

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM "B"
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 P.M.

JUNE 16, 2011

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Donald Coker; John Rice; Anthony Blenkinsop; Cindy Hayden, Deputy City Manager; and Richard Hopley, Building Inspector; and Norman Patenaude, Alternate; and William Gladhill, Alternate

MEMBERS EXCUSED: Eric Spear, City Council Representative and MaryLiz Geffert

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 – Unanimously approved.

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II. PUBLIC HEARINGS – OLD BUSINESS

*The Board's 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.*

A. 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. (This application was postponed at the May 19, 2011 Planning Board Meeting)

Voted to **postpone** to the next regularly scheduled Planning Board meeting on July 21, 2011.

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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 **The City of Portsmouth School Department, Owner**, for property located at **50 Andrew Jarvis Drive**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, including the demolition of existing bleachers and replacement with a new aluminum 123’ x 29’ bleacher section, to be placed on existing crushed stone/gravel with added stone dust. Said property is shown on Assessor Map 229 as Lot 3 and lies within the Municipal (M) District.

Voted to **grant** Conditional Use Permit approval.

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B. The application of **The City of Portsmouth School Department, Owner**, for property located at **50 Andrew Jarvis Drive**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, including the construction of a rain garden. Said property is shown on Assessor Map 229 as Lot 3 and lies within the Municipal (M) District.

Voted to **grant** Conditional Use Permit approval.

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C. The application of **Comcast of Maine/NH, Inc., Owner**, and **The City of Portsmouth, Applicant**, for property located at **180 Greenleaf Avenue**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for temporary work within an inland wetland buffer, including the replacement of three culverts and a headwall. Said property is shown on Assessor Map 243 as Lot 67-1 and lies within the Gateway (GW) District.

Voted to **grant** Conditional Use Permit approval.

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D. The application of the **Isabelle Hodgson Trust, Owners**, and **Pease Development Authority, Applicant**, for property located off Greenland Road, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland, including 485 s.f. of wetland impact for fill to accommodate an embankment for a multi-use path. Said property is shown on Assessor Map 279 as Lot 9 and lies within the Natural Resource Protection (NRP) District.

Voted to **grant** Conditional Use Permit approval.

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E. The application of **Stephen and Karin Barndollar, Owners**, for property located at **120 Ridges Court**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, including the removal of rip rap and constructing a stone retaining wall as part of site landscaping. Said property is shown on Assessor Map 207 as Lot 61 and lies within the Single Residence B (SRB) District.

Voted to **grant** Conditional Use Permit approval with the following stipulations:

1. The new wall shall be as shown on Sheet C2 – NHDES Permit Application Plan, as revised 6/9/11, and shall be no higher than the existing wall.
2. The existing shed and new clothesline shall be as shown on Sheet C1 – Existing Conditions Site Plan, as revised 8/24/10.
3. The existing riprap area shall be restored per the revegetation program dated October 2010.
4. On Sheet C2, the words “to be submitted” should be deleted after “Remove existing rip rap and restore to original grade (see revegetation program document)”
5. Add a North arrow to the Site Plan.
6. Provide the lineal dimension of the part of the wall that goes along the riprap, provide an angle turn to show the direction that the wall is heading and provide the length of that arm of the wall.

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F. The application of **Pease Development Authority, Owner**, and **Freedom Bay Ring Communications, LLC, Applicant**, for property located at **359 Corporate Drive**, for Conditional Use Permit Approval under Section 304-A of the Pease Development Authority Zoning Ordinance for work within an inland wetland buffer, including 4,000 ± s.f. of restoration to the wetland buffer. Said property is shown on Assessor Map 316 as Lot 1 and lies within the Industrial District.

Voted to **recommend** conditional use permit approval with the following stipulations:

1. The applicant shall broadcast a native seed mix between plantings to fill in the open areas so as to deter the growth of invasive species.
2. The applicant shall prepare an annual monitoring report consistent with the State wetland restoration monitoring requirements (see N.H. Code of Administrative Rules, Env-Wt 806.02).

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G. The application of **The Kane RDII, LLC, Applicant**, for property located at **162 Corporate Drive**, for Conditional Use Permit Approval under Section 304-A of the Pease Development Authority Zoning Ordinance for work within an inland buffer, including the removal of 80 trees and dense shrubs between Corporate Drive and the building; for enhancements along Corporate Drive; and the planting of 42 trees in the parking lot area. Said property is shown on Assessor Map 313 as Lot 1 and lies within the PDA Business and Commercial District.

Voted to **recommend** Conditional Use Permit approval with the following stipulation:

1. The applicant shall prepare an annual monitoring report consistent with the State wetland restoration monitoring requirements (see N.H. Code of Administrative Rules, Env-Wt 806.02).

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H. The application of **The Kane Company RDII, LLC, Applicant**, for property located at **162 Corporate Drive**, requesting amended Site Plan approval for the removal of trees and dense shrubs between Corporate Drive and the building; for mitigation enhancements along Corporate Drive; and to plant 42 trees in the parking lot area, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 313 as Lot 1 and lies within the PDA Business and Commercial District.

Voted to **recommend** Amended Site Plan approval.

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I. The application of **Portsmouth Ford Lincoln Mercury, Inc., Owner**, for property located at **450 Spaulding Turnpike**, requesting Site Plan approval to demolish an existing one-story building and construct a two-story 4,000 s.f. (footprint) building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 238 as Lot 1A and lies within the General Business (GB) District.

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

1. The applicant shall apply for and obtain approval of a Conditional Use Permit for work within the wetland buffer, including the proposed gas line.
 2. The minutes from the December 21, 2010 Board of Adjustment meeting relating to this project shall be attached to the Site Plan Review record.
 3. The applicant shall provide a copy of the New Hampshire DOT encroachment permit for the record.
 4. The applicant shall submit a detail for the trench drain in the detailing bay for approval by the Department of Public Works.
 5. The applicant shall review with the Planning Department staff the proposed landscaping along the boundary with the Portsmouth Ford property in order to clarify the intent of the Landscape Plan. If determined necessary by the Planning Director, the applicant shall submit an amended Landscape Plan for administrative approval.
 6. The applicant shall provide a snow removal plan addressing the use of salt and/or sand and including an annual maintenance and inspection report.
 7. All proposed easements shall be reviewed and approved by the City Legal Department, and shall be recorded prior to the issuance of a building permit.
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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 Attorney Robert Shaines, on behalf of the Estate of Frances Dusablon, regarding a sewer easement affecting 80 Woodlawn Circle.

Voted to **recommend** that the City release the easement as requested.

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B. Letter from Attorney John McGee, on behalf of the Trustees of the Arthur MacDonald trust, regarding a boundary issue with the Middle School property.

- A. Voted to **refer** the proposed land transfer to the School Board for a determination as to whether the land is needed for school purposes.
- B. Voted to **postpone** action on the requested boundary line agreement pending a report back from the Planning and Legal Departments.

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C. 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 **adopt** the name "Laurel Court".

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V. PLANNING DIRECTOR'S REPORT

No report.

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VI. ADJOURNMENT

A motion to adjourn was made at 10:07 pm, was seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board