

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

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

7:00 P.M.

March 20, 2008

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Jerry Hejtmanek, Vice-Chairman; Donald Coker; Paige Roberts; Richard A. Hopley, Building Inspector;

MEMBERS EXCUSED: Anthony Coviello; John Rice; Cindy Hayden, Deputy City Manager; MaryLiz Geffert, Alternate and Norman Patenaude, Alternate.

ALSO PRESENT: David M. Holden, Planning Director;

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the February 7, 2008 Planning Board Meeting;
2. Approval of Minutes from the February 14, 2008 Planning Board Meeting;
3. Approval of Minutes from the February 21, 2008 Planning Board Meeting;

Vice Chairman Hejtmanek made a motion to approve the minutes as presented. The motion was seconded by Councilor Dwyer. The motion to approve the minutes as presented passed by a unanimous (6-0) vote.

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II. NEW BUSINESS

A. The application of **Eugene N. Short Revocable Trust, Owners**, for property located at **175 Gosport Road** and **Karl E. Hahn, Owner**, for property located at **340 Odiorne Point Road**, wherein Preliminary and Final Subdivision approval (Lot Line Change) is requested between two lots having the following: Lot 1 as shown on Assessor Plan 224 decreasing in area from 198,459 ± s.f. to 176,953 ± s.f. and with an existing access easement from Gosport Road and Lot 10-018 as shown on Assessor Plan 224 increasing in area from 59,206 ± s.f. to 80,712 ± s.f. and with continuous street frontage off Odiorne Point Road, and lying in a zone where a minimum lot area of 1 acre (43,560 s.f.) is required. Said properties are located in a Single Residence A district and are shown on Assessor Plan 224 as Lots 1 and 10-018. (Plat plan is on file in the Planning Department Office and is identified as Plan #01-01-08). *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

SPEAKING TO THE PETITION

Mr. Steve Oles of MSC Civil Engineers was present to speak to the application. Mr. Oles displayed the properties to be considered. He explained that they would like to do a lot line relocation with a total lot line relocation area of 21,506 square feet. He indicated that Mr. Hahn's property would increase in size from 1.36 acres to 1.85 acres and Mr. Short's property would decrease in size from 4.56 acres to 4.06 acres. Mr. Oles pointed out on the plan that the blue area indicates the water, the light green area indicates the upland areas, and the yellow area indicates the wetland portion.

Chairman Ricci asked if the Commission had any additional questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE BOARD

Mr. Coker made a motion to grant the application as presented with the five stipulations in the Planning Department memo. The motion was seconded by Mr. Hejtmanek.

The motion to grant Preliminary and Final Subdivision approval passed unanimously with the following stipulations:

- 1) That a note shall be approved by the Planning Department as to form and that it shall be added to this plat so that reference is made to the earlier 2005 recording;
- 2) That the deed shall be recorded simultaneously with the plat;
- 3) That DPW will make a determination on the type of boundary monuments that would be appropriate in this location;
- 4) That permanent boundary monuments shall be placed as per requirements of DPW; and
- 5) That conforming GIS data shall be submitted to DPW for their approval for updating City records.

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B. The application of **National Society of Colonial Dames in New Hampshire, Owner**, for property located at **154 Market Street**, where in Site Review approval is requested to construct a 1/2 story, 8' ± x 37' ± addition to the existing coach house, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 8 and lies within the Central Business B district; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

SPEAKING TO THE PETITION

Barbara Ward, Director and Curator of the Moffatt Ladd House, addressed the Board. She indicated that they were proposing to restore and rehabilitate the coach house. They want to correct problems which have occurred due to water encroachment and general decay and aging. The building is located next to a steep embankment and to protect the structure it is necessary to construct a retaining wall on the south side with a lean to addition on top of the retaining wall which will be used to store garden equipment as well as for general storage needs. The building will have electric smoke and fire detection and a small furnace designed to decrease humidity in the building only. There will be a foundation under it to ensure it's preservation. Their plans have been approved by the HDC. Also present was Sharon, Chairman for the Society of

Colonial Dames. The Colonial Dames have maintained this as a historic site since 1912 and have been co-owners since 1968. Their architect, Phil Kendrick, their contractor, Arron Sturgis, Barbara Engelbach, President of the New Hampshire Colonial Dames were all present.

Mr. Kendrick confirmed that the plans had been approved by the HDC and he had copies of drawings if the Board wanted to see them.

Chairman Ricci asked the Board if they had any questions for Mr. Kendrick. They did not.

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

DECISION OF THE BOARD

Mr. Coker asked if anything needed to be added to the plan? Mr. Holden confirmed it was all set.

Mr. Coker made a motion to approve as presented with the one stipulation from TAC. Ms. Roberts seconded the motion.

The motion to grant Site Review Approval passed unanimously with the following stipulation:

- 1) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the applicant for review and approval by the City Manager, City Attorney, Planning Director, and Director of Public Works, prior to the issuance of a building permit;

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III. NEW BUSINESS

- A. Appointment of Planning Board Representative to the Historic District Commission;

Chairman Ricci asked if any member was interested in volunteering to be the HDC representative?

Mr. Coker asked if it would make sense to address this issue at the next meeting when more board members were present.

Mr. Holden said that there is a vacancy now. He asked if anyone present tonight would like to serve as the representative. He explained that regular board members and alternates can sit on the HDC but Mr. Hopley, Deputy City Manager Cindy Hayden, and Councilor Dwyer would not be able to volunteer. Mr. Holden pointed out that Mr. Hejtmanek has recently served his term on the HDC.

Chairman Ricci recommended waiting until the next meeting to resolve the issue.

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- B. Request for one year extension of Conditional Use Approval for property located at 100 Campus Drive;

Mr. Holden recommended extending the approval for one year.

Mr. Hopley made a motion to grant a one year extension of the Conditional Use approval. The motion was seconded by Mr. Hejtmanek. The motion to grant a one year extension of the Conditional Use approval passed unanimously.

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C. Request for amendments to previously approved Site Plan for property located at 955 Sagamore Avenue;

Mr. Holden explained that this property is a lobster house on the far side of the bridge. A number of years ago it came through site review and there were a number of issues that were outstanding. As part of bringing this property into compliance, the potential buyer of the property worked with the City to get an as-built plan and to address what needs to be done. Mr. Holden said that everything has been done that needs to be done and he asked the Board to approve the minor changes so that the property was now in compliance. One change was that they had the fence extending into the State right of way and that can't be done so they are switching it to vegetation. One revision that they did not allow was that they need to do the septic and the venting as originally proposed. Technically, Mr. Holden had the authority to approve this but he was looking for the Board's approval so that they could formally close the file.

Mr. Coker asked if the area was still zoned waterfront. Mr. Holden replied yes.

Mr. Hejtmanek made a motion to approve the revised revisions to the previously approved site plan. The motion was seconded by Mr. Hopley.

The motion to approve the revised revisions to the previously approved site plan passed unanimously.

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IV. OLD BUSINESS

- A. Scheduling of joint work session with Conservation Commission on property located off Lafayette Road;
- B. Scheduling of joint work session with Conservation Commission on Commerce Way Master Plan;

Mr. Holden distributed a Planning Board schedule that goes through July 3rd. On the second page he pointed out that May 1st is a common date to get the two Boards together. He recommend May 1st for the joint work session, with a two hour time frame. He needs a consensus of the Board. Most Board members indicated they would be able to make it.

Mr. Holden had another non –agenda items under Old Business. He referred to a letter from Attorney Bernie Pelech regarding the former Kentucky Fried Chicken site on Woodbury Avenue. They would like to do an expansion of the structure which would be within the wetland buffer. Mr. Holden suggested to the applicant that they may want to do a combined meeting with the Conservation Commission and Planning Board and certainly if they choose not to, they could file for the Conditional Use for the Conservation Commission and end up at the Planning Board. He wondered if perhaps by adjusting the other work sessions slightly they may be able to accommodate this item as well on May 1st. He thought they may be able to start a half hour earlier.

Councilor Dwyer did not believe she would be available and she suggested asked the members who were not present tonight to make sure they had a quorum. Mr. Holden indicated they would contact all Board members and change the date if something doesn't work out. They could also schedule it before their regular meeting on May 15th. Chairman Ricci did not want to do that. Chairman Ricci asked that they get a consensus and confirm the May 1st meeting at their next work session scheduled for April 3rd.

Mr. Holden had a second non-agenda item regarding a request for a one year extension of Conditional Use approval on Mill Pond Way which was granted on April 19th.

Councilor Dwyer made a motion to approve a one year extension of Conditional Use Approval. Vice Chairman Hejtmanek seconded the motion.

The motion to grant a one year extension of Conditional Use approval passed unanimously.

Mr. Holden indicated that a landuse Clerks Workshop pamphlet was handed out and if anyone was interested in attending they should let the Department know.

Mr. Holden also indicated that a communication from the City Manager regarding the Green Building report was handed out as an informational item.

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V. ADJOURNMENT

Mr. Holden reminded the Board that they are meeting every week in April and that they have a full schedule through May 15th.

Councilor Dwyer indicated that on April 19th there have been evolving plans for a celebration of the city being an ecomunicipality. It will be a whole day of educational forums. Peter Franceeses will be doing a talk at the library at 10:30 a.m. related to issues that this Board has dealt with. She felt that one would be particularly of interest to the Board although there are lots of other things as well. Other events will be held at the library and a closed part of Parrott Avenue and the parking lot next to the middle school and inside the middle school.

Mr. Coker felt this was an extremely important thing for this Board to see. He also recommended going to the Riverrun bookstore and purchase Peter Franceese's book.

A motion to adjourn at 7:25 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on April 17, 2008.