

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**JUNE 21, 2012**

**MEMBERS PRESENT:** John Ricci, Chairman; Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; John Rice; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; and Brian Groth, 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 26, 2012 Planning Board & HDC Joint Work Session – Unanimously approved.
2. Approval of Minutes from the May 17, 2012 Planning Board meeting – Unanimously approved.

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**II. PUBLIC HEARINGS – OLD BUSINESS**

A. 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 May 17, 2012 Planning Board Meeting)

Voted to grant request to **withdraw** Conditional Use Permit application.

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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**, 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 May 17, 2012 Planning Board Meeting)

Voted to grant request to **postpone** Preliminary and Final Subdivision Approval.

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C. 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 May 17, 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 grant request to **postpone** Preliminary and Final Subdivision Approval (Lot Line Revisions).

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D. 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. (This application was postponed from the May 17, 2012 Planning Board Meeting.)

Voted to grant request to **withdraw** Conditional Use Permit Application.

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E. 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'. (This application was postponed from the May 17, 2012 Planning Board Meeting.)

Voted to **postpone** this matter to the July 19, 2012 Planning Board Meeting.

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F. The application of **Michaels Realty Trust and ESUM Realty Trust, Owners, and 4 Amigos, LLC, Applicant**, for property located at **1390 and 1400 Lafayette Road** requesting Site Plan Approval to construct a 2,500 s.f. one-story bank building with two drive through lanes, a 4,500 s.f. retail building and a 11,944 s.f. Rite Aid Pharmacy store with two drive through lanes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 252 as Lots 7 and 9 and lie within the Gateway (GW) District. (This application was postponed from the May 17, 2012 Planning Board Meeting.)

Voted to **postpone** this matter to the July Planning Board Meeting and refer the matter to the Technical Advisory Committee (TAC) for review.

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G. Proposed 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. (This hearing was postponed from the May 17, 2012 Planning Board Meeting)

Voted to **postpone** to the July 19, 2012 Planning Board Meeting.

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**III. PUBLIC HEARINGS – NEW BUSINESS**

A. The application of **82 Court Street, LLC, Owner**, for property located at **82 Court Street** and the **City of Portsmouth, Owner**, for property located at **155 Parrott Avenue**, requesting Preliminary and Final Subdivision Approval for a Lot Line Revision between two lots having the following: Lot 48 as shown on Assessor Map 116 increasing in area from  $.537 \pm$  acres to  $.544 \pm$  acres and Lot 15 as shown on Assessor Map 128 decreasing in area from  $5.74 \pm$  acres to  $5.72 \pm$  acres. Map 116, Lot 48 lies within the Mixed Residential Office District (MRO), where a minimum lot area of 7,500 s.f. is required, and the Historic District. Map 128, Lot 15 lies within the Municipal District (M).

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

1. 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.
  2. Property monuments shall be set as required by DPW prior to the filing of the plat.
  3. GIS data shall be provided to DPW in the form as required by the City.
  4. The Lot Line Revision Plan shall be revised so that the arrows pointing to the “New Lot Line” shall be extended to avoid confusion.
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B. The application of **Mara Khavari, A.T. Michael MacDonald and Suzanne Brown, Owners**, for properties located at **46 Mark Street and 65-67 Mark Street** and the **City of Portsmouth, Owner** for property located at **155 Parrott Avenue**, requesting Preliminary and Final Subdivision Approval for a Lot Line Revision between two lots having the following: Lot 51 as shown on Assessor Map 116 increasing in area from 4,323.8 ± s.f. to 4,551.8 ± s.f., Lot 52 as shown on Assessor Map 116 increasing in area from 5,244.3 ± s.f. to 5,497.2 ± s.f., and Lot 15 as shown on Assessor Map 128 decreasing in area from 5.74 ± acres to 5.72 ± acres. Map 116, Lots 51 & 52 lie within the Mixed Residential Office District (MRO), where a minimum lot area of 7,500 s.f. is required, and the Historic District. Map 128, Lot 15 lies within the Municipal District (M).

The Board voted to **grant** a waiver from the Subdivision Rules and Regulations, Section VI.2.B., requiring that lot dimensions shall conform to the requirements of the Zoning Ordinance.

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

1. 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.
2. Property monuments shall be set as required by DPW prior to the filing of the plat.
3. GIS data shall be provided to DPW in the form as required by the City.
4. The Lot Line Revision Plan shall be revised so that the arrows pointing to the “New Lot Line” shall be extended to avoid confusion.

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C. The application of **Sandy Brook Corporation, Owner**, for property located at **65 and 71 Laurel Court**, for amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, involving buildings, driveways, retaining walls, grading and landscaping, with 6,629 s.f. of impact to the wetland buffer where previous approval granted on April 21, 2012 allowed 4,497 s.f. Said property is shown on Assessor Map 212 as Lots 183 and 184 and lie within the General Residence B (GRB) District.

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

1. Lots 11 and 12 shall be subject to recorded deed restrictions, acceptable to the Planning and Legal Departments, to maintain the buffer plantings between the two lots.

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D. Proposed amendments to the Zoning Map regarding the location of the Downtown Overlay District, and to the Zoning Ordinance, Section 10.640 – Downtown Overlay District.

Voted to recommend that the Zoning Map be amended by extending the Downtown Overlay District to include the blocks bounded by Daniel Street, Scott Avenue, Marcy Street, Court Street, Washington Street, State Street and Penhallow Street.  
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D. Request to rezone property located at 1283 Woodbury Avenue from Single Residence B (SRB) to Mixed Residential Business (MRB).

Voted to **grant** request to withdraw.

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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 James Nocas, 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 July 19, Planning Board Meeting.

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B. Letter from Stephen Kelm requesting an easement from the City to access his property at 80 Wright Avenue.

Voted to **postpone** to the July 19, Planning Board Meeting.

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C. Letter from Petra & Christopher Barstow requesting permission to replace front steps and retaining walls in front of their property located at 528 Dennett Street.

Voted to recommend that the City Council grant a license to allow the continued use and reconstruction of the front steps and retaining walls, including expansion of a retaining wall, as requested.

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D. Request by the City Council to review the Zoning Ordinance Table of Uses and Zones to expand where assisted living facilities can be located.

A work session will be scheduled on this matter.

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**V. PLANNING DIRECTOR'S REPORT**

n/a

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**VII. ADJOURNMENT**

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

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board