

ACTION SHEET
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

7:00P.M.

APRIL 16, 2009

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Paige Roberts, Vice Chairman; Donald Coker; Anthony Coviello; John Rice; Anthony Blenkinsop; Richard A. Hopley, Building Inspector; and Norman Patenaude, Alternate

MEMBERS EXCUSED: Cindy Hayden, Deputy City Manager (present for Work Session only) and MaryLiz Geffert, Alternate

ALSO PRESENT: David M. Holden, Planning Director;
Lucy Tillman, Chief Planner

.....
6:00 – 7:00 pm WORK SESSION on Off-Street Parking in Central Business District

A Work Session was conducted by Rick Taintor, City Consultant.
.....

I. APPROVAL OF MINUTES

1. Approval of Minutes from the March 12, 2009 Planning Board Work Session – Unanimously approved.
 2. Approval of Minutes from the March 19, 2009 Planning Board Meeting – Unanimously approved.
-

II. PUBLIC HEARINGS

A. The application of **Public Service Company of New Hampshire, Owner**, for property located at **400 Gosling Road**, wherein Site Review approval is requested to replace the existing coal loader located on the main dock, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 214 as Lot 1 and lies within the Waterfront Industrial 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** site review approval with the following stipulations:

Stipulations from the March 3, 2009 Technical Advisory Committee Meeting:

1. That a Construction Management and Mitigation Plan shall be prepared by the applicant and submitted for review and approval by City Staff prior to a building permit being issued;
2. That the water supply going this site shall be isolated from the rest of the drinking water on the site with a reduced pressure backflow preventer.

Stipulations from the April 16, 2009 Planning Board Meeting:

3. That the Planning Department shall arrange to visit the site and shall have the right to require environmental protection, such as requiring a boom.
-

B. The application of **Ocean Properties, Ltd, Applicant**, for property located at **1 International Drive**, wherein Site Review approval is requested to construct a 72,000 s.f. 4-story office building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 303 as Lot 2 and lies within the Airport/Business Commercial district; This application was postponed from the March 19, 2009 Planning Board Meeting. (This application was postponed from the March 19, 2009 Planning Board Meeting) (*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 March 3, 2009 Technical Advisory Committee Meeting:

- 1) That the existing irrigation system and a potential new irrigation system shall only be operated during the hours of 10:00 pm – 5:00 am and a note shall be added to the Site Plans;
- 2) That if a new irrigation system is installed for this project, it shall have 6” of loam and will use a SMART controller;
- 3) That the Landscaping Plan shall be reviewed to determine whether there are any conflicts with trees being planted on top of the water line where it is stubbed off of the existing water service;
- 4) If there are any plans for a cooking facility a plan shall be submitted for an external grease trap;
- 5) There shall be a note on the site plan designating the area for the potential future exterior grease trap;
- 6) That a capacity use surcharge shall be assessed for this property;
- 7) That a herbacious native mix shall be used, rather than lawn, in the section closest to the wetlands, where they are in the 25’ buffer;
- 8) That the Landscaping Plan shall be reviewed and approved by DPW and Planning staff prior to the Planning Board meeting;
- 9) That a note shall be added to the Site Plans that any snow that cannot be stored in existing show storage areas shall be trucked off of the site;
- 10) That a stop bar detail shall be added to the Site Plans;
- 11) That the handicapped sign shall be corrected to be blue and white on the Site Plans;

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.”

- 12) That a Construction Management and Mitigation Plan shall be prepared by the applicant for review and approval by City staff, prior to the issuance of a building permit;
- 13) That the applicant shall appear before the Traffic & Safety Committee for approval;
- 14) That the Site Plans shall show where the "to be relocated" light poles are being relocated to and shall be subject to DPW approval;
- 15) That Note 16 on Sheet C-2 shall be revised to read "That sediment deposits shall be removed after each storm event or *when the sacks are one third full*;
- 16) That an electronic version of all as-built plans and mylars shall be provided to DPW for inclusion into their GIS system, and so noted on the Site Plans;
- 17) That the site plans shall address dust control on surrounding streets as well as on site;
- 18) 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 the 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, too, shall be the responsibility of the applicant. All testing and all installations shall be coordinated between the applicant and the police/fire communications supervisor;
- 19) That Note 31 on Sheet C-5 shall be revised to include that they shall coordinate with the Portsmouth Fire Department for the location of the Knox Box;
- 20) That a note shall be added to the Site Plans that the applicant shall provide automatic notification of emergency services;
- 21) That the applicant shall meet with David Desfosses, Deborah Finnigan and Maria Stowell to agree on the configuration of sidewalks, prior to the Planning Board meeting, and said changes shall be reflected on the Site Plans;
- 22) That the intersection shall be brought up to compliance, (including safe 4-way signal heads for pedestrians, handicapped accessible with truncated domes and re-striping of crosswalks and stop bars);
- 23) That the Traffic Impact Assessment shall be made to see if it would be off-set by off-site improvements;
- 24) That the pump house shall be relabeled on the site plan as a meter building;
- 25) That the Existing Features Plans shall include a statement by the licensed land surveyor, stating that the town line shown on the plan is correct and no part of the lot is in the Town of Newington;
- 26) That a note shall be added to the site plans that the dumpster shall not be located in a porous pavement area;
- 27) That a report shall be completed as to the existing detention area and provided to DPW;
- 28) That the existing drainage system shall be cleaned, post construction, and any accumulated silt or debris shall be removed as part of the original detention system;
- 29) That a report shall be prepared on the appropriateness of adding lighting down the driveway to Corporate Drive as there are none shown on the Photometrix Plan;
- 30) That an annual maintenance report shall be submitted to DPW;
- 31) That a landscaping fence shall be placed around the trees that are being saved to prevent the soils from being compacted.

Stipulations from the April 16, 2009 Planning Board:

- 1) That this approval shall be for anything situated within the City of Portsmouth boundaries.
-

C. The application of **The Mark Wentworth Home, Owner**, for property located at **337 Pleasant Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revisions) is requested to create two proposed lots out of three existing lots, as follows: Lot 62 as shown on Assessor's Map 103 consisting of $1,922 \pm$ s.f. and $64' \pm$ of street frontage on Howard Street and $59' \pm$ of street frontage on Pleasant Street; Lot 63 as shown on Assessor's Map 103 consisting of $6,449 \pm$ s.f. and $71' \pm$ street frontage on Pleasant Street; and Lot 64 as shown on Assessor's Map 103 consisting of $7,429 \pm$ s.f. and $72' \pm$ street frontage on Pleasant Street. Said three lots to be consolidated into two lots as follows: Proposed Lot 62 consisting of $6,555 \pm$ s.f. and $111' \pm$ of street frontage on Howard Street and $117' \pm$ of street frontage on Pleasant Street; Proposed Lot 64 consisting of $9,245 \pm$ s.f. and $84' \pm$ of street frontage on Pleasant Street; Said lots lying in a district where a minimum lot area of 5,000 s.f. and 80' of continuous street frontage is required. Said properties are shown on Assessor Map 103 as Lots 62, 63 and 64 and lie within a General Residential B District 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 Preliminary and Final Subdivision approval** with the following stipulations:

1. That driveway cuts shall be off Howard Street;
2. That a driveway permit for each lot shall be secured from DPW;
3. That the Final Plat shall be amended to show that the existing side lot line between the two lots is also being "eliminated";
4. That the final plat and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or else as deemed appropriate by this department;
5. That GIS data shall be provided to DPW in the form as required by the City.
6. That property monuments as required by DPW shall be set, prior to the filing of the plat; and,

.....

D. The application of **RKDOLLA, LLC, Owner**, for property located at **198 Islington Street**, wherein Site Review approval is requested to construct a 3/4 story, $5,671 \pm$ s.f. addition to an existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 137 as Lot 20 and lies within the Historic District A and Central Business B 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** site review approval with the following stipulations:

Stipulations from the March 31, 2009 Technical Advisory Committee Meeting:

- 1) That the Applicant shall include a siltcock to allow for cleanage of the drainage system on the west side of the building;
- 2) That the tree shall be located on the east side of the property and a landscape easement in perpetuity shall be granted to the City, to be prepared for review and approval by the City Attorney;
- 3) The applicant shall contribute funds on a prorated basis, as determined by the DPW, for the proposed Islington Street and Brewster Street sewer separation work indicated on the sketch plan titled "Sewer Separation Concept Plan for Brewster Street and Islington Street" prepared by Altus Engineering Inc., dated April 16, 2009; (Amended at the April 16th Planning Board Meeting, per letter from David Allen, Deputy Director of Public Works);

- 4) That a sentence shall be added to the Traffic Memorandum that the minimum site distance based on 30 m.p.h. has been met;
- 5) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by the City, prior to the issuance of a building permit;
- 6) That the revised Landscaping Plan shall be reviewed and approved by Planning and DPW staff, prior to the Planning Board meeting;
- 7) That the Applicant shall receive approval from the Traffic & Safety Committee prior to the Planning Board meeting;
- 8) 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 the 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, too, shall be the responsibility of the applicant. All testing and all installations shall be coordinated between the applicant and the police/fire communications supervisor;
- 9) That the Applicant shall provide automatic notification of emergency forces and a Knox Box, through an independent contractor, as there is a moratorium on new fire alarm boxes;
- 10) That the CMMP and the Site Plans shall include a schedule and frequency for inspecting the stormwater cleanout areas;
- 11) That the drainage system on Brewster Street shall be reviewed and approved by DPW prior to the issuance of a building permit;
- 12) That the brick sidewalk detail shall be reviewed and approved by DPW;
- 13) That amended approval shall be received from the Historic District Commission for the amended building plan;

Stipulations from the April 16, 2009 Planning Board Meeting:

- 14) That the applicant shall receive approval from the Planning Department regarding the location of the garage vents as there is a concern with the proximity to abutters;
- 15) That the applicant shall confirm that the trees shall not produce fruit that will fall on the sidewalk;
- 16) That the applicant shall work with the Planning Department to add variety to the landscaping so that it will appear to be landscaped throughout the year.

.....

E. The application of **Orchard Park Owner's Association, Owner**, for property located at **875 Greenland Road**, wherein Amended Site Review approval is requested for parking lot rehabilitation, new sidewalks, new lighting, and landscape improvements, with related paving, utilities, drainage and associated site improvements. Said property is shown on Assessor Plan 259 as Lot 12 and lies within the Office Research 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** site review approval with the following stipulations:

Stipulations from the April 7, 2009 Technical Advisory Committee Meeting:

- 1) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by the City, prior to the issuance of a building permit;
- 2) That a crosswalk from the sidewalk to the building shall be added to the Site Plan;
- 3) That a motorcycle parking pad shall be added to the Site Plan;
- 4) That the spigot in the middle of the courtyard shall be identified and shown where it goes;

- 5) That all service shut offs and gate boxes that are not shown on the Site Plan shall be located and raised to finished grade and any gate or service boxes that are not shown shall be dug up and replaced;
- 6) That as-builts shall be provided to DPW at the completion of the project for the Water Department and the GIS Department;
- 7) That light poles shall be no higher than 20' and no bulbs shall be brighter than 250;
- 8) That drainage hoods (Clean Stream Technology) shall be added to the Site Plan;
- 9) That all handicapped parking spaces shall be moved closest to the entrance;

Stipulations from the April 16, 2009 Planning Board Meeting:

- 10) That the applicant has agreed to work with the City on the building lighting and site lighting to ensure that there is no spillage over the property lines; and
- 11) That the applicant and DPW shall meet to review whether the driveway could be relocated.

.....

F. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street (as proposed subdivided Lot 1)**, wherein Amended Site Review approval is requested in order to amend existing Planning Board conditions of approval granted on September 18, 2008, so as to construct a $25,270 \pm$ s.f. 5-story building, consisting of a 128-key hotel, $7,500 \pm$ s.f. of retail and $2,500 \pm$ s.f. of restaurant, after the demolition of the existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the Central Business B District, the Historic District A and the Downtown Overlay District (DOD); *(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 adopt the following two conditions:

1. As part of the Site Review Approval for Lots 2 or 3, which ever lot is developed first, the Developer will pay one-half the cost of design and construction for a traffic light at the intersection of Russell and Market Streets, including any associated roadway improvements made necessary by the light design, such amount to be determined by the City's Public Works Department. The intent of this condition is to remove this condition/obligation from Lot 1 and to place it on the next of two remaining lots to be developed;
 2. That as part of the development of Lot 1, the Developer will pay for and provide new signal timing/coordination of the traffic lights along Maplewood Avenue in conjunction with the City's Public Works Department.
-

G. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street (as proposed subdivided Lot 2)**, wherein Amended Site Review approval is requested in order to amend existing Planning Board conditions of approval granted on September 18, 2008, so as to construct a $10,850 \pm$ s.f. 5-story building, consisting of $10,000 \pm$ s.f. of retail and 36 dwelling units, after the demolition of the existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the Central Business B District, the Historic District A and the Downtown Overlay District (DOD); *(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 adopt the following two conditions:

1. As part of the Site Review Approval for Lots 2 or 3, which ever lot is developed first, the Developer will pay one-half the cost of design and construction for a traffic light at the intersection of Russell and Market Streets, including any associated roadway improvements made necessary by the light design, such amount to be determined by the City's Public Works Department. The intent of this condition is to remove this condition/obligation from Lot 1 and to place it on the next of two remaining lots to be developed;
2. That as part of the development of Lot 1, the Developer will pay for and provide new signal timing/coordination of the traffic lights along Maplewood Avenue in conjunction with the City's Public Works Department.

.....

III. CITY COUNCIL REFERRALS/REQUESTS

A.) Request of Anello's Gluten Free Café, for property located at 41 Congress Street, to install a projecting sign; *(The Board action in this matter has been deemed to be legislative 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 recommend a favorable approval of this request to the City Council subject to the following conditions:

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

.....

B.) Request from John Ducci, Northern Tier Real Estate Acquisition & Development, LLC, for property located at 172 Hanover Street, to remove the current glass atrium enclosure and replace with a more permanent structure; *(The Board action in this matter has been deemed to be legislative 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.)*

The Department recommended that no further action was needed and the original action of the Board shall be reported back to the City Council

.....

C.) Request from Alex Vandermark, The Juicery, for property located at 51 Hanover Street, to install a projecting sign; *(The Board action in this matter has been deemed to be legislative 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 recommend a favorable approval of this request to the City Council subject to the following conditions:

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

.....

D.) Request from Scott H. Segee, Fa La Lo of Portsmouth, LLC, for property located at 51 Ceres Street, to install a projecting sign; *(The Board action in this matter has been deemed to be legislative 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 recommend a favorable approval of this request to the City Council subject to the following conditions:

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

.....

IV. ADJOURNMENT

A motion to adjourn at 9:20 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board