

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**SEPTEMBER 20, 2012**

**MEMBERS PRESENT:** John Ricci, Chairman; Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; John Rice; Anthony Blenkinsop; MaryLiz Geffert; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill;

**MEMBERS EXCUSED:** Brian Groth, Alternate

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

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A. 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. (This application was postponed from the August 16, 2012 Planning Board Meeting.)

Voted to **postpone** to the October 18, 2012 Planning Board Meeting.

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B. 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. (This application was postponed from the August 16, 2012 Planning Board Meeting.)

Voted to **postpone** to the October 18, 2012 Planning Board Meeting.

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A. The application of **High Liner Foods (USA), Inc., Owner**, for property located at **1 Highliner Avenue**, requesting Site Plan Approval for a 4,524 s.f. 28' high addition to the rear of the existing building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 259 as Lot 14 and lies within the Industrial (I) District.

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

1. Manhole penetrations should be cored and seal boots for a watertight connection.
2. The manhole invert should be solid brick rather than concrete.
3. The pitch of the sewer line should be adjusted.
4. Manhole covers should not be bolted down.

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B. The application of **Summit Land Development, LLC, Applicant**, for property located at **183 International Drive**, requesting Site Plan Approval to construct three new buildings with the following dimensions: (1) 3-story, 12,300 s.f. footprint; (2): 2-story, 20,160 s.f. footprint; and (3): 2-story, 7,800 s.f. footprint, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 313 as Lot 17 and lies within the Pease Business Commercial District.

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

1. The plan set shall be revised to address the issues identified in the Planning Department staff memorandum (see below), except those relating to the Phasing Plan because it has been withdrawn. The revised plans shall be subject to review and approval by the Planning Department and Department of Public Works.

General

- The snow fence and signs stipulated in the TAC stipulation are not shown on the Site Plan or Landscaping Plan or in any note. These shall be added to the plans.

Existing Conditions Plan (Sheet C3)

- The existing access road to the City water tower is not shown, and should be added to the plan.

Site Plan (Sheet C6)

- The two parking areas on the west side of Building #2 shall be provided with maneuvering areas at the ends of the aisles to allow vehicles to back out of the end spaces.
- Two additional crosswalks are required in the parking area in order to connect the sidewalk from International Drive to Buildings #1 and #2.
- The plan shows two sets of bike racks, each apparently consisting of 3 “inverted U” racks, for a total capacity of 12 bicycles. The number should be increased to at least 6 racks (12 bicycles) at each building (24 bikes represents 1 bicycle per 18 cars). The plan should also show a

continuous hard-surfaced pedestrian path from the bicycle racks to the building entrance. (Also see note below on bicycle rack detail.)

- The roadway is graded to 8%, which exceeds the 6% maximum grade allowed in areas regulated by the City. However, it is understood that the PDA accepts 8%.
- The sidewalk along the driveway from International Drive has a grade of about 8%, and the sidewalk from Oak Avenue has a maximum grade of about 9%. The International Building Code requires that “accessible routes” (i.e., not exceeding 5%) be provided from public streets or sidewalks to accessible building entrances in the site. The ADA guidelines further state that “The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.” Therefore, the site plan must show an accessible route from the street to each proposed building, and this route should, if possible, be the same as the primary pedestrian route to the development.
- Truncated dome panels shall be removed from the City sidewalk crossing of the private driveway on Oak Avenue.
- A “Pedestrian Crossing 200 Feet ” sign shall be installed 200 feet south of the crossing on International Drive. It should be added to the Drainage Plan inset (Sheet C7) so that it appears in the plan set.

#### Landscaping Plan (Sheet C12)

- The Landscaping Plan incorporates the recommendations by the Hodgson Brook Watershed Association.
- There are numerous conflicts between the Site Plan (Sheet C6) and the Landscaping Plan (Sheet C12). For example,
  - The Landscaping Plan shows at least 7 proposed trees in locations where the Site Plan shows light poles, and at least 2 additional trees that are close enough to proposed light poles to block efficient lighting of the pavement.
  - The Landscaping Plan shows foundation plantings where the Site Plan shows a bike rack at Building #1.
- There are 4 islands in the parking areas where neither trees nor light poles are proposed. These could potentially be tree locations to substitute for some of the conflicting tree/light pole locations.
- It is not clear if the plantings shown in the pond are in the bottom of the pond. If not, they will not catch the nutrients that they are being planted to catch. They should be located adjacent to the flow path in the bottom of the ponds.
- The applicant should prepare a long-term maintenance plan specifying that the ponds be inspected in spring and fall, and that any siltation be removed, and that vegetation be maintained either consistent with original plan or according to an agreed upon protocol with PDA.

#### Utility Plan (Sheet C8)

- The water line should be extended past the outlet of Detention Pond #2 outlet to the property line, and a hydrant should be located near the end of the line for flushing.
- A separate domestic water service should be provided from Oak Street to Building #1, with a separate tap into the main and a separate shut-off in the right-of-way.

Details

- No guardrail detail is provided (a note in detail 9 on Sheet C16 refers to a detail on Sheet C19, but there is no detail there.)
  - In the bike rack detail (Sheet C19), the width of the concrete pad should be increased from 7 feet to at least 9 feet, so as to provide a 3' wide path for access to the racks without walking on the grass.
2. The applicant shall either withdraw the proposal to phase development of the site, or replace the Phasing Plan (Sheet C5) with a detailed Phase 1 plan as described in the Planning Department staff memorandum.
  3. The applicant shall either provide (1) an easement to the City to allow municipal and contractor vehicles to traverse the parcel to access the municipal water tank on the north side of the property or there will be an alternate route through the Pease wooden logging road that is acceptable to DPW; and (2) a document, acceptable to the City Attorney and Director of Public Works, indemnifying the City from all liability for any damage caused by such municipal and contractor vehicles traversing the parcel.
  4. The sidewalks going from Oak Avenue and International Drive shall be reconfigured to be at a grade of 5% or less to the building.
  5. The two light standards as shown on Sheet C-11 that are not currently landscaped shall be landscaped.
  6. On Sheet C-6 where the parking calculations are performed they should also delineate the number of accessible spaces so that it is very clear.
  7. The sidewalks shall be ADA accessible compliant.

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C. The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demolish a portion of an existing building and the construction of a 28,385 s.f. cinema with 1,264 seats; to reduce a previously approved retail pad from 27,335 s.f. to 16,075 s.f. of retail and 833 s.f. of restaurant; and to increase parking spaces from 732 spaces to 859 spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway (G) District.

Voted to **postpone** to the October 18, 2012 Planning Board Meeting.

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D. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street** (Portwalk, Phase III), requesting Amended Site Plan Approval to replace an existing 12" drain line in Hanover Street with a new 36" drain line and to place subsurface soil tie-backs in Hanover Street, Maplewood Avenue and Deer Street, 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:

Conditions Precedent (to be completed prior to the issuance of a building permit)

1. The applicant shall respond to and address the recommendations by R.W. Gillespie & Associates, Inc., (see below) to the satisfaction of the Department of Public Works.
  - Parade Office should notify utility owners of the potential soil movements and vibrations during construction.
  - Parade Office should describe the range of anticipated settlements and expected variation with distance behind the excavation. This information would be helpful in assessing potential impacts on existing utilities and for comparing construction monitoring data to anticipated movements.
  - Lateral excavation support and ground surface elevation measurements should be made by a New Hampshire-licensed land surveyor or engineer experienced in precision movement monitoring. Monitoring reports with an assessment of the data should be provided to the City.
  - Pre- and post-construction camera surveys of City-designated utilities should be conducted.
  - Parade Office and the City should review the sensitivity of utilities to ground vibrations and movement based on the utility's age, materials, etc., and incorporate utility-based ground vibration levels, as needed, into project documents. Additional information about the locations and type (continuous or peak monitoring) of vibration monitoring should be provided.
  - Parade Office should notify the City immediately of any suspect or actual damage on or below City property.
  - Parade Office should describe how potential conflicts between tieback anchor and future excavations in the right of way could be managed during future design and/or construction.
  - The technical specifications should require that the Contractor demonstrate that the design exceeds specified minimum recommended factor of safeties for instability by bottom heave, piping, sliding, and rotation of ground mass (i.e., circular arc).
  - Parade Office should provide to the City (1) a copy of the temporary excavation support design package, and (2) as-built information.
  - To reduce the potential for delays during construction, Parade Office should affirm that the easement limits include sufficient allowance to account for varying subsurface conditions, and means and methods that might be needed to install the temporary excavation support system. In addition, the contractor's submittal should indicate how location and angle control will be maintained and verified during installation.
  - The technical specifications should require minimum experience levels for the temporary excavation support designer, the contracting company, and for the contracting company's on-site supervisor who will oversee the work. A list and description of similar projects completed by the proposed Contractor should be provided to the City.
  - A third-party engineer should observe all tieback anchor performance and proof testing, in addition to Parade Office's geotechnical engineer as specified.
2. As the tie-backs create a structural load on the roads, and to protect the City from any liability at a later time if they need to be removed, an Agreement shall be prepared for review and approval by the City Attorney.

- 3. The company installing the tie-backs shall post a bond with the City, in an amount to be determined by the Planning Director.
- 4. The applicant shall provide insurance for the tie-back work, listing the City as a co-insured.
- 5. Triple wall pipe shall be used for the 36" drain pipe at the lower end where they are close to, if not less than, 2' of cover.

Conditions Subsequent (to be completed prior to the release of contractor and site plan security)

- 6. The applicant shall pay for the services of an independent inspector, to be selected by the City, who shall be present during the tie-back installation to assure proper installation.

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E. The application of **Stratham Acquisitions, LLC, c/o Frank Catapano, Owner**, for properties located at **5 Sylvester Street and a vacant lot with frontage on Marjorie Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to relocate an existing driveway and perform surface grading associated with a new gravel driveway, with 2,200 s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 232 as Lots 37 & 41 and lie within the Single Residence B (SRB) District.

Voted to **postpone** to the October 18, 2012 Planning Board Meeting.

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F. The application of **Diana B. Durling McNabb Revo Trust, Owner, and Mark A. McNabb, Applicant**, for property located at **51 Baycliff Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, to replace 392 s.f. of decks, install stone patio over existing patio and replace asphalt driveway with pervious cobblestone, for a total of 1,000 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 207 as Lot 47 and lies within the Single Residence B (SRB) District.

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

- 1. The applicant shall install crushed stone under the proposed deck area where there is not stone patio specified.

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G. The application of **Thomas and Kimberly Hitchcock, Owners**, for property located at **69 Gosport Road**, and **Clifford and Alexandra Heidinger, Owners**, for property located at **81 Gosport Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland and wetland buffer, for restoration of the buffer area with plantings and landscaping, the removal of culverts and the installation of a footbridge, for a total of 50 s.f. of impact to the inland wetland and 18,468 s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 207 as Lots 13-3 and 13-4 and lie within the Single Residence A (SRA) District.

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

- 1. The blueberry bushes to be installed shall be increased from the 1-gallon size specified in the proposed planting plan to a 3- or 5-gallon size.

- 2. The applicant shall submit monitoring reports as follows:
  - (a) Reports shall be submitted to the Planning Department, to the attention of the Environmental Planner, on or before: November 15, 2012; May 15, 2013; August 30, 2013; May 15, 2014; and August 30, 2014.
  - (b) The reports shall include photographs of the site, details on the success of the plantings, and any other pertinent details about the status of the restoration plan.
  - (c) Starting with the May 2013 report, each report must demonstrate 80% success of all the plantings, or the applicant shall propose and install additional plantings to achieve an 80% survival of all species.
  - (d) Following review of the August 2014 monitoring report, the Conservation Commission will determine either (a) that the restoration has been successful and no further work or reporting is necessary or (b) that additional work and reporting is necessary to restore the site.

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H. The application of the **City of Portsmouth, Owner and Unitil, Applicant**, for property located in the public right-of-way running along the northerly side of Banfield Road between Heritage Avenue and Peverly Hill Road, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to install a 6” diameter gas pipe, with 11,830 s.f. of impact to the wetland buffer. Said properties lie in the Single Residence A (SRA), Rural (R) and Natural Resource Protection (NRP) Districts.  
 voted to **grant** Conditional Use Permit Approval with the following stipulation:

- 1. The applicant shall specify a silt sock, or other siltation control method that will not disturb the ground, along the length of the project

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**III. CITY COUNCIL REFERRALS/REQUESTS**

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. (This matter was postponed at the July 19, 2012 Planning Board Meeting).

Voted to postpone to the October 18, 2012 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. (This matter was postponed at the August 16, 2012 Planning Board Meeting).

Voted to recommend to the City Council that no action be taken.

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C. Proposed Zoning Map Amendment regarding the rezoning of 143 Daniel Street (Connie Bean Center).

Voted to recommend that the lot designated as Assessors Map 105, Lot 19 (143 Daniel Street) be rezoned from Municipal (M) to Central Business B (CBB); that the Downtown Overlay District (DOD) be extended across Daniel Street to include said lot; and that the Zoning Map be revised accordingly.

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D. Proposed amendments to Zoning Ordinance relative to Exemptions from Certificate of Approval in the Historic District.

Voted to postpone to the October 18, 2012 Planning Board Meeting.

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E. Proposed Waiver of City Council Referrals.

Voted to waive all referrals from the City Council to the Planning Board for leases of land with a lease term than 5 years, all leases of buildings, all temporary easements and all licenses, and to make this waiver retroactive to December 21, 2009.

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**IV. PLANNING DIRECTOR’S REPORT**

None.

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**V. ADJOURNMENT**

A motion to adjourn at 10:00 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board