

ACTION SHEET
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM B
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MAY 19, 2011

MEMBERS PRESENT: John Ricci, Chairman;; Paige Roberts, Vice Chairman; Eric Spear, City Council Representative; Donald Coker; John Rice; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager (arrived late); and Richard Hopley, Building Inspector; and Norman Patenaude, Alternate; and William Gladhill, Alternate

MEMBERS EXCUSED: N/A

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the April 21, 2011 Planning Board Meeting – Postponed to the June 16, 2011 meeting.
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II. PUBLIC HEARINGS – OLD BUSINESS

*The Board's action in these matters 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.*

A. The application of **Bonhomme Richard Realty, LLC, Owner, and Chinburg Builders, Applicant**, for property located **off Kearsarge Way**, for Final Subdivision Approval to consolidate Lots 118, 119 and 122 as shown on Assessor Map 212, totaling 227,623 s.f. (5.2255 acres), and subdividing the lot into 20 individual lots varying in size from 5,053 s.f. to 54,871 s.f. Said lots lie within the General Residence B (GRB) District. (This application was postponed at the April 21, 2011 Planning Board Meeting)

Voted to **grant** final subdivision approval with the following stipulations:

Conditions Precedent (to be completed prior to recording of the subdivision plat):

- 1) On Sheet D7, Detail Z (Lateral Section Through Lower Pond), show the water main as approved by the Department of Public Works.
- 2) The applicant shall enter into an agreement with the City assigning to the applicant the responsibility for operation and maintenance of the improvements on Lot A for at least one year after the conveyance of Lot A to the City.
- 3) All utility easements, sight line easements, and drainage easements shall be approved by the City Legal Department and recorded simultaneously with the subdivision plan.
- 4) The new street shall be named "Harborside Way", subject to the approval by the Public Safety departments.
- 5) On Sheet D 3, Detail K, delete the note referring to compliance with the building code.
- 6) On Sheet D 7, add a legend or notes tying the backfill schedule to the details..

Conditions Subsequent (to be completed prior to the start of construction of improvements shown on the subdivision plans):

- 7) The applicant shall receive approval of all required State permits for improvements shown on the subdivision plans.
- 8) The applicant shall pay for the services of an independent oversight engineer, to be selected by the City, to monitor site development including the new street and utilities.
- 9) The applicant shall prepare a Construction Management and Mitigation Plan for review and approval by the City.

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III. PUBLIC HEARINGS – NEW BUSINESS

*The Board’s action in these matters 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.*

A. The application of **Regeneration Park, LLC, Owner**, for property located at **3612 Lafayette Road**, requesting Amended Site Plan Approval to include a 29’ x 30’ concrete deck for restaurant use, a 12’ x 30’ shed, the relocation of a transformer and generator, and revised parking configuration, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 297 as Lot 3 and lies within the Gateway District.

Voted to **grant** amended Site Plan approval

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B. The application of **51 Islington Street, LLC, Owner**, for property located at **51 Islington Street**, requesting Amended Site Plan Approval for the addition of a back up generator on an 11’ x 17’ concrete transformer pad and surrounded by a 6’ wood fence, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 33 and lies within the Historic District A and the Central Business B (CBB) District.

Voted to **grant** amended Site Plan approval with the following stipulations:

- 1). The generator shall only be exercised on a weekday between the hours of 10:00 a.m. and 2:00 p.m.
- 2). The sound levels at the property line shall be tested after installation by a qualified sound engineer or company; the Building Inspector, or his representative, shall be present for the testing; and further sound attenuation shall be installed if necessary to comply with the noise limits set forth in the Zoning Ordinance.
- 3). A report of the sound level testing shall be provided to the Building Inspector.

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C. The application of **Stuart and Jennifer Varney, Owners**, for property located at **8 Lens Avenue**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, including construction of a 10' x 10' shed, to be placed on cement blocks. Said property is shown on Assessor Map 222 as Lot 58 and lies within the General Residence A (GRA) District.

Voted to **grant** conditional use permit approval.

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D. The application of **122 Mill Pond Way Condominium Association, Owner**, for property located at **122 Mill Pond Way**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland buffer, including the demolition of an existing storage barn and the construction of a 24' x 50' 4-bay garage. Said property is shown on Assessor Map 143 as Lot 7 and lies within the General Residence A (GRA) District.

Voted to **grant** conditional use permit approval with the following stipulation:

- 1.) Add a legend to Sheet C2, Proposed Site Plan, and include the symbol for the silt fence.

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E. The application of **Robert C. & Dawn D. Comito, Owners**, for property located at **1185 Maplewood Avenue**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland buffer, including construction of a 12' x 16' screen room and a 14' x 16' deck off the rear of the home. Said property is shown on Assessor Map 219 as Lot 42 and lies within the Single Residence B (SRB) District.

Voted to **grant** conditional use permit approval.

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F. The application of **Henry and Jaqueline Brandt, Owners**, for property located at **37 Wholey Way** and **Salmon Falls Holding, LLC, Owners**, for property located **off Echo Avenue**, wherein Preliminary and Final Subdivision Approval (Lot Line Revisions) are requested between two lots as follows: Lot 64 as shown on Assessor Map 237 increasing in area from 2,728 ±s.f. to 15,056 ± s.f. with 241.28' ± of continuous street frontage on Echo Avenue and Wholey Way and Lot 76 as shown on Assessor Map 237 decreasing in area from 43,703 ± s.f. to 31,375 ± s.f. with 200.89' ± of continuous street frontage on Wholey Way. Said properties are located in a Single Residence B district and are shown on Assessor Map 237 as Lots 64 and 76. This application was previously denied by the Planning Board; however, the Rockingham County Superior Court subsequently reversed the Board's decision and remanded the matter "for consideration of the wetlands issue and any other concerns not addressed" in the Board's decision.

Voted to **postpone** at the request of the applicant to the next scheduled Planning Board meeting on Thursday, June 16, 2011 at 7:00 pm.

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IV. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters 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.*

A. Letter from John Chagnon, P. E., Ambit Engineering, regarding a Subdivision Application for property located off Kearsarge Way (Tax Map 212, Lots 118, 119 and 122).

Voted to recommend to the City Council that they vote to accept the land shown as Lot A, subject to an agreement, to be approved by the Legal Department, regarding operation and maintenance of the stormwater management system.

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B. Letter from Ralph Woodman, Jr., of Boynton Waldron Doleac Woodman & Scott PA regarding Lot Line Revision at 155 Parrott Avenue and 82 Court Street.

Voted to refer the proposed land transfer request from Ralph Woodman to the School Board for a determination of whether the land is needed for school purposes.

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C. Potential sale of Connie Bean Center.

Voted to find that there is no municipal use for the Connie Bean Center that would preclude its sale.
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V. PLANNING DIRECTOR’S REPORT

- 1.) Administrative Approvals granted by Rick Taintor:
 - a.) 2300 Lafayette Road, Water Country for a new roof structure, invisible from the street.
 - b.) 2800 Lafayette Road, White Birch Plaza, for an outdoor patio for dining.
 - c.) Gosling Meadows, for an addition to the office building
 - d.) 51 Islington Street, for a new entry on the Tanner Side of the building that conforms to the HDC approval.

- 2.) Status on the re-zoning request for Bartlett Street from the City Council. The Department had started on this referral and finally got the parties together this week, however, the original applicant indicated they are no longer interested in pursuing their request. Mr. Taintor recommended that the Board send a Memorandum back to the City Council, recommending that no action be taken because of the withdrawal.

Deputy City Manager Hayden made that motion. Mr. Blenkinsop seconded the motion. The motion passed unanimously.

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VI. ADJOURNMENT

A motion to adjourn was made at 9:40 pm, was seconded and passed unanimously.
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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board