

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**AUGUST 21, 2014**

**MEMBERS PRESENT:** John Ricci, Chairman; John Rice, Vice-Chairman; Jack Thorsen, City Council Representative; David Allen, Deputy City Manager; Robert Marsilio, Building Inspector; William Gladhill; Colby Gamester; Elizabeth Moreau, Michael Barker, and Jay Leduc, Alternate

**MEMBERS EXCUSED:** Justin Finn, Alternate

**ALSO PRESENT:** Rick Taintor, Planning Director; Jessa Berna, Associate Planner

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**I. APPROVAL OF MINUTES**

- 1. Approval of Minutes from the March 20, 2014 Planning Board Meeting – Unanimously approved.
- 2. Approval of Minutes from the April 3, 2014 Planning Board Meeting – Unanimously approved.

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**II. CAPITAL IMPROVEMENT PLAN – INFORMATIONAL PRESENTATION**

Presentation by Juliet Walker, Transportation Planner.

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**III. DETERMINATIONS OF COMPLETENESS**

- A. Site Plan Review
  - 1. 333 Borthwick Avenue

Voted to determine that the application is complete according to the Site Plan Review Regulations and accepted it for consideration.

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**IV. PUBLIC HEARINGS – OLD BUSINESS**

- A. Proposed City of Portsmouth Bicycle and Pedestrian Master Plan.

Presentation by Juliet Walker, Transportation Planner.  
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B. The amended application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demolish 21,022 ± s.f. of existing retail space, add 11,000 ± s.f. footprint of new retail space to the existing retail/restaurant strip building, add a rain garden at the rear of the site, to replace the previously approved porous pavement in the rear of the site with a gravel pad for a garden center, and make related 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 application was postponed at the June 19, 2014 Planning Board meeting.)

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

1. The applicant shall replace the culvert across the Water Country drive with an adequately sized culvert during Water Country’s off season, and repair the drive.
2. The applicant shall dredge and replace the swale on Constitution Avenue to drain water off site to the satisfaction of the City of Portsmouth Department of Public Works.
3. The site plan shall show a minimum of 7’ of sidewalk width along the new retail building.
4. The driveway paving shall extend out to Constitution Avenue.
5. The applicant shall provide a two year bond in the amount of \$15,000 to secure a contribution to the NHDOT for mitigation for additional traffic, as directed by the Director of Public Works.

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**V. PUBLIC HEARINGS – NEW BUSINESS**

A. Proposed rezoning of the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):

- Assessors Map 163, Lots 33, 34 and 37.
- Assessors Map 165, Lots 1, 2 and 14.
- Assessors Map 172, Lots 1 and 2.
- Assessors Map 173, Lots 2 and 10.

and including Cate Street between Hodgson’s Brook and Bartlett Street.

Voted to report back to the City Council that this area should be rezoned from the existing Industrial and Office Research zoning, but that the proposed rezoning to Character District 4 (CD4) is not appropriate at this time. The Board recommends that further study is needed to determine the best zoning approach for these parcels.

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B. The application of **John P. and Amy L. Sheehan, Owners**, for property located at **130 Aldrich Road**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to remove an existing garage and to construct a 24’x 26’ garage, with 478 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 153 as Lot 4 and lies within the Single Residence B (SRB) District.

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

1. The applicant shall use porous material for the expansion of the parking area beside the garage.
2. The applicant shall install and maintain a silt fence or other appropriate erosion control measure to protect the wetland adjacent to the site.

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C. The application of **Martha Stolzer, Owner**, for property located at **5 Pleasant Point Drive**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer to remove the front steps and asphalt walkway and construct a 6' x 20' covered porch, 25' long landscape retaining wall and porous walkway, with 845 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 207 as Lot 32 and lies within the Single Residence B (SRB) District.

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

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D. The application of **Scott and Alexis Lang, Owners**, for property located at **400 F.W. Hartford Drive**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to add landscaping to the front and rear of the lot; replace the existing walkway with paving stones; and construct a two tier patio in the rear using paving stones, with 904 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 249 as Lot 24 and lies within the Single Residence B (SRB) District.

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

1. The applicant shall install and maintain erosion control measures in accordance with the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (NH DES December 2003).

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E. The application of **Carol S. and Joseph G. McGinty, Owners, David P. Cavaretta, Owner**, 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, 342 Spinney Road and off Spinney Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between three lots as follows:

- a. Lot 6 on Assessor Map 169 decreasing in area from 29,969 s.f. to 28,313 s.f. and with continuous street frontage on Spinney Road decreasing from 150 ft. to 132.54 ft.
- b. Lot 5 on Assessor Map 169 increasing in area from 23,535+ s.f. to 24,734+ s.f. with 171.60 ft of continuous street frontage on Spinney Road.
- c. Lot 24 on Assessor Map 170 increasing in area from 180,500+ s.f. to 180,957+ 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.

Voted to **grant** Subdivision (Lot Line Revision) Approval with the following stipulations:

1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
3. The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department, prior to recording of the 7-lot subdivision plat for Lots 170-24 and 167-5.

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F. 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 seven separate lots, including a public right-of-way, as follows:

- a. Proposed Lot #1 consisting of 15,121 ± s.f. (0.35 acres) and 114.71’ of frontage on the proposed right-of-way.
- b. Proposed Lot #2 consisting of 15,432 ± s.f. (0.35 acres) and 103.10’ of frontage on Middle Road.
- c. Proposed Lot #3 consisting of 29,511 ± s.f. (0.68 acres) and 100’ of frontage on the proposed right of way.
- d. Proposed Lot #4 consisting of 29,475 ± s.f. (0.68 acres) and 100; of frontage on the proposed right of way.
- e. Proposed Lot #5 consisting of 16,075 ± s.f. (0.37 acres) and 100’ of frontage on the proposed right of way.
- f. Proposed Lot #6 (non buildable) consisting of 209,762 ± s.f. (4.82 acres) and 66.30’ of frontage on Thaxter Road.
- g. Proposed Lot #7 (non buildable) consisting of 106,549 ± s.f. (2.44 acres) and 82.11’ of frontage on the proposed 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.

Voted to **postpone** Subdivision Approval to the September 18, 2014 Planning Board Meeting.

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G. The application of **HCA Health Services of NH, Inc., Owner**, for property located at **333 Borthwick Avenue**, requesting Site Plan approval to construct a ground level 50’ x 50’ concrete emergency helicopter helipad in a portion of the emergency room parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 240 as Lot 2-1 and lies within the Office Research (OR) District.

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

- 1. Detail 6 on Sheet 10 shall be revised from plastic pavers to concrete pavers.

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**VI. CITY COUNCIL REFERRALS/REQUESTS**

A. Proposed amendment to the Zoning Ordinance to require conference centers, convention centers and event centers to provide one off-street parking space per 2 persons of rated capacity. (This item was referred to the Planning Board by the City Council at its January 13, 2014 meeting, and postponed at the July 17, 2014 Planning Board Meeting.)

Voted to **postpone** to the October 16, 2014 Planning Board Meeting>

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B. Proposed amendment to the Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, to change use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception in the General Residence A and B (GRA and GRB) districts.

Voted to recommend that the City Council adopt the proposed Zoning Ordinance amendment as presented.

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C. Acceptance of easement at 7 Andrew Jarvis Drive.

Voted to recommend to the City Council that it accept a permanent easement from D.R. Builders Inc. to make and maintain roadway, sightline and slope improvements at the intersection of Andrew Jarvis Drive and Lafayette Road.

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**VII. OTHER BUSINESS**

A. Requests for Waivers from Development Plan Submission Requirements in Character Districts

- 1. 143 Pleasant Street – Remove chain link fence
- 2. 36 Market Street – Install ground-mounted condenser
- 3. 6-8 Market Square – Replace windows
- 4. 92-94 Pleasant Street – Install solar panels
- 5. 1 Harbor Place – Replace front doors and entry windows

Voted to waive the requirement to submit a Development Plan for all five projects:

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B. Designation of Planning Director to waive submission requirements in Character Districts under Section 10.5A32.20 of the Zoning Ordinance

Voted to designate the Planning Director with the authority to waive submission requirements for a Development Plan in Character Districts under Section 10.5A32.20 of the Zoning Ordinance.

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C. Request by Jeffrey T. Bell, Owner, for property located at 183 Austin Street, requesting a waiver of the requirement for Site Plan Review and approval. Said property is shown on Assessor Plan 145 as Lot 91 and lies within the General Residence C (GRC) district.

Voted to waive the site plan review requirements for this application.  
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D. The application of Eport Properties 1, LLC, Owner, for property located at 173-175 Market Street, requesting a Conditional Use Permit under former Section 10.535.13 of the Zoning Ordinance (Increased Building Height by Conditional Use Permit) to permit a four-story building where three stories is the maximum allowed. Said property is shown on Assessor Plan 118 as Lots 3 and 4, and lies within Character District 4 (CD4) (previously the Central Business A (CBA) district), the Downtown Overlay District and the Historic District. (This item was referred to the Planning Board by the Historic District Commission at its August 6, 2014, meeting. RSA 674:21,II requires that the Planning Board provide its comments prior to a vote by the Historic District Commission.)

Voted to ask the City Attorney to provide an opinion about whether the Conditional Use Permit expires after a year if it is not extended by the HDC, since this was not explicitly stated in the ordinance. This opinion should be provided to the HDC prior to their next meeting.

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**VIII. PLANNING DIRECTOR’S REPORT**

A. Status of Conditionally Approved Applications for Site Plan Approval

B. Status of Conditionally Approved Applications for Subdivision Approval

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**IX. ADJOURNMENT**

A motion to adjourn at 11:05 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board