

ACTION SHEET
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

7:00P.M.

JULY 16, 2009

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

MEMBERS EXCUSED: M. Christine Dwyer, City Council Representative and Paige Roberts, Vice Chairman

ALSO PRESENT: Rick Taintor, Planning Director;

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6:00 – 7:00 pm – Non meeting with Counsel was held
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I. APPROVAL OF MINUTES

1. Approval of Minutes from the June 11, 2009 Planning Board Work Session – Unanimously approved.
 2. Approval of Minutes from the June 18, 2009 Planning Board Meeting – Unanimously approved.
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II. PLANNING DIRECTOR’S REPORT

A. Seacoast Foundation for Health – 100 Campus Drive: Administrative approval of amendment to site review approval (parking lot lights);

TAC reviewed this request for three pole mounted lights in the new parking lot, which were Dark Sky Friendly, and the Planning Director approved it administratively.

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B. Bed Bath & Beyond, Inc. – Spaulding Turnpike/100 Durgin Lane: Administrative approval of extension of Site Review Agreement;

The Planning Director approved an 18 month extension of the Site Review Agreement administratively.

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C. Market Square kiosk: Administrative amendment to Planning Board recommendation;

The Planning Director amended the Board's City Council Referral recommendation by deleting reference to HDC approval. The kiosk is not subject to HDC review because it is on public property.

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D. Work session on Zoning Map changes;

A work session was scheduled for August 20, 2009, prior to the regular meeting.

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E. Planning Board Memorandum format changes;

Mr. Taintor pointed out that TAC minutes are now being printed out separately rather than in the Memorandum and the Planning Director's Report has been added to the Agenda.

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III. PUBLIC HEARINGS

A. The application of **Madison Town houses, LLC, Owner**, for property located at **5, 7, 11 and 13 Old Parish Way (formerly 66 Madison Street)**, wherein amended Site Review approval is requested for revisions to Units 8 – 11 to include interior garages, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 147 as Lots 1-1, 1-2 and 1-3 and lies within the Apartment District. (This application was postponed from the June 18, 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 **grant** amended site review approval with the following **stipulations**:

Stipulations from the June 2, 2009 Technical Advisory Committee Meeting:

- 1) That the patios shown on the Site Plans with a dashed line shall be labeled appropriately;
- 2) That the line on the Site Plan for the retaining wall shall be lightened up and re-labeled as "previously approved";
- 3) That the applicant shall add dimensions on the pavement that is to be removed and the pavement that is to remain so that the appropriate amount is removed;
- 4) That the material for the walkways shall be labeled on the Site Plans;
- 5) That the site shall be completely stabilized within 30 days of the date of commencement of any work on the site based on this approval;
- 6) That erosion control measures shall be installed as part of this approval and shown on the Site Plans;
- 7) That the revised Site Plans shall be reviewed by David Desfosses prior to the Planning Board meeting;
- 8) That elevations shall be provided to the Planning Board.

Stipulation from the July 16, 2009 Planning Board Meeting:

- 9) The applicant and the financial institution holding the letter of credit on this project shall enter into an agreement with the City which provides that:
- All exterior work on buildings contemplated to be constructed during the project will be substantially completed by December 31, 2009;
 - All site work contemplated by any approval from the Planning Board shall be completed by December 31, 2009;
 - In the event that either of the above obligations is not completed by December 31, 2009 all funds held under a letter of credit for the project will be available to the City for completion of these obligations; and
 - The applicant's obligations to complete work by December 31, 2009 shall be subject to normal force majeure.
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B. The application of **Daniel and Elizabeth Detolla, Owners**, for property located at **116 Odiorne Point Road** and **Steven and Gail Goldberg, Owners**, for property located at **271 Gosport Road**, wherein Preliminary and Final Subdivision Approval is requested for a lot line revision between two lots as follows: Lot 10-7 as shown on Assessor Plan 224 currently consists of 47,157 \pm s.f. and shall remain 47,157 \pm s.f. with continuous street frontage on Odiorne Point Road and Lot 10-8 as shown on Assessor Plan 224 currently consists of 50,843 \pm s.f. and shall remain 50,843 \pm s.f. with continuous street frontage on Gosport Road. Said properties lie within a Single Residence A (SRA) District where a minimum area of 43,560 s.f. is required. *(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:

- The final plat and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;
 - Property monuments shall be set as required by DPW prior to the filing of the plat; and
 - GIS data shall be provided to DPW in the form as required by the City.
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C. The application of **51 Islington Street, LLC, Owner**, for property located at **51 Islington Street**, wherein Site Review approval is requested to construct one 4-story, 7,718 \pm s.f. residential building and one 5-story 11,995 \pm s.f. mixed use building, after demolition of the existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 126 as Lot 33 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 **postpone** this application until the next regularly scheduled Planning Board meeting on August 20, 2009. This postponement was to allow additional time to address the following:

- Provide parking computations to show compliance with off-street parking requirements with Tanner Court building and surface parking lot, including documentation of any claimed parking threshold.

- Describe more fully the proposal to use garage spaces while the front building is under construction, including estimated time frame and issues to be addressed in order to get a temporary Certificate of Occupancy for the garage.
- Update the traffic and parking study to:
 - Incorporate the current proposal for number of parking spaces to be provided on-site;
 - Address the impacts on parking demand and supply resulting from the elimination of parking spaces on the Kline's site that are currently being used by neighborhood residents;
 - Address the additional traffic that will result from vehicles circulating through the neighborhood searching for scarcer parking spaces;
 - Address the traffic and parking impacts of phasing/sequencing plan (i.e., conditions when Tanner Court building is occupied but before construction of Islington St building; conditions during construction of Islington St building; and conditions following project completion);
 - Describe the issues involved in making Tanner Court one-way in order to provide on-street spaces, including changes in traffic turning movements at key intersections.

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D. 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 **Pease Development Authority, Applicant**, for property located at **200 Grafton Drive**, wherein site review approval is requested to replace an existing clubhouse with a new 7,200 s.f. (footprint) clubhouse, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 345 as Lot 1 and lies within the Natural Resource Protection 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**:

- 1) The location of the existing dumpster shall be indicated on the Site Plans;
 - 2) The sewer pump station shall be closed in accordance with DES standards and noted on the Site Plans;
 - 3) Representatives of DPW shall review the revised Site Plans when the utilities are finalized;
 - 4) All lights shall be Dark Sky Friendly and a note or detail for the wall mounted fixtures shall be added to the Site Plans;
 - 5) DPW shall review the plans to assess the need of a 1,000 gallon grease interceptor.
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¹ 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."

E. The application of **Clear Channel Broadcasting, Inc., Owner, and Flo TV Inc., f/k/a, Mediaflo USA, Inc., Applicant**, for property located at **815 Lafayette Road**, wherein Site Review approval is requested to construct a broadcast antenna on an existing guyed tower and to install a 10' x 11' s.f. equipment shelter within the existing compound, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 245 as Lot 3 and lies within the General Business 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.

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F. A public hearing is convened to solicit public comment on a proposed Zoning Ordinance amendment to allow Continuing Care Retirement Community by Conditional Use Permit in the Office Research District. *(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 incorporate the draft zoning amendment into the draft revised Zoning Ordinance and consider it as part of the broader zoning revision package.

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IV. CITY COUNCIL REFERRALS/REQUESTS

F. Request from Mario Giberti requesting to purchase City-owned land located adjacent to 16 Barberry Lane; (This matter was postponed from the June 18, 2009 Planning Board Meeting); *(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 to the City Council as follows:

1. The City should retain long-term ownership of the subject lot for potential future recreational use, either as a neighborhood park or in connection with recreational use of the rail corridors.
 2. If the Council determines that private use is appropriate, disposition should be through a ground lease and only for passive uses, including landscaping. No structures should be permitted on the lot. Lease payments should be based on the equivalent tax revenue based on assessed valuation
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B. Request from Robert Sevigny, Applicant, for property located at 36 Market Street, to install a projecting sign and a retractable awning; *(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 approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;

2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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G. Request from Deb Orlando, Applicant, for property located at 222 State 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 approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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V. ADJOURNMENT

A motion to adjourn at 10:55 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board