Division (Fire Department);
- 11) That the tip downs for the handicapped ramp shall be appropriately labeled and that a stop sign and stop line shall be added, if they do not currently exist;
- 12) That ADA tip downs and crosswalks shall be added to the existing sidewalks at the egress of the site;
- 13) That the City and PDA staff shall work on calculating the appropriate traffic dollar contribution from the applicant;
- 14) That documentation shall be provided to the Planning Board at their November 16, 2006 meeting regarding the maintenance schedule which has been followed on the existing site and also a proposed maintenance schedule, as outlined in the Drainage Report on the unnumbered page which is immediately prior to Appendix A;
- 15) That the PDA will consider the removal of the existing sidewalk leading to the Portsmouth Herald site;

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**III. NEW BUSINESS**

**A. Appointment of CIP Sub-Committee;**

The following members volunteered for the CIP Sub-Committee: Chairman John Ricci, Vice-Chairman Jerry Hejtmanek, Raymond Will and Timothy Fortier.

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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.”

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B. Subdivision/Separation of Property Located at 126-128 Concord Way;

The Board acknowledged intent to subdivide Map 212, Lot 59, also referred to as 126-128 Concord Way.

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NON-AGENDA ITEM:

C. Subdivision/Separation of Property Located in Atlantic Heights;

The Board acknowledged intent to subdivide the following Atlantic Height lots:

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|----|--------------------------------------|------------------|
| 1) | 86 Raleigh Way and 623 Kearsarge Way | Map 212, Lot 39  |
| 2) | 127 and 129 Crescent Way             | Map 212, Lot 152 |
| 3) | 191 and 193 Crescent Way             | Map 212, Lot 071 |
| 4) | 38 and 40 Raleigh Way                | Map 212, Lot 021 |
| 5) | 112 and 114 Raleigh Way              | Map 212, Lot 050 |
| 6) | 202 and 204 Raleigh Way              | Map 212, Lot 098 |

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**IV. OLD BUSINESS**

A. 1855 Woodbury Avenue (Starbucks) – building foundation revision:

The Board acknowledged approval to change to a piling system due to the condition of the soils.

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**V. ADJOURNMENT**

A motion to adjourn at 9:25 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board