

ACTION SHEET
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

7:30 P.M.

OCTOBER 16, 2008

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Donald Coker; Anthony Coviello; John Rice; Anthony Blenkinsop; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; and MaryLiz Geffert, Alternate

MEMBERS EXCUSED: M. Christine Dwyer, City Council Representative and Norman Patenaude, Alternate

ALSO PRESENT: David M. Holden, Planning Director;
Lucy Tillman, Chief Planner
Peter Britz, Environmental Planner
Robert Sullivan, City Attorney

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the September 18, 2008 Planning Board Meeting – Unanimously approved.
- B. Approval of Minutes from the September 25, 2008 Planning Board Work Session –these were not ready for approval;

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II. PUBLIC HEARINGS

A. The application of **Harborcorp, LLC, Harborside Inn, Inc., and Harborside Associates, Owners**, for properties located **off Deer Street, Green Street, Russell Street, Market Street, and Maplewood Avenue** wherein amended Preliminary and Final Subdivision approval (Lot Line Revisions) is requested for the purpose of eliminating any reference to ownership by the City of a parking garage to allow for the following: 1) the consolidation of Harborcorp, LLC lots 12, 21 and 28 into one lot consisting of 2.36 ± acres with conforming area, street access and frontage and including approximately 17,446 ±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 4,220 ± 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. *(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.)*

Voted to **grant** amended Final Subdivision approval with the following stipulations:

- 1) That this Board recommends to the City Council that it should allow for Deer, Russell, Green and Market Streets to each be reconfigured as presented/proposed;
- 2) That all necessary plat plans, deeds, easements and/or licenses necessary for the above should be prepared by the applicant for review and approval by the City Legal Department as to their content and form;
- 3) That property transfers and the issuance of a Building Permit shall be done simultaneously;
- 4) That boundary monuments shall be placed in accord with DPW requirements; and,
- 5) That electronic data, suitable for updating the City Assessing records shall be submitted to the Department of Public Works.

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B. The application of **Harborcorp, LLC, Owners**, for properties located **off Deer Street, Green Street, Russell Street, and Maplewood Avenue** wherein amended Preliminary and Final Subdivision approval is requested for the purpose of eliminating any reference to ownership by the City of a parking garage to reconfigure three existing lots into two proposed lots, as follows: 1) Eliminate lot line between lot 12 as shown on Assessor Plan 124 and as Lot 28 as shown on Assessor Plan 118; 2) Eliminate lot line between Lot 28 as shown on Assessor Plan 118 and Lot 21 as shown on Assessor Plan 125; 3) Subdivide the aforementioned lots into two proposed lots, with proposed lot 1 consisting of 38,084 ± s.f. and proposed lot 2 consisting of 65,011 ±s.f. Said lots are shown on Assessor Plan 118 as Lot 28, 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 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. *(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.)*

Voted to **grant** amended Final Subdivision approval with the following stipulations:

- 1) That electronic data, suitable for updating the City Assessing records shall be submitted to the Department of Public Works.

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C. The application of **Harborcorp, LLC, Owner** for property located **off Deer Street, Green Street, Market Street, Russell Street and Maplewood Avenue**, wherein amended Site Review approval is requested for the purpose of eliminating any reference to ownership by the City of a parking garage to construct an 83,118 ± s.f. 6/7-story structure consisting of a hotel, convention center, parking garage and 21 residential condominiums, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 28, Assessor

Plan 119 as Lot 1-1A, Lot 1-1C and Lot 4, Assessor Plan 124 as Lot 12 , and Assessor Plan 125 as Lot 21 and lie within the Central Business A (CBA) District, the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District A. *(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.)*

Voted to **grant** amended Site Review approval with the deletion of original stipulations #20, #21 and #25 and with the word “City” being changed to “new” on the approved Site Plan. The stipulations are as follows:

- 1) That the applicant shall meet with David Desfosses of DPW to finalize construction details to make sure they meet City standards;
- 2) That the additional 2” water service to the garage shall not be activated until the subdivision is approved;
- 3) That the applicant shall arrange to have the USGS monument off the ledge at Russell Street relocated during construction;
- 4) That the applicant shall work with DPW regarding drainage;
- 5) That the applicant shall work with Peter Rice, DPW, to review the proposed 1,000 gallon grease trap to determine whether their flows from their cooking facilities are adequate;
- 6) That the applicant shall work with the City’s Police and Fire Departments to verify that they can communicate with their base station inside the proposed buildings;
- 7) That the applicant shall coordinate the VAI plans with the AMES plans;
- 8) That the landscape plan should be subject to review by the Trees and Greenery Committee and coordinated through Lucy Tillman;
- 9) That the applicant shall review and work with the City Traffic Engineer to coordinate the timing systems at the intersection of Maplewood and Deer Street;
- 10) That a meeting be set up between the applicant and David Desfosses to review final street geometry, paving and side crosswalks;
- 11) That a signage plan will be required and subject to review by DPW and the City Traffic Engineer;
- 12) That the applicant shall prepare a Construction Management and Mitigation Plan for review and approval by the City Legal Department, Planning Department, City Traffic Engineer and City Manager, prior to permit approval;
- 13) That this project shall be reviewed by the Parking Committee;
- 14) That automatic notification of emergency services and a knox box shall be installed;
- 15) That the first and last angled parking spaces be shall be reviewed for safety purposes.
- 16) That the final lighting plan shall be reviewed and approved by David Desfosses. Included in that review would be type of fixture and spacing;
- 17) That the City and the applicant shall work together to identify areas where brick sidewalks shall be installed along the perimeter of the property.
- 18) That the applicant shall provide anticipated water demand for the project and include references of where that demand came from, ie., a similar type of store in another area or industry standard, and said report shall be stamped by a licensed engineer;
- 19) That DPW shall review and approve the design of the proposed signal design of Market Street at Russell Street intersection.
- 20) The overall development scenario encompassed by this site plan has been extensively vetted by a variety of municipal agencies as is demonstrated by prior site plans, architectural designs, development scenarios, etc.;

- 21) The Site Plan now before the Board represents the culmination of those efforts and demonstrates an active collaboration with other interested parties, including, abutting property owners in terms of vehicular movements and parking resources;
- 22) In presenting its findings, the Technical Advisory Committee has found this proposed project to be in conformance with the Board’s Site Review Regulations, therefore, the approval of this project, subject to relevant TAC and Planning Board stipulations, is recommended;
- 23) That a sign shall be added to the Site Plans for the service road at its intersection with Maplewood saying “no right turn for large trucks” or other language that is agreeable to DPW;
- 24) That DPW shall work with the applicant for additional traffic calming measures at the intersection of Deer and Market Streets;

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D. The application of **Karen E. Kapelos Revocable Trust of 1995, Owner**, for property located at **3310 Lafayette Road** wherein Preliminary and Final Subdivision Approval is requested to subdivide one lot into two lots with the following: Proposed Lot 1 having 18,844 ± s.f. and 140’ ± of street frontage on Winchester Street and Proposed Lot 2 having 22,448 ± s.f. and 160’ ± of street frontage on Winchester Street; and lying in a zone where a minimum lot area of 15,000 s.f. and 100’ of continuous street frontage is required. Said property is shown on Assessor Plan 292 as Lot 164 and lies within a Single Residence B (SRB) 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.)*

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

- 1) That the typographical errors in the “Project Parcel” identification block should be corrected (so as to identify the true center of the universe);
- 2) That the Board observe that Note: 10 on the Plat requires driveways to both lots shall be to Winchester Street and that the Board concurs in this requirement;
- 3) That the Plat should identify approximate locations of existing utility services and if an easement(s) is/are required that it be approved by the City Attorney as to content and form;
- 4) That the applicant shall submit to Department of Public Works, electronic data which is suitable for updating the City’s Assessing Records;
- 5) That Note #10 on the Plat shall be revised to add that the applicant shall obtain two driveway permits from DPW; and
- 6) That the applicant shall obtain two new house number designations from DPW.

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E. The application of **7 Islington Street, LLC, Owner**, for property located at **29 Tanner Street**, and **7 Islington Street, LLC, Owner**, for property located at **40 Bridge Street**, wherein Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 49 as shown on Assessor Plan 126 decreasing in area from 3,342 ± s.f. to 3,025 ± s.f., with 48.96’ ± of continuous street frontage on Tanner Street and Lot 52 as shown on Assessor Plan 126 increasing in area from 7,111 ± s.f. to 7,428 ± s.f. and with 119.47’ ± of continuous street frontage on Bridge Street, and lying in a zone where a minimum lot area of 7,500 s.f. and 100’ of street frontage is required. Said properties are located in a Mixed Residential Office District, Central Business B District and Historic District A and are shown on Assessor Plan 126 as Lots 49 and 52. (Plat plan is on file in the Planning Department Office and is identified as Plan #05-03-08). *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.*

Voted to **grant** Final Subdivision approval with the following stipulations:

- 1) That the structure detailed "TO BE REMOVED" is demolished before the Final Plat is signed by the Chair;
- 2) That a condition prohibiting a through driveway over 29 Tanner to 7 Islington Street shall be added to the Plat;
- 3) That property monuments shall be set as required by the Department of Public Works; and,
- 4) The submission, to Department of Public Works of electronic data, suitable for updating the City's Assessing Records.

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F. 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 **Summit Land Development, Applicant**, for property located at **183, 185, and 187 International Drive**, wherein Preliminary and Final Subdivision approval is requested with the following: Proposed Lot having an area of 8.777 ± acres (382,332 ± s.f.) and 382' ± of continuous street frontage off International Drive and 878' ± of continuous street frontage off of Oak Avenue; and the remaining land area being decreased by 382,332 ± acres and constituting a portion of the Tradeport. Said lot lies within the Airport Business and Commercial District where a minimum lot area of 5 acres and 200' of street frontage is required. Said property is shown on Assessor Plan 313 as Lot 17 (Plat plan is on file in the Planning Department Office and is identified as #09-01-08). *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.*

Voted to **recommend¹ Preliminary and Final Subdivision approval**, with the following stipulations:

- 1) That the Plat plan should be stamped per Regulation requirements;
- 2) That a Report with the recommendation that Pinecrest Terrace should be removed from the MSA shall be provided to the City Council assuming concurrence in this action by the Department of Public Works;
- 3) To provide access and egress to the municipal water tank from this lot that either a general vehicular access easement over the entire lot or a specific vehicular access easement as shown on the plat shall be prepared to the benefit of the City;
- 4) That whatever the preferred form this easement takes, it shall be approved as to content and form by the City Attorney;
- 5) That the existing access to the water tank shall be so labeled on Sheet S-1; and,
- 6) That the applicant shall submit to Department of Public Works, electronic data which, is suitable for updating the City's Assessing Records.

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G. 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 **Summit Lane Development, Applicant**, for property located at **183, 185, 187 International**

¹ See RSA 12-G:13 (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."

Drive, wherein site review approval is requested for the construction of three multi-story buildings totaling 95,500 ± s.f., with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 313 as Lot 17 and lies within the Airport Business Commercial 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.*

Voted to **recommend¹ Site Review approval**, with the following stipulations:

Stipulations from the September 20, 2008 Technical Advisory Committee Meeting:

- 1) That DWP shall report to the Planning Board whether a section of the sewer line will need to be replaced by the applicant;
- 2) That a Drainage Plan shall be approved by DPW prior to the Planning Board meeting;
- 3) That the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in this project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost shall also be the responsibility of the applicant (contact person: Gil Emery, Communications Supervisor, 610-7411);
- 4) That a Knox box shall be required on each of the three buildings and the Site Plan shall reflect the Knox box, the wiring and the connection. Also, the applicant shall contact the Fire Alarm Division prior to laying any cable or the conduit;
- 5) That a new hydrant shall be installed at the intersection of Oak Avenue and the proposed driveway, in the City right-of-way;
- 6) That a report shall be provided to the Planning Board relative to the process for discontinuing Pinecrest Terrace so that the appropriate process can be confirmed by the PDA;
- 7) That either a general easement or a specific easement shall be prepared and approved as to content and form by the City Attorney for access and egress to the water tank;
- 8) That the existing access to the water tank shall be labeled on Sheet S-1;
- 9) That the street lighting on Oak Avenue shall be set at intervals of 300' with conduit and bases according to the PDA specs and shall be reviewed and approved by DPW;
- 10) That a detail and reference shall be added to the Site Plans that all handicapped ramps shall be to City standard within the right-of-way;
- 11) That the traffic fee contribution shall be coordinated with the City and the PDA for the appropriate amount to go into the Traffic Impact Fund;
- 12) That the Landscaping Plan shall be favorably recommended to the Board by Deborah Finnigan and Lucy Tillman;
- 13) That the W-2 extension of the water main should be a 12" cement lined ductile iron pipe as it will eventually tie into the one on Corporate and Oak;
- 14) That the hydrant detail shall be revised to eliminate the "Eddy" hydrant and insert "the hydrant shall be installed according to Portsmouth Water Division standards" (the City uses a Kennedy hydrant);
- 15) That the wording in Note W-7 shall be revised from "4" type K copper domestic water service" to read "4" cement lined ductile iron domestic water service";
- 16) That the Irrigation Plan shall include a note stating that all loam installed shall be 6" thick;
- 17) That the Irrigation Plan shall include a note stating that the irrigation system shall be set to run between 10:00 p.m. and 5:00 a.m. and that a Smart Controller shall be used;

¹ See RSA 12-G:13 (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."

- 18) That on Sheet T-2 Construction Note 1 shall be revised to replace “2006” with “current New Hampshire Department of Transportation Manual”;
- 19) That on Sheet T-2 Construction Note 4 shall indicate that Jason Wise, City GIS Manager, shall be contacted to determine the proper format for the as-built plans for the City;
- 20) That the gravel access referred to in Note 5 on Sheet T-2 shall be shown on the Site Plans;
- 21) That the silt fence referred to in Note 9 on Sheet T-2 shall be shown on the Site Plans;
- 22) That details shall be provided for any and all signs and pavement markings, including dimensions and color;
- 23) That snow removal shall be labeled on the Site Plans and a note shall be added that if there is not adequate room for snow storage on the site, then it shall be trucked off site in a safe and legal manner;
- 24) That the Traffic Report received at the September 30, 2008 TAC meeting shall be reviewed and approved by Deborah Finnigan;
- 25) That a Construction Management and Mitigation Plan (CMMP) shall be prepared by the applicant, which shall include traffic management plans for work being done in City streets, for review and approval by City Staff prior to the building permit being issued;
- 26) That the Sheet SP-1 shall show how the van spaces will be designated;
- 27) That truck turning movements shall be reviewed and approved by Deborah Finnigan prior to the Planning Board meeting;
- 28) That all dimensions on the Site Plans shall state “typical” or else they should be labeled;
- 29) That the following Site Notes shall be added or revised as necessary on the Site Plans to make sure they are meeting actual standards:
 - a. Pavement markings shall be installed as shown on the plans and detail sheets. Thermoplastic pavement markings shall include arrows, crosswalks and stop bars shall meet the requirements of AASHTO M249. All painted pavement markings shall meet the requirements of AASHTO M248 Type “F”;
 - b. All pavement markings and signs to conform to the current “Manual on Uniform Traffic Control Devices”, current “Standard Alphabets for Highway Signs and Pavement Markings”, and the Americans with Disabilities Act Requirements, latest edition;
 - c. See Detail Sheet (insert) for parking stall markings, accessible symbol, signs and sign posts;
 - d. Centerlines shall be four (4) inch wide painted yellow lines. Stop bars shall be eighteen (18) inch wide painted lines;
 - e. Painted islands shall be four(4) inch wide diagonal lines at 3’ -0” O.C. bordered by four (4) inch wide painted lines (if required);
 - f. All work performed shall conform to the requirements of the latest edition of the City of Portsmouth Construction Standards;
 - g. The contractor shall employ a licensed engineer/surveyor to determine all lines and grades;
 - h. All materials and construction shall conform with applicable City, State and Federal codes;
 - i. Contractor is to provide an electronic copy (per City standard), of the as built to City, owner and engineer as soon as construction is complete;
 - j. Coordinate all off-site work with the City of Portsmouth.

Stipulations from the October 16, 2008 Planning Board Meeting:

- 30) That landscape screening be added to the Site Plans around the generator, said landscaping to be to the height of the units, to aesthetically improve the site;
- 31) That Construction Note #33 on Sheet SP-4 shall be revised to read “reinforced concrete motorcycle pads”; and
- 32) That a light fixture detail shall be added to the Site Plans;

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H. The request of **Fleet Street Properties, LLC, Owner**, for property located at **154 Fleet Street**, for a third additional one year extension of Site Review Approval which was granted by the Planning Board on October 20, 2005, to construct a 3,246 ± s.f. 4-story building with basement, after removal of the existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lot 6 and lies within a Central Business B, Historic A and Downtown Overlay Districts. *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.*

Voted to **grant** a third additional one year extension of Site Review approval with all of the previous stipulations, as follows:

Stipulations from the October 20, 2005 Planning Board Meeting:

- 1) That an oil/water hood be installed on the catch basin located on Fleet Street, subject to review and approval by David Allen;

Stipulations from the October 4, 2005 Technical Advisory Committee Meeting:

- 2) That the armor-tile panel shown on the Sidewalk Tip Down detail on Sheet D-1 be removed;
- 3) That the sidewalks be shown as a minimum of 5' and so noted on the Site Plans;
- 4) That the City Attorney review the grease trap issue (See previous Stipulation #4 below) to determine how to address this issue for future potential restaurant use (perhaps as part of the deed);
- 5) That all parking space striping and installation of parking meters shall be coordinated with DPW;
- 6) That the Construction Management Plan, including but not limited to all licenses and easements, shall be approved by the City through the City Attorney, Planning Department and DPW, and shall be presented and approved by the City Council prior to the issuance of a building permit;
- 7) That the parking fees shall be calculated in conjunction with the Planning Department and the applicant;
- 8) That the engineer design the drainage line in such a way that future catch basins on the other side of Congress Street could be adequately drained using this new drain pipe;
- 9) That the applicant shall sign the Site Review Application;

Stipulations from the August 30, 2005 Technical Advisory Committee Meeting:

- 10) That a detail be added to the Site Plans regarding the front awning;
- 11) That details be provided relative to footings and building protrusions and that all footings either under or on the City right of way shall require approval from the City Council;
- 12) That the drainage line be extended from the building to the end of the City drainage line;
- 13) That a grease trap be installed for any potential restaurant use;
- 14) That a knock box and fire alarm box be installed;
- 15) That a Construction Management Plan be prepared for review and approval by the City;
- 16) That if a determination is made that blasting will be required, a plan will be submitted for approval prior to a blasting permit being issued;
- 17) That a note be added to the plan explaining the use of the shared driveway; and
- 18) That a note be added to the Site Plans reflecting that the replacement of the fence in the rear is "replacing in kind";

Stipulations from the October 18, 2007 Planning Board Meeting:

19) That the hours of construction as allowed by City Ordinance be noted on the Site Plans;

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III. CITY COUNCIL REFERRALS/REQUESTS

A. Request of Brora, LLC, to erect a free standing pylon sign on a public right-of-way at the intersection of Market Street and Portsmouth Boulevard;

Voted to recommend approval with the stipulation that the word “externally” is added to “illuminated sign”.

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IV. AMENDED SITE PLAN REVIEW

A. Amendments to Site Review Approval for Property Located at 549 Route One (Traffic Circle), The Meadowbrook Inn Corporation, Owner;

Voted to amend stipulations as recommended by the Planning Department.

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V. NEW BUSINESS

A. New PDA Wetland Ordinance;

Peter Britz, City Environmental Planner, gave an overview of the new PDA Wetland Ordinance.

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VI. ADJOURNMENT

A motion to adjourn at 9:12 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board