

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

APRIL 19, 2012

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

MEMBERS EXCUSED: MaryLiz Geffert;

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the January 19, 2012 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the March 15, 2012 Planning Board Meeting – Unanimously approved.

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II. OLD BUSINESS

- A. Review of March 26 Joint Meeting of City Council, Planning Board, Economic Development Commission and Historic District Commission – “Context-Sensitive Redevelopment”

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III. 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 **Parade Residence Hotel, LLC, Owner**, for property located at **100 Deer Street (formerly a portion of 195 Hanover Street)**, wherein Amended Site Plan Approval is requested for sidewalk changes in connection with a 11,437 s.f. conference center to be established in space previously approved for retail use, with related paving, utilities, landscaping, lighting, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 22 and lies within the General Business B and the Historic District. (This application was granted by the Planning Board on February 10, 2010; appealed to the Board of Adjustment which upheld the Planning Board

action on April 20, 2010; appealed to the Rockingham County Superior Court where the decision was vacated and remanded on January 27, 2011; and appealed to the New Hampshire Supreme Court where the Superior Court Decision was affirmed on March 23, 2012.)

Voted to postpone to the May 17, 2012 Planning Board Meeting. This postponement was to allow the City Attorney to review correspondence which was received the day of the hearing and report back to the Board.

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B. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road and Middle 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 March 15, 2012 Planning Board Meeting)

Voted to postpone to the May 17, 2012 Planning Board Meeting.

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C. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road and Middle 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 March 15, 2012 Planning Board Meeting)

Voted to postpone to the May 17, 2012 Planning Board Meeting.

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D. 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 properties are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 shown on Assessor Map 167 as Lot 5 and Assessor Map 168 as Lot 17, and abutting lots as listed below. Said s.f. and minimum street frontage requirement is 100'. (This application was postponed from the March 15, 2012 Planning Board Meeting)

1. Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson 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 to the May 17, 2012 Planning Board Meeting.

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IV. 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. A public hearing will be held to consider amendments to the Site Plan Review Regulations, Section 3.6. – Drive-Through Facilities, to address screening of drive-through lanes and any other design and performance standards that may appear appropriate.

Voted to postpone action to the May 17, 2012 Planning Board Meeting.

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B. The application of **Michaels Realty Trust, Owner**, for property located at **1390 Lafayette Road**, **ESUM Realty Trust, Owner**, for property located at **1400 Lafayette Road**, and **MacLeod Enterprises, Inc., Owner**, for property located at **1190 Lafayette Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision & Lot Consolidation) is requested between three lots as follows:

1. Lot 7 on Assessor Map 252 consisting of 14,358 s.f. being consolidated with Lot 9 on Assessor Map 252 for a total lot area of 237,001 s.f.;
2. Lot 8 as shown on Assessor Map 252 increasing in area from 111,924 s.f. to 126,989 s.f. with 248.72' of continuous street frontage on Lafayette Road and consolidated Lots 9 and 7 as shown on Assessor Map 252 decreasing in area from 237,001 s.f. to 221,936 s.f. with 529.51' of continuous street frontage on Lafayette Road.

Said properties are located in the Gateway District where the minimum lot size is 43,560 s.f. and the minimum continuous street frontage is 200'.

Voted to postpone to the May 17, 2012 Planning Board Meeting.

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C. The application of **Northeast Credit Union, Owner, and Liberty Mutual Insurance, Applicant**, for property located at **100 Borthwick Avenue**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for 2,206 s.f. of impact within an inland wetland buffer for the reconstruction of the parking lot stairway and walkway. Said property is shown on Assessor Map 259 as Lot 15 and lies within the Office Research (OR) District.

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

1. Facilities maintenance staff shall attend a winter maintenance training session at UNH, specific to salt application rates and best practices, for the care and maintenance of the parking lot.
2. The applicant shall submit a revised plan to the Planning Department showing (1) a 10-foot non-mowed area around the wetland adjacent to the parking area, and (2) a reduced amount of lawn or mowed area.

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D. The application of **Nikolas and Jennifer Uhler, Owners**, for property located at **375 F.W. Hartford Drive**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for 2,077 s.f. of impact within the inland wetland and the inland wetland buffer for remediation including re-vegetating the cut areas, adding a rain garden and re-planting and expanding the lawn to restore wetland functions. Said property is shown on Assessor Map 270 as Lot 14 and lies within the Single Residence B (SRA) District.

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

1. Approval is based on the Planting Plan prepared by Normandeau Associates, dated April 12, 2012 and the untitled profile plan which was handed out at the April 19, 2012 Planning Board Meeting.
3. The fill which was brought onto the site shall be tested for 13 priority metals, polycyclic aromatic hydrocarbons (PAH), pesticides and PCBs, and a report shall be provided to the Planning Department.
4. The fill area shall be reduced by a height of 6 inches and loam placed on top.
5. The rain garden shall be located closer to the house so that the sump pump will function properly with it.
5. A 5' vegetative strip shall be added along the west side of the plan where there is currently lawn going right up to the wetland.
6. All work shall be carried out under the guidance, review and approval of the City Environmental Planner, Peter Britz.

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E. The application of **7 Islington Street, LLC, Owner**, for property located at **40 Bridge Street**, requesting Site Plan Approval to construct a 4 story 5,450 s.f. (footprint) mixed use building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 52 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

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

1. The applicant shall provide a sewer main installation detail which includes a profile view drawing of the sewer with hydraulic dams spaced every 100'. The final plans shall be reviewed by DPW.
2. On Sheet C3, the street paving area should be revised to cover the sewer work from beginning to end if this distance is greater than the original distance specified.
3. Sewer Capacity Use surcharge data shall be submitted to DPW.
4. The applicant shall prepare a Construction Management and Mitigation Plan for review and approval by the City Manager.
5. The gate to the transformer shall be locked at all time except during maintenance activities

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F. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road and Middle Road**, requesting a Conditional Use Permit under Section 10.725 of the Zoning Ordinance for an Open Space Residential Planned Unit Development (OS-PUD) consisting of nine single family residential structures and five two-unit residential structures, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 167 as Lot 5, Assessor Map 170 as Lots 23 and 24, Assessor Map 171 as Lot 13 and lies within the Single Residence B (SRB) District.

Voted to postpone to the May 17, 2012 Planning Board Meeting.

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G. The application of **Westinghouse Electric Company, Applicant**, for property located at **20 Durham Street**, requesting Site Plan Approval for a pavement expansion project, including 67 parking spaces, new sidewalks, dumpster pad with enclosure and mechanical pad, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 311 as Lot 3 and lies within the Pease Industrial District.

Voted to recommend Site Plan Approval with the following stipulations:

1. The applicant shall review the gate operation at the rear of the building and the necessity for a knox box with the Fire Department.
2. 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 installations shall be coordinated between the applicant and the police/fire communications supervisor.

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H. The application of **750 Lafayette Road LLC, Owner**, for property located at **720 and 750 Lafayette Road**, requesting Amended Site Plan approval for modifications to proposed "Retail A" building, including a reduction in footprint from 12,198 s.f. to 11,881 s.f., the addition of a full second floor, a single bank drive through lane and a seven space reduction in parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 244 as Lots 7 and 8 and lies within the Gateway District.

Voted to **grant** Site Plan Approval subject to the stipulations of the December 2011 Planning Board approval.

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

Voted to recommend that the City grant the necessary easement(s) to the New Hampshire Department of Transportation for installation and maintenance of a permanent backup generator and utility transformer cabinets on City property under and adjacent to the Scott Avenue Bridge.

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B. Letter from Attorney James Noucas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery.

Voted to postpone to the May 17, 2012 Planning Board Meeting.

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C. Letter from David Mikolaities, Lieutenant Colonel, NH Army National Guard, regarding the acquisition of a portion of the Right of Way along Market Street and site improvements for access to the National Guard Readiness Center on 803 McGee Drive.

Voted to recommend that the City convey a portion of the Right of Way along Market Street to the State of New Hampshire for access to the National Guard Readiness Center as presented.

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D. Request of PSNH for an easement for placement of service at Prescott Park.

Voted to recommend that the City grant an easement to Public Service of New Hampshire for installation of a transformer pad and conduit as shown on the plan.

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E. Letter from Attorney Malcolm McNeill, representing Commerce Way, LLC, regarding

Voted to recommend that the City Council accept Commerce Way as a City street upon completion of improvements to bring the roadway up to City standards as presented.

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F. Letter from Barbara Devanna and Robert Cohen requesting an access easement over Pine Street Park for property at 55 Meredith Way (previously identified as 55 Pine Street).

Voted to recommend that the City Council authorize the owners of 55 Meredith Way to cross the paper portion of Meredith Way and a portion of Pine Street Park in order to access Pine Street, in such manner as the City Attorney and City Manager determine appropriate.

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G. Zoning Amendments for Downtown Parking.

Voted to recommend that the City Council amend the Zoning Ordinance as presented.

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VI. PLANNING DIRECTOR'S REPORT

A. Report on joint work session held with Economic Development Commission and Parking and Traffic Safety Committee on April 6th.

B. Joint Planning Board and HDC work session scheduled on April 26th.

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VII. ADJOURNMENT

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

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board