

ACTION SHEET

**PLANNING BOARD MEETING
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

APRIL 19, 2007

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

MEMBERS EXCUSED: Paige Roberts and Timothy Fortier, Alternate;

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

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the March 1, 2007 Planning Board Work Session – Unanimously approved.
- B. Approval of Minutes from the March 15, 2007 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. The application of **Harborcorp, LLC, Harborside Inn, Inc., Harborside Associates, and City of Portsmouth, Owners**, for properties located **off Deer Street, Green Street, Russell Street, Market Street, and Maplewood Avenue** wherein Preliminary and Final Subdivision approval (Lot Line Revisions) is requested to allow for the following: 1) the consolidation of Harborcorp, LLC lots 12, 21 and 28 into one lot consisting of 2.37 acres with conforming area, street access and frontage and including approximately 17,607 s.f. of land to be conveyed from the City to this lot (collectively these lots comprise the existing surface parking lot in the area bounded by Russell, Deer, Green Streets and Maplewood Avenue) and the City owned land is currently part of the Russell and Green Street right-of-ways and these two right-of-ways will be reconfigured as part of this application and subsequent development project; 2) Harborside Associates, Lot 1-1C (existing hotel and condominium lot) is conveying approximately 434 s.f. of land to the City for use within the proposed relocated Russell Street right-of-way; 3) Harborside Inn, Inc. Lot 1-1A with an area of approximately 2,640 s.f. is being conveyed to the City for use within the proposed relocated Russell Street right-of-way; and, 4) a

conveyance from the City of a portion of the Russell and Market Streets right-of-ways totaling approximately 5,260 s.f. to Map 119, Lot 4 for the proposed realignment of the intersection of Russell and Market Streets. All resulting lots are in conformance with the Zoning Ordinances and Subdivision Rules Regulations. Said lots are shown on Assessor Plan 118 as Lot 28, Assessor Plan 119 as Lots 1-1A, 1-1C and 4, Assessor Plan 124 as Lot 12 and Assessor Plan 125 as Lot 21 and such other land of the City as shown on the subdivision/lot line revision plan and lying within the Central Business A (CBA) and the Central Business B District (CBB), the Downtown Overlay District (DOD) and the Historic District A.

Voted to **postpone** this application to the May 17, 2007 Planning Board meeting, to allow City Attorney Robert Sullivan to make a recommendation to the Planning Board on any potential conflict of interest.

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B. The application of **The Estate of Emerson McCourt, Owner, Heather Parker, Applicant**, for property located **off Mill Pond Way**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to construct a single family residence, within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 143 as Lot 9 and lies within a General Residence A District;

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

- 1) That measures be taken to insure that the stated improvements to the buffer zone are protected over time through some type of legal mechanism such as a deed restriction or conservation easement for native landscaping in the wetland buffer area;
- 2) That said deed restriction or conservation easement shall be reviewed and approved by the City's Legal Department; and
- 3) That the Conditional Use Permit Application report, dated March 30, 2007 and prepared by Ambit Engineering, Inc., with specific focus on the items listed on Page 2 listing the techniques to be used to minimize the impact to the surrounding environment, and the Plan Set consisting of a Boundary & Topo Plan dated July 2006, Layout & Landscape Site Plan dated March 2007 and Grading & Utility Site Plan, dated March 2007, all prepared by Ambit Engineering, shall be incorporated as part of this approval;

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C. The application of **The Estate of Emerson McCourt, Owner**, for property located **off Mill Pond Way**, wherein Preliminary and Final Subdivision approval is requested to subdivide one lot into two lots with the following: Proposed Lot 1 having 20,095 ± s.f. and 102' ± of street frontage on Mill Pond Way and Proposed Lot 2 having 13,529 ± s.f. and 0' of street frontage and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of street frontage is required. The purpose of this subdivision is to deed to the City of Portsmouth Proposed Lot 2 to be used as a public park. Said property is shown on Assessor Plan 143 as Lot 9 and lies within a General Residence A District;

Voted to **approve** Preliminary and Final Subdivision Approval with the following stipulations:

- 1) Public ownership protects this area from future private development;
- 2) Public ownership of and public access to a waterfront area are public benefits;
- 3) That boundary monuments shall be placed in accord with DPW requirements;
- 4) The submission, to Department of Public Works of electronic data, suitable for updating the City Assessing Records;

- 5) That the City Council authorize the City Manager to accept this land offer;
- 6) That a deed transferring ownership to the City of this parcel shall be prepared, reviewed and approved as to content and form by the City Attorney;
- 7) That this parcel shall be consolidated with the City owned lot along with the filing in the Registry of all appropriate deeds and plats;
- 8) That upon acquisition of this parcel and pursuant to Article II, Section 10-202(B) of the *1995 Zoning Ordinance* that the *2005 Zoning Map* shall be hereby amended so as to include this parcel within the Municipal district;
- 9) That the applicant shall complete a Phase I environmental assessment of the property for review and approval by the Planning Department;

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D. The application of the **Foundation for Seacoast Health, Owner**, for property located at **100 Campus Drive**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to construct playing fields and ball courts to accommodate softball/baseball, soccer, tennis and basketball activities, within an Inland Wetlands Protection District. Said property is shown on Assessor Map 266 as Lot 4 and lies within an Industrial District;

Voted to **approve** Conditional Use Approval.

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E. The application of **Meadowbrook Motor Inc, Owner, and Key Auto Group, Inc., Applicant**, for property located off **U.S. Route One By-Pass (Traffic Circle)**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to develop the site to include a hotel, a retail building, three restaurants, and a convenience store/gas station, within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 234 as Lot 51 and lies within a General Business District; (This application was tabled at the March 15, 2007 Planning Board Meeting)

Voted to **postpone to a time uncertain**.

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F. The application of **Steven and Christie Scott, Owners**, for property located at **293 Dennett Street**, **Danny Medeiros, Owner**, for property located at **287 Dennett Street**, and **Walter and Patricia Holt, Owners**, for property located **off Dennett Street**, wherein Final Subdivision Approval is requested to subdivide Map 142, Lot 15 and combine it with Map 142, Lots 1 & 2, as follows: Map 142, Lot 1 increasing in area from 7,313 s.f. to 14,436 s.f. and with 59.85' of continuous street frontage on Dennett Street (unchanged) and Map 142, Lot 2 increasing in area from 3,655 s.f. to 10,778 s.f. and with 28.04' of continuous street frontage on Dennett Street (unchanged), and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of street frontage is required. Said lots are shown on Assessor Plan 142 as Lots 1, 2 and 15 and lie within a General Residence A District;

Voted to **approve** final subdivision approval.

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G. The application of **68 State Street, LLC, Owner**, for property located at **68 State Street** and **March Twenty-Two, LLC, Owner**, for property located at **58 State Street**, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 12 as shown on Map 105 decreasing in area from 3,380 ± s.f. to 3,304 ± s.f. and street frontage on State Street decreasing from 48.41±' to 46.71±' and Lot 13 as shown on Map 105 increasing in area from 7,759 ± s.f. to 7,835 ± s.f. and street frontage on State Street increasing from 55.19±' to 56.89±', and lying in a zone where a minimum lot area of 1,000 s.f. and no street frontage is required. Said lots are shown on Assessor Plan 105 as Lots 12 and 13 and lie within a Central Business B (CBB) District and Historic District A;

Voted to **approve** Preliminary and Final Subdivision approval with the following stipulations:

- 1) That the applicant shall recalculate the open space for review and approval by the Planning Department;
- 2) That boundary monuments shall be placed in accord with DPW requirements; and
- 3) The submission of electronic data suitable for updating the City Assessing records.

H. The application of **Richard and Linda Harding, Owners**, for property located at **1808 Islington Street**, wherein Preliminary and Final Subdivision approval is requested to subdivide one lot into two lots with the following: Proposed Lot 1 having 20,548 ± s.f. and 100' of street frontage on Islington Street and Proposed Lot 2 having 61,803 ± s.f. and 124.17' of street frontage on Islington Street, and lying in a zone where a minimum lot area of 15,000 s.f. and 100' of street frontage is required. Said property is shown on Assessor Plan 241 as Lot 15 and lies within a Single Residence B (SRB) District;

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on May 17, 2007.

I. The application of **Millenium Borthwick, LLC, Owner**, for property located at **155 Borthwick Avenue**, wherein Site Review approval is requested to convert 72,232 s.f. from business office space to medical office space, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 259 as Lot 14-1 and lies within the Industrial District;

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on May 17, 2007.

J. The Planning Board is conducting a Public Hearing in order to solicit public comment on a proposed amendment to the Planning Board's *Administrative Procedures, Rezoning Review Checklist and Informational Matrix for Zoning Referrals*. This amendment is primarily for the purpose of converting the existing document to an electronic format and to reconfigure the Informational Matrix section. Copies of this proposed document are available for public inspection in the Planning Department Office at the Municipal Complex.

Voted to **adopt** the amendment to the Planning Board's *Administrative Procedures, Rezoning Review Checklist and Informational Matrix for Zoning Referrals*.

III. CITY COUNCIL REFERRALS/REQUESTS

A. Request from Borthwick Forrest, LLC, for proposed Zoning Amendments of 37 acres of land frequently called "Islington Woods" located off of Islington Street;

Voted to discuss this request within the Board's other zoning priorities at their May 10, 2007 Work Session.

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B. Request from Icon Realty, LLC, for proposed Zoning Amendments for a parcel of commercial land formerly known generally as "Woodbury Gardens";

Voted to discuss this request within the Board's other zoning priorities at their May 10, 2007 Work Session.

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C. Request from Perry Silverstein, Owner, for property located at 10 Commercial Alley, for an easement/license for a building addition;

Voted to **recommend to the City Council** that they approve the license and easements as listed in Item #3 of Mr. Silverstein's letter to the City Council for their March 19, 2007 meeting.

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IV. AMENDED SITE PLAN REVIEW

A. **Tidewatch Condominium Association, Owners**, by their counsel, Thomas R. Watson, for property located at **579 Sagamore Avenue**, for amended Site Review Approval to reconfigure the driveways of five units previously constructed, being Units 34, 35 and 36 in Building XIII and Units 37 and 38 in Building XIV;

The Planning Department viewed this as a minor amendment and so approved and the Board concurred.

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V. OTHER BUSINESS

A. Request from **Avanti Development, Owner**, for a one year extension of Site Review Approval relative to property located **off Falkland Place**, which was granted on June 22, 2006;

Voted to **approve** a one-year extension of Site Review Approval

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VI. ADJOURNMENT

A motion to adjourn at 10:45 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board