

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

NOVEMBER 20, 2014

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

MEMBERS EXCUSED: John Ricci, Chairman*, Jay Leduc, Alternate;

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

*In the absence of the Chairman, the meeting was conducted by Vice-Chairman Rice.

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the October 16, 2014 Planning Board Meeting - Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision).

Voted to determine that the application was complete according to the Subdivision Rules and Regulations and to accept it for consideration.

2. The application of **Chinburg Development, LLC, Owner**, for property located at **200 Woodlawn Circle**, **Paul N. and Linda S. Bogan, Owner**, for property located at **134 Echo Avenue**, and **Ronald A. Katz, Owner**, for property located at **125 Hillcrest Drive**, requesting Preliminary and Final Subdivision Approval.

Voted to determine that the application was complete according to the Subdivision Rules and Regulations and to accept it for consideration.

- 3. The application of **Neal I. Katz, Owner**, for property located at **520 South Street and on Sherburne Avenue**, requesting Preliminary and Final Subdivision Approval.

Voted to determine that the application was complete according to the Subdivision Rules and Regulations and to accept it for consideration.

B. Site Plan Review:

- 1. The application of **Public Service Company of New Hampshire, Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting Site Plan Approval.

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

- 2. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Site Plan Approval.

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

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III. PUBLIC HEARINGS – OLD BUSINESS

A The application of **New England Marine & Industrial, Inc., Owner**, and **Subaru of New England, Inc., Applicant**, for property located at **200 Spaulding Turnpike**, requesting Conditional Use Permit approval under Section 10-1017 of the Zoning Ordinance for work within an inland wetland buffer to be used by **New England Marine & Industrial, Inc.** for a 12,119 ± s.f. building and various vehicle display areas totaling 32,000 ± s.f., with 119,130 s.f. of wetland buffer. Said property is shown on Assessor Map 237 as Lot 56 and lies within the General Business (GB) and Single Residence B (SRB) Districts. (This application was postponed at the July 17, 2014 Planning Board Meeting.)

Voted to postpone the application to the December 18, 2014 meeting.

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 B. The application of **New England Marine & Industrial, Inc., Owner**, and **Subaru of New England, Inc., Applicant**, for property located at **200 Spaulding Turnpike**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- 1. Proposed Lot 1 having an area of 517,987 sq. ft. (11.8913 acres), 1264.38 feet of continuous frontage on Spaulding Turnpike and 183.40 feet of continuous frontage on Echo Avenue; and

Request to Postpone

- 2. Proposed property is 41,236 sq. ft. (9.4177 acres), 381.97 feet of continuous frontage on Farm Lane and 500 feet of continuous frontage on Farm Lane.

Said property is shown on Assessors Map 257 as Lot 56. Said property is zoned in the General Business (GB) district which requires a minimum lot size of 43,560 sq. ft. and 200 ft. of continuous street frontage, and the Single Residence B (SRB) district which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage. (This application was postponed at the July 17, 2014 Planning Board Meeting.)

Voted to postpone the application to the December 18, 2014 meeting

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C. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between three lots which are currently shown on Assessor Map 148 as Lot 1, and which were restored to their premerger status by vote of the City Council on April 21, 2014, and have been designated by the applicant as Lots 1, 2 and 3. The applicant proposes to merge Lots 2 and 3 into a new Lot 2, and to revise the lot lines between Lots 1 and 2 as follows:

- a. Lot 1 increasing in area from 5,943 s.f. to 8,990 s.f. with 59.60' of continuous street frontage on Wibird Street.
- b. Lot 2 decreasing in area from 11,335 ± s.f. to 8,287 ± with 57.52' of continuous street frontage on Wibird Street.

Said properties are located in the General Residence B (GRB) District which requires a minimum lot size of 7,500 s.f. and 100 ft. of continuous street frontage. (This application was postponed at the October 16, 2014 Planning Board Meeting.)

The Board voted to find that the application for Preliminary and Final Subdivision approval was complete according to the Subdivision Regulations and accepted the application for consideration.

The Board voted to find that specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; and, therefore, to waive compliance with Section VI.2.B of the Subdivision Rules and Regulations, requiring all lot dimensions to comply with the requirements of the Zoning Ordinance.

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

- 1. Conditions Precedent (to be completed prior to the recording of the plat):
 - (a) The Grading and Drainage Plan shall be revised to show the distance from the rear lot line to the infiltration trench with lateral that is closest to the street.
 - (b) The applicant shall provide confirmation that the separation of Lot 148-1 into three separate lots, as approved by the City Council, has been recorded at the Registry of Deeds.
 - (c) Property monuments shall be set as required by the Department of Public Works.

- (d) GIS data shall be provided to the Department of Public Works in the form as required by the City.
 - (e) The applicant shall execute a Site Plan Review Agreement with the City and provide a performance bond or other security representing 100% of the cost of completing the drainage improvements shown on the Grading and Drainage Plan.
2. The final plat and the Grading and Drainage Plan shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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D. The application of **Public Service Company of New Hampshire, Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to (1) construct a 10,000 ± s.f., 10' x 10', gravel switch yard with associated equipment and structures, 8' chain-link fence, gravel access way, retaining wall and paved driveway apron and (2) install a 2,250 ± linear foot 115 kV transmission line with a 90' wide path, with 17,140± s.f. of temporary disturbance and 88± s.f. of permanent disturbance to the inland wetland and 37,397 ± s.f. of temporary disturbance and 10,361 ± s.f. of permanent disturbance to the wetland buffer. Said properties are shown on Assessor Plan 234 as Lots 1, 2, 3, 7-4A, 7-7, and 7-3 and lie within the Office Research (OR) District and Municipal (M) District. (This application was postponed at the October 16, 2014 Planning Board Meeting.)

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

- 1. A monitoring report shall be submitted after one year and shall be validated by an independent consultant chosen by the City.
- 2. A second monitoring shall be conducted by PSNH just prior to the first scheduled maintenance of the new corridor. If this monitoring finds that invasive species have expanded beyond the existing conditions, PSNH shall develop and implement additional invasive species control that will reduce the invasive species on site to the level of invasive species documented on the Invasive Species Composition Maps in the Wetland Invasive Species Control Plan.
- 3. PSNH shall communicate with the City Manager and the Environmental Planner prior to each monitoring event.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Site Plan approval for the construction of a single family dwelling on a vacant lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 148 as Lot 1 and lies within the General Residential A (GRA) District.

The Board voted to find that the application for Site Plan Approval was complete according to the Site Plan Review Regulations and accepted the application for consideration.

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

1. The applicant must apply for and receive a Stormwater Drainage Permit from DPW, which may require additional mitigation efforts. It should show the same layout of the drains but may modify the elevations of the drains so that the baseline flow to the City system is not impacted; and any modification to the approved permit should be on file at the Planning Department.
2. The installation of the drainage improvements shown on the Grading and Drainage Plan shall be performed under the inspection of the Department of Public Works.
3. The owner shall be responsible for relocating the utility pole that is currently in the location of the proposed new driveway.
4. Driveway permits need to be granted for both the new and existing lot.

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B. The application of **Public Service Company of New Hampshire, Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue; and the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting Site Plan approval to: (1) construct a 10,000 ±_s.f., 100' x 100', gravel switch yard with associated equipment and structures, 8' chain-link fence, gravel access way, retaining wall and paved driveway apron and (2) install a 2,250 ±_linear foot 115 kV transmission line from the proposed switch yard on Borthwick Avenue to the substation on the Route 1 By-Pass, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 234 as Lots 1, 2, 3, 7-4A, 7-7, and 7-3 and lie within the Office Research (OR) District and Municipal (M) District.

The Board voted to find that the application for Site Plan Approval was complete according to the Site Plan Review Regulations and accepted the application for consideration.

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

1. Prior to the issuance of a building permit or commencement of any construction on the switchyard, PSNH shall obtain from the City a new easement to permit the construction of the switchyard on City property.
2. PSNH shall cooperate with the City on the establishment of a public multi-use path within the utility corridor between Barberry Lane and Borthwick Avenue.

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The application of **Chinburg Development, LLC, Owner**, for property located at **200 Woodlawn Circle, Paul N. and Linda S. Bogan, Owner**, for property located at **134 Echo Avenue**, and **Ronald A. Katz, Owner**, for property located at **125 Hillcrest Drive**, for Preliminary and Final Subdivision Approval as follows: Lot 42 on Assessor Map 237 having 86,319 ± s.f. (1.9816 acres) to

transfer 2,459 ± s.f. to adjoining lots and the remaining land to be subdivided into four separate lots, as follows:

- a. Lot 36 on Assessor Map 237 increasing in size by 2,147 s.f. with no change to continuous street frontage.
- b. Lot 38 on Assessor Map 237 increasing in size by 312 s.f. with no change to continuous street frontage.
- c. Proposed Lot #1 consisting of 19,443 ± s.f. (0.4464 acres) and 100' of frontage on Woodlawn Circle.
- d. Proposed Lot #2 consisting of 22,767 ± s.f. (0.5227 acres) and 100' of frontage on Woodlawn Circle.
- e. Proposed Lot #3 consisting of 18,597 ± s.f. (0.4269 acres) and 100' of frontage on Woodlawn Circle.
- f. Proposed Lot #4 consisting of 23,053 ± s.f. (0.5292 acres) and 181.54' of frontage on Woodlawn Circle.

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 find that the application for Preliminary and Final Subdivision approval was complete according to the Subdivision Regulations and accepted the application for consideration.

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

- 1. Lot numbers as determined by the Assessor shall be added to the final plat.
- 2. GIS data shall be provided to DPW in the form as required by the City.
- 3. Property monuments shall be set as required by DPW prior to the filing of the plat.
- 4. The final plat shall be filed at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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D. The application of **Neal I. Katz, Owner**, for property located at **520 South Street and on Sherburne Avenue**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 112 Lot 24 decreasing in area from 21,629± s.f. to 15,045± s.f., with no change in street frontage;
- b. Assessor Map 112, Lot 29 increasing in area from 5,090± s.f. to 11,674± s.f. with no change in street frontage;

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

The Board voted to find that the application for Preliminary and Final Subdivision approval was complete according to the Subdivision Regulations and accepted the application for consideration.

The Board voted to waive compliance with Section VI.2.B of the Subdivision Rules and Regulations, regarding conformance with the dimensional regulations of the Zoning Ordinance and Subdivision Rules and Regulations.

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

1. The final plat shall be filed 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; and
3. GIS data shall be provided to DPW in the form as required by the City.

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E. The application of **Jay and Karen J. Longtin, Owners**, for property located at **258 Buckminster Way**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to install a 10' x 12' shed on concrete blocks in the rear of the property, with 100± s.f. of permanent disturbance to the inland wetland buffer. Said property is shown on Assessor Plan 282 as Lot 20 and lies within the Single Residence A (SRA) District.

Voted to **grant** the Conditional Use Permit as presented.

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F. Proposed amendment to Site Plan Review Regulations to require recording of approved site plan, or recording of notice of approved site plan.

Voted to postpone discussion to the December 18, 2014 meeting.

V. OTHER BUSINESS

A. The request of **Dale W. and Sharyn W. Smith, Owners**, and **Green and Company, Applicant**, for property located at **275 Islington Street**, for Design Review under the Site Plan Review Regulations, for a proposed residential development consisting of 14 dwelling units in 5 buildings, with a footprint of 10,874 ± s.f., including 27 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 144 as Lot 8 and lies within the Central Business B (CBB) and the Historic Districts.

Voted to determine that the request for design review contained sufficient information to allow the Board to understand the project and identify potential issues and concerns, and to accept the request for design review and to schedule a public hearing.

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B. Appointment of Capital Improvement Plan Sub-Committee.

Voted to appoint Chairman John Ricci and Board Members William Gladhill and Elizabeth Moreau to serve on the Capital Improvement Plan Sub-Committee.

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VI. PLANNING DIRECTOR'S REPORT

A report was given on Items A. through D.

- A. Bicycle and Pedestrian Plan
- B. North End Charrette and Character-Based Zoning
- C. Master Plan
- D. Status of Conditionally Approved Applications for Site Plan Approval
- E. Status of Conditionally Approved Applications for Subdivision Approval
No action.

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VII. ADJOURNMENT

A motion to adjourn at 8:59 p.m. was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board