

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00 P.M.**

**FEBRUARY 16, 2012**

**MEMBERS PRESENT:** Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; Anthony Blenkinsop; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; MaryLiz Geffert; William Gladhill; and Brian Groth, Alternate

**MEMBERS EXCUSED:** John Ricci, Chairman and John Rice

**ALSO PRESENT:** Rick Taintor, Planning Director

.....  
**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the November 17, 2011 Planning Board Joint Work Session with the HDC and Planning Board Meeting – Unanimously approved (Councilor Novelline Clayburgh abstained)

.....  
**II. PUBLIC HEARINGS – OLD BUSINESS**

A. The application of **Michael R. Clark, Owner**, for property located at **325 Little Harbor Road (Belle Isle)**, requesting Final Subdivision Approval to subdivide one lot into two lots with the following: Proposed Lot 1 having 276,867 ± s.f. (6.36 ± acres) and Proposed Lot 2 having 218,736 ± s.f. (5.02 ± acres), and lying in a district where a minimum lot area of 5 acres is required. Said property is shown on Assessor Plan 205 as Lot 2 and lies within the Rural (R) District. (This application was postponed from the January 19, 2012 Planning Board Meeting)

Voted to **postpone** Final Subdivision Approval to the next Planning Board meeting on March 15, 2012 at 7:00 pm.

.....

B. The application of **Young Men’s Christian Association (The Seacoast Family Y), Owner**, for property located at **550 Peverly Hill Road**, wherein Preliminary and Final Subdivision Approval is requested to subdivide one lot into three lots as follows: Proposed Lot 10A on Assessor Map 244 having 1,103,695 s.f. (25.34 acres) and 331.13 ±’ of continuous street frontage off Peverly Hill Road and Proposed Lots 1 and 2 each having 15,000 ±s.f. and 100.13’ ± of continuous street frontage on Peverly Hill Road. Said property is located partially in the Single Residence A (SRA) District where the minimum lot size is one acre (43,560 s.f.) and the minimum street frontage requirement is 150’ and partially in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and the minimum street frontage requirement is 100’. (This application was postponed from the January 19, 2012 Planning Board Meeting)

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

- 1.) Lot two shall be subject to a deed restriction prohibiting the construction of any additional driveway and this restriction shall be listed on the Subdivision Plan.
- 2.) The driveways for Lot One and Lot Two shall be provided with a turn around on the lot so that the vehicles shall not be required to back out onto Peverly Hill Road.
- 3.) The cross slope of the driveway with in the City right of way and extended 5’ (or as determined appropriate by the Department of Public Works) back from the property line shall not exceed ± 2%.
- 4.) All easements and deed restrictions shall be reviewed and approved by the City Legal Department prior to the filing of the final plat.
- 5.) All property monuments shall be set as required by the Department of Public Works prior to the filing of the final plat.
- 6.) GIS data shall be provided to the Department of Public Works in the form required by the City.
- 7.) The final plat and all easements shall be recorded concurrently at the Registry of Deeds by the City or determined appropriate by the Planning Department.
- 8.) The lots shall be subject to a Use and Maintenance Agreement that shall be approved by the City Attorney and shall be recorded concurrently with the subdivision plat.

.....

C. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **off Spinney Road**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, including a stormwater detention pond/raingarden, vegetated outlet swale and a level spreader. Said property is shown on Assessor Map 167 as Lot 5 and Assessor Map 170 as Lot 24 and lie within the Single Residence B (SRB) District. (This application was postponed from the January 19, 2012 Planning Board Meeting)

Voted to **postpone** Conditional Use Permit Approval to the April 19, 2012 Planning Board meeting.

.....

D. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **off Spinney Road**, requesting Preliminary and Final Subdivision Approval to subdivide two lots into nine lots, including a public right-of-way, with the following: Lot 5 on Assessor Plan 167 having 316,165 s.f. (7.258 acres) and Lot 24 on Assessor Plan 170 having 238,601 s.f. (5,478 acres), to be consolidated and subdivided into nine separate lots, ranging in size from 5,000 s.f. to 329,641 s.f. and all with a minimum of 100' of continuous street frontage on Spinney Road or the new proposed public right-of-way. Said properties lie in a Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100' of continuous street frontage. (This application was postponed from the January 19, 2012 Planning Board Meeting)

Voted to **postpone** Preliminary and Final Subdivision Approval to the April 19, 2012 Planning Board meeting.

.....

E. The application of **Lynn J. & Frances T. Sanderson Revocable Trusts, Paul J. Sanderson, Trustee, Owners**, and various other property owners, for property located **off Spinney, Middle, Thaxter, Sewell and Kensington Roads**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between lots as shown on Assessor Map 167 as Lot 5 and Assessor Map 168 as Lot 17, and abutting lots as listed below. Said properties are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100'. (This application was postponed from the January 19, 2012 Planning Board Meeting)

1. Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Snaderson Trustee, Owner  
Property located off Spinney, Middle, Thaxter, Sewell and Kensington Roads (Assessor Map 167 as Lot 5 and Assessor Map 170 as Lot 24)  
Lot area decreasing in size from 12.74 acres to 11.92 acres
2. Craig S. and Christine Almond Hodgson, Owners  
Property located at 165 Middle Road (Assessor Map 168 as Lot 17)  
Lot area increasing from .18 acres to .30 acres  
Street frontage increasing from 75' to 125' off Middle Road
3. Neal L. and Darlene L. Ouellett Revocable Trust, Neal L and Darlene L. Ouellett, Trustees, Owners  
Property located at 124 Kensington Road (Assessor Map 152 as Lot 20)  
Lot area increasing from .22 acres to .43 acres  
Street frontage remaining at 100'
4. Jeremy D. Martin, Owner  
Property located at 199 Middle Road (Assessor Map 168 as Lot 14)  
Lot area increasing from .28 acres to .51 acres  
Street frontage remaining at 100'
5. Patrick B. and Karen A. Lyons, Owners  
Property located at 185 Middle Street (Assessor Map 168 as Lot 15)  
Lot area increasing from .13 acres to .80 acres  
Street frontage remaining at 50'

- 6. David and Patricia Gress, Owners  
Property located at 14 Sewall Road (Assessor Map 170 as Lot 20)  
Lot area remaining at .31 acres to .31 acres  
Street frontage decreasing from 135' to 125'
- 7. Michael Jacques, Patricia Newman and Caroline A. Newman Revocable Trust, Caroline A. Newman, Trustee, Owner  
Property located at 342 Spinney Road (Assessor Map 169 as Lot 5)  
Lot area increasing from .51 acres to .54 acres  
Street frontage decreasing on Spinney Road from 171.3' to 162.59'
- 8. Joseph G. and Carol S. McGinty, Owners  
Property located at 300 Spinney Road (Assessor Map 169 as Lot 6)  
Lot area increasing from .69 acres to .70 acres  
Street frontage decreasing from 150' to 141.26'
- 9. Patricia O. Sanderson Revocable Trust, David Sanderson, Trustee, Owner  
Property located at 248 Spinney Road (Assessor Map 169 as Lot 4)  
Lot area increasing in size from 1.31 acres to 1.46 acres

Voted to **postpone** Preliminary and Final Subdivision Approval to the April 19, 2012 Planning Board meeting.

.....

**III. PUBLIC HEARINGS – NEW BUSINESS**

A. The application of **New England Glory, LLC, Owner**, for property located at **525 Maplewood Avenue**, requesting Site Plan Approval to construct a 2,409 s.f. 9-bay 1-story garage and storage building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 209 as Lot 85 and lies within the General Residence A (GRA) District.

Voted to **grant** Site Plan Approval with the following stipulation:

- 1. The concrete platform shall be structurally upgraded to hold at least 50,000 pounds prior to the issuance of a Certificate of Occupancy; and the design shall be submitted concurrently with the design of the garage so that the City can issue a Building Permit for both the garage and the bridge upgrade simultaneously.

.....

B. The application of **Constitution Realty of Portsmouth, LLC, Owner**, for property located at **300 Constitution Avenue**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for 19,750 s.f. of impact within an inland wetland buffer, including the construction of an infiltration pond and restoration of previously impacted areas with loam and seed. Said property is shown on Assessor Map 274 as Lot 5 and lies within the Industrial (I) District.

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

.....  
C. The application of **Constitution Realty of Portsmouth, LLC, Owner**, for property located at **300 Constitution Avenue**, requesting Site Plan Approval to construct a 32,519 s.f. commercial office and warehouse building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 274 as Lot 5 and lies within the Industrial (I) District.

Voted to **grant** the following waiver:

- Waiver from Section 3.3.2(3) of the Site Plan Review Regulations, in order to allow two driveways on the lot.

It was further voted to **grant** Site Plan Approval with the following stipulations:

1. Sheets C-4, C-5, C-6, C-7, C-8 and L-1 shall be revised to show the elimination of the curbing around the landscaped island in the northeasterly portion of the parking lot, consistent with Sheet C-3.
2. A second bike rack shall be added to the south side of the building.

.....  
D. The application of **North Mill Realty Trust, Owner**, and **3S Artspace, Applicant**, for property located at **319 Vaughan Street**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for 919 s.f. of impact within a tidal wetland buffer, including the construction of a patio, a seating wall and a walkway. Said property is shown on Assessor Map 124 as Lot 9 and lies within the Central Business (CB), Downtown Overlay District (DOD) and the Historic District.

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

1. The proposed sidewalk at the rear of the building shall be pervious pavement.
2. Appropriate buffer plantings shall be added to "Open Space 'A'".

.....  
E. The application of **North Mill Realty Trust, Owner**, and **3S Artspace, Applicant**, for property located at **319 Vaughan Street**, requesting Site Plan Approval to construct a 690 s.f. rear deck and a 900 s.f. entry canopy to an existing building which will be converted to performance, gallery, studio and restaurant uses, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 9 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the January 3, 2012 TAC Meeting).

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

1. An Access Easement, License or Agreement shall be prepared with the abutters, for review and approval by the City Legal Department.
2. The applicant shall comply with the parking regulations that are in effect at the time of the issuance of a building permit.
3. A bike rack shall be added to the Site Plan.

.....

F. Proposed amendments to the Planning Board’s Site Plan Review Regulations.

Voted to amend the Site Plan Review Regulations as proposed

.....

**IV. NEW BUSINESS**

A. Proposed amendments to the Zoning Ordinance.

Voted to recommend that the City Council enact proposed amendments #1, 3, 8, 9, 10,11 and 12.

Voted to schedule a joint work session with the HDC on proposed amendments #2, 4, 5, and 6.

Voted to continue working on proposed amendments #7 and 13.

.....

**V. CITY COUNCIL REFERRALS/REQUESTS**

A. Request of Northern Tier Real Estate Acquisition and Development, LLC, for property located at 172 Hanover Street to remove the glass atrium on the Vaughan Mall side of the property.

Voted to postpone to the March 15, 2012 Planning Board meeting.

.....

B. Subsurface Investigations in Site Plan Review Regulations.

Voted to postpone pending action on new State legislation.

.....

C. Request of New Hampshire Department of Transportation for an easement under the Scott Avenue bridge in support of the Memorial Bridge project.

Voted to postpone to the March 15, 2012 Planning Board meeting.

.....

D. Request of David Choate, III, Grubb & Ellis Northern New England, for an amendment to Section 10.836.20 of the Zoning Ordinance regarding drive-through lanes for retail/commercial buildings outside of the Central Business District.

Voted to postpone to the March 15, 2012 Planning Board meeting.

.....  
**VI. PLANNING DIRECTOR’S REPORT**

A. Letter from Steven C. Griswold regarding off-street parking and first-floor business occupancy in the Central Business District.

B. Letter from Planning Board Chair John Ricci to the Municipal and County Government Committee, N.H. House of Representatives regarding HB 1561

C. Update on active applications:

- 1. 28-30 Dearborn Street (Regan) – Subdivision
- 2. 1390 Lafayette Road (former Yoken’s) – Site Plan

.....  
**VII. ADJOURNMENT**

A motion to adjourn was made at 10:22 pm, was seconded and passed unanimously.

.....  
Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board