

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JULY 19, 2012

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

MEMBERS EXCUSED: Anthony Blenkinsop; MaryLiz Geffert; and Brian Groth, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the June 21, 2012 Planning Board Meeting – action postponed to the August 16, 2012 Planning Board 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 **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 June 21, 2012 Planning Board Meeting)

Voted to **grant** Preliminary Subdivision approval and postpone final consideration to the August 16, 2012 Planning Board Meeting, with the following stipulation:

- 1) This application is referred to the Technical Advisory Committee for review of the proposed sewer design, as well as any other technical issues that TAC may deem appropriate.

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B. 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 June 21, 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** Preliminary Subdivision approval and postpone final consideration to the August 16, 2012 Planning Board Meeting.

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C. 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 June 21, 2012 Planning Board Meeting.)

Voted to **postpone** to the August 16, 2012 Planning Board Meeting.

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D. 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 June 21, 2012 Planning Board Meeting.)

Voted to **postpone** to the August 16, 2012 Planning Board Meeting.

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E. 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 June 21, 2012 Planning Board Meeting)

Voted to accept amendments outlined in Planning Director's Memorandum dated July 13, 2012.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located at 1046 Islington Street and property on Spinney Road, requesting Preliminary and Final Subdivision approval for a Lot Line Revision between two existing lots having the following: Lot 12 as shown on Assessor Map 171 increasing in area from 4,246 ± s.f. to 15,001 ± s.f. and Lot 13 as shown on Assessor Map 171 decreasing in area from 2.88 ± acres to 114,723 ± s.f. Said lots lie within the Single Residence B (SRB) district where a minimum lot area of 15,000 s.f. is required.

Voted to **grant** Preliminary Subdivision approval and postpone final consideration to the August 16, 2012 Planning Board Meeting.

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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**, requesting Preliminary and Final Subdivision approval to subdivide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 28,315 ± s.f. and 109.03’ of street frontage.
- b. Proposed Lot 2 consisting of 33,107 ± s.f. and 110.72’ of street frontage.
- c. Proposed Lot 3 consisting of 36,028 ± s.f. and 100.66’ of street frontage.
- d. Proposed Lot 4 consisting of 17,404 ± sf. and 100.00’ of street frontage.

Said lot lies within the Single Residence B (SRB) district where a minimum lot area of 15,000 s.f. and 100’ of continuous street frontage is required.

Voted to **grant** Preliminary Subdivision approval and postpone final consideration to the August 16, 2012 Planning Board Meeting, with the following stipulation:

- 1) This application is referred to the Technical Advisory Committee for review of the proposed sewer design, as well as any other technical issues that TAC may deem appropriate.

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C. The application of **Richard P. Fecteau, Owner**, for property located at **120 Spaulding Turnpike, Two Way Realty, LLC, Owner**, for property located at **100 Spaulding Turnpike**, and **Five Way Realty, LLC, Owner**, for property located at **80 Spaulding Turnpike**, (to be consolidated into one lot), requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, involving demolition and construction, driveways, septic systems and construction of a stormwater management system, with 42,331 s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 236 as Lots 33, 37, and 38 and lie within the General Business (GB) and Single Residence B (SRB) District.

Voted to **postpone** to the August 16, 2012 Planning Board Meeting.

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D. The application of **Public Service Company of New Hampshire, Owner**, for property located at **435 Route 1 Bypass**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, for the demolition and reconstruction of a distribution substation to update equipment, with 4,974 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 234 as Lot 2A and lies within the Office Research District.

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

1. The applicant shall plant a wetland conservation seed mix in the areas shown on the plan as “temporary buffer impact for construction.”
2. The silt fence shall be replaced with stump grindings on the plan.

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E. The application of **Michelle White and Walter Ziebarth, Owners**, for property located at **3 Marsh Lane**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, for the demolition of a one bay garage and the construction of a two bay garage, with 650 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 123 as Lot 6 and lies within the General Residence A (GRA) District and the Historic District.

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

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F. The application of **Robert R. and Mary E. Threeton, Owners**, for property located at **476 Ocean Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, for the demolition of a rear deck and stairs and the construction of a replacement deck with stairs and landing, with 344 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 294 as Lot 7 and lies within the Single Residence A (SRA) District.

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

1. The applicant shall not mow the area between the lines identified as “proposed mowing” and “current mowing border” in the plan on page 9 of the Conditional Use Permit application.

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G. The application of **Margaret T. Coate, Owner**, for property located at **110 Clinton Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, for the demolition and construction of a single family home with detached garage, with 4,176 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 158 as Lot 4 and lies within the General Residence A (GRA) District.

Voted to **grant** Conditional Use Permit Approval of the revised plan dated July 12, 2012.
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H. The application of **Olde Parish Townhouses Condominium Association, Owner**, for property located at **66 Madison Street**, requesting Amended Site Plan approval to revise a condition of previous Site Plan approval granted on January 22, 2004 by the Planning Board which requires cross-easements for all utilities for recording at the Registry of Deeds. Said property is shown on Assessor Map 147 as Lots 1-1, 1-2 and 1-3 and lie within the General Residence C (GRC) District.

Voted to **postpone** this matter to the August 16, 2012 Planning Board meeting and refer it to the City Legal Department for review.

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I. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street** (Portwalk, Phase III), requesting Amended Site Plan approval to expand the total retail space from 7,210 s.f. to 10,050 s.f. along Maplewood Avenue and from 2,650 s.f. to 6,210 s.f. on Portwalk Place; expand the residential lobby area on Portwalk Place from 1,670 s.f. to 2,860 s.f.; reduce the total restaurant area from 8,375 s.f. to 3,070 s.f.; revise the areas of the hotel building and the upper floors of the residential building; replace a brick wall in front of the parking deck with a metal screen; add an easement under Deer Street, Maplewood Avenue and Hanover Street for subsurface earth retention tie backs; revise total vehicle parking spaces from 268 to 240; and reduce bicycle parking spaces from 28 to 20; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 1 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD), and the Historic District.

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

- 1) On Sheet C-3A, Easement and License Plan, the “Proposed Earth Retention Tie-Backs Easement in City of Portsmouth Right of Way ...” shall be deleted.
- 2) On the Site Plan Amendments Exhibit dated July 11, 2012 provided by Tighe and Bond, Note 26 shall be deleted.
- 3) Should the HDC approved plan result in any changes to the Site Plan, the applicant must come back for Amended Site Plan Approval.

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J. The application of **30 Maplewood Avenue, LLC, Owner**, for property located at **30 Maplewood Avenue**, requesting Amended Site Plan approval to add a full basement to the building, add a patio on the Bridge Street side, relocate entrances and add an additional grease trap, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD), and the Historic District.

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

- 1) Prior to sidewalk construction the applicant shall meet with DPW to determine the curbing to be reset by the applicant during construction.
- 2) The schedule for all sidewalk disturbance and/or closure shall be determined by the DPW through the Construction Management & Mitigation Plan (CMMP).

- 3) Unless relocated to City property the applicant shall provide the City with an easement for the lighting controller on the southerly corner of the property, with the easement to be reviewed and approved by the City Attorney and submitted by the applicant to the City Council for approval.
- 4) Should the HDC approved plan result in any changes to the Site Plan, the applicant must come back for Amended Site Plan Approval.

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K. Proposed amendments to the Site Plan Review Regulations, Section 1.2.3 – Developments of Regional Impact and Article 2 – Application and Review Process.

Voted to postpone consideration of Section 1.2.3., Developments of Regional Impact, to the August 16, 2012 Planning Board Meeting.

Voted to grant amendments as outlined in Planning Director’s Memorandum dated July 13, 2012 regarding Section 2.2.1., TAC Committee Composition; Section 2.3. paragraph 2, Reimbursement for Independent Consultants; and Section 2.5, Referrals to City Departments.

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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 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. (This matter was postponed at the June 21, 2012 Planning Board Meeting).

Voted to **postpone** to the September 20, 2012 Planning Board Meeting with the condition that whenever this is referred back to the City Council it should include a letter from the State Archaeologist.

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B. Letter from Stephen Kelm requesting an easement from the City to access his property at 80 Wright Avenue. (This matter was postponed at the June 21, 2012 Planning Board Meeting).

Voted to **postpone** to the August 16, 2012 Planning Board Meeting.

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V. PLANNING DIRECTOR’S REPORT – no report.

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VI. ADJOURNMENT

A motion to adjourn at 9:07 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board