

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

SEPTEMBER 19, 2013

MEMBERS PRESENT: John Ricci, Chairman; Nancy Novelline Clayburgh, City Council Representative; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; John Rice; Colby Gamester; Elizabeth Moreau, Alternate Jay Leduc

MEMBERS EXCUSED: Karina Quintans

ALSO PRESENT: Rick Taintor, Planning Director

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I. ELECTION OF VICE-CHAIR

John Rice was elected Vice Chairman of the Planning Board, filling the position recently vacated by Anthony Blenkinsop.

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 **143 Daniel Street, LLC, Owner**, and **Steven P. Wilson, Applicant**, for property located at **143 Daniel Street**, requesting Site Plan Approval to add a 2 ½ story addition over the existing “gym” and construct a new 60’ x 40’ 3-story addition on the existing parking lot for the development to be used for professional use, 14 residential units and 18 lower level parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 105 as Lot 19 and lies within the Central Business B (CBB) District, the Historic District and the Downtown Overlay District (DOD). (This application was postponed at the June 20, 2013 Planning Board meeting)

This matter has been placed on the Planning Board Agenda for Thursday, October 17, 2013 at 7:00 pm.

B. The application of **Hillcrest of Portsmouth, LLC, Owner and Applicant**, and **The RLD Revocable Trust and The AMD Revocable Trust, Co-Applicants**, for property located

at **3201 and 3203 Lafayette Road and abutting vacant lot located on Lang Road**, requesting Preliminary and Final Subdivision approval to subdivide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 6.02 acres and 561' of continuous street frontage.
- b. Proposed Lot 2 consisting of 67.11 acres and 200' of continuous street frontage.
- c. Proposed Lot 3 consisting of 11.38 acres and 1084' of continuous street frontage.
- d. Proposed Lot 4 consisting of 126.99 acres and 156.87' of continuous street frontage on Lang Road.

Said properties are shown on Assessor Map 291 as Lot 7 and Map 289 as Lot 1 and lie within the Gateway District where a minimum lot area of 43,560 s.f. and 200' of continuous street frontage is required, the Rural (R) District where a minimum lot area of 5 acres and no continuous street frontage is required and the Garden Apartment/Mobile Home (GA/MH) district where a minimum lot area of 15,000 s.f. and no continuous street frontage is required. (This application was postponed at the July 18, 2013 Planning Board meeting)

As a result of said consideration, the Board voted as follows:

A. Vote to determine that the application is complete according to the Subdivision Rules and Regulations, and to accept the application for consideration.

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

Conditions Precedent (to be completed prior to recording of the final plat):

1. The applicant shall submit a notice of voluntary lot merger with Map 289 Lot 1 as indicated on the plan, and shall record the lot merger at the Registry of Deeds.
2. The applicant shall revise the subdivision plans to reflect the new lot lines after the lot merger.
3. The proposed access easement along Desfosses Avenue shall be subject to approval by the Legal Department.
4. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
5. GIS data shall be provided to the Department of Public Works in the form as required by the City.

Conditions Subsequent (to be completed prior to the final release of subdivision security):

6. The final plat and all deeds and easements shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
7. The sewer system rehabilitation work items identified in the Underwood Engineers Technical Memorandum, dated September 10, 2013, pages 10-11, shall be completed to the satisfaction of the Department of Public Works by December 31, 2013. Subdivision security in the amount of the estimated implementation costs, as approved by the Department of Public Works, shall be provided in a form and amount approved by the City (along with security for other site costs).

8. The applicant shall monitor and assess the success of infiltration and inflow removal using one year of continuous flow data, starting on or after the date that all work required in stipulation #7 has been completed, and shall provide such data to the Department of Public Works. If average and peak flows exceed the targets established in the Technical Memorandum (21,000 gpd infiltration and 84,000 gpd peak daily total system flow from a 1" storm), the applicant shall implement the additional mitigation actions recommended on page 12 of the Underwood Engineers Technical Memorandum:
- repair the 16 suspected leaking service laterals identified in the report,
 - evaluate and repair break-in service taps,
 - investigate other possible inflow sources through smoke testing and mitigate them, and
 - evaluate and repair previous repairs as necessary.
- This condition shall be secured by a separate bond or other security in a form and amount approved by the City.
9. If the continuous flow data indicate that infiltration and inflow are significantly more than the flow measurements completed in June and July 2013, the City may request additional improvements or investigations.

III. 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. Request of Tom and Zelita Morgan to expand the Historic District.

As a result of said consideration, the Board voted to schedule a public hearing on the proposed expansion for the Planning Board meeting on October 17, 2013.

- B. The application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to revise the new retail building, add a rain garden, and associated paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273, Lot 3 and lies within the Gateway District.

This matter has been placed on the Planning Board Agenda for Thursday, October 17, 2013 at 7:00 pm.

- C. The application of **Carol S. and Joseph G. McGinty, Owners**, and the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners**, for property located at **300 Spinney Road and off Spinney Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 6 on Assessor Map 169 decreasing in area from 30,000 s.f. to 28,363 s.f. and with continuous street frontage on Spinney Road decreasing from 150 ft. to 132.54 ft.
- b. Lot 24 on Assessor Map 170 increasing in area from 181,725 s.f. to 183,362 s.f. with 139.06 ft. of continuous street frontage on Middle Road.

Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.

The Board voted to postpone the application and place it on the Planning Board Agenda for Thursday, October 17, 2013 at 7:00 pm.

D. The application of the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners, and Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, for Preliminary and Final Subdivision Approval to subdivide two lots into five lots with a new public right-of-way, with the following: Lot 5 on Assessor Map 167 having 263,937 s.f. (6.06 acres) and Lot 24 on Assessor Map 170 having 183,362 s.f. (4.21 acres), to be consolidated and subdivided into five separate lots ranging in size from 15,500 s.f. (0.36 acre) to 352,414 s.f. (8.09 acres), and all with a minimum of 100 ft. of continuous frontage on the proposed public right-of-way. Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.

The Board voted to postpone the application and place it on the Planning Board Agenda for Thursday, October 17, 2013 at 7:00 pm.

E. The application of **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Owners, and Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer to install a rain garden of which a portion is within the wetland buffer, with 3,120 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 170 as Lot 24 and lies within the Single Residence B (SRB) District.

The Board voted to postpone the application and place it on the Planning Board Agenda for Thursday, October 17, 2013 at 7:00 pm.

F. The application of **Christine M. Davidson Trust, Owner**, for property located at **137 Walker Bungalow Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer, to construct a new one-story 504 s.f. addition, relocate a 184 s.f. deck, and two rain gardens as stormwater improvement features in the wetland buffer. Said property is shown on Assessor Map 202 as Lot 4 and lies within the Single Residence B (SRB) District.

As a result of said consideration, the Board voted as follows:

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

1. The dry well and the rain garden shall remain in place and shall be maintained by the current and future property owners.
2. The Conditional Use Permit application and the Planning Board's letter of decision shall be placed in the City's building permit file for this property.

G. The application of **John P. and Amy L. Sheehan, Owners**, for property located at **130 Aldrich Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer, for repairs/replacement of the existing shed foundation and associated improvements, with 192 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 153 as Lot 4 and lies within the Single Residence B (SRB) District.

As a result of said consideration, the Board voted as follows:

Voted to **grant** Conditional Use Approval as presented.

H. The application of **Scary Realty, LLC, Owner**, and **Jay S. Gibson Revocable Trust and Mary Pat H. Gibson Revocable Trust, Owners**, for properties located at **279 & 285 Richards Avenue**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 53 on Assessor Map 130 decreasing in area from 12,359 s.f. to 8,730 s.f. with 39.92 ft. of continuous street frontage on Richards Avenue.
- b. Lot 54 on Assessor Map 130 increasing in area from 3,425 s.f. to 7,054 s.f. with 46.25 ft. of continuous street frontage on Richards Avenue.

Said properties are located in the General Residence A (GRA) which requires a minimum lot size of 7,500 s.f. and 100 ft. of continuous street frontage.

As a result of said consideration, the Board took the following actions:

- A. Voted to determine that the application is complete according to the Subdivision Rules and Regulations, and to accept the application for consideration.
- B. Voted to grant a waiver from Section VI.2.B of the Subdivision Rules and Regulations requiring lot dimensions to conform to the requirements of the Zoning Ordinance.
- C. Voted to grant Preliminary and Final Subdivision Approval (Lot Line Revision) subject to the following stipulations:
 1. The reference to the five foot access easement shall be changed to Note 10 rather than Note 9.
 2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
4. The final plat and all deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

I. The application **Deborah B. Fortin Revocable Trust of 2001 and Paul P. Fortin Revocable Trust of 2001, Owners**, for property located at **355 F.W. Hartford Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to construct a garage addition and associated stormwater improvements in the wetland buffer, with 378 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 270 as Lot 12 and lies within the Single Residence B (SRB) District.

As a result of said consideration, the Board voted as follows:

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

1. The entrance to the new garage shall remain lawn area and shall not be paved in the future.
2. The letter of decision from the Planning Board on this Conditional Use Permit application shall be placed in the City's building permit file for this property.

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. Request by Rob Sevigny, of the Paper Patch, for an easement from the City of Portsmouth to repair a step on Ladd Street;

The Board voted to recommend the granting of an easement with the following stipulations:

- 1) The step shall be constructed to code and shall be subject to approval by the Department of Public Works.
- 2) The sidewalk area disturbed to install the step shall be reconstructed to specifications approved by the DPW.

B. Request by Mark Ayotte requesting the City return all rights and privileges to him as an abutter to 9 Garden Street from their current property line to the centerline of both Garden Street and Colonial Drive.

The Board voted to recommend to the City Council that the City not release its interest in Garden Street or Colonial Avenue.

V. PLANNING DIRECTOR'S REPORT

Mr. Taintor discussed a tentative date schedule regarding the form based zoning initiative.

Mr. Ricci informed the Board that Karina Quintans submitted her resignation from the Planning Board due to work commitments and he thanked her for her service.

VI. ADJOURNMENT

At 9:30 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Acting Planning Board Recording Secretary