

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**OCTOBER 15, 2015**

**MEMBERS PRESENT:** John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Jack Thorsen, City Council Representative, David Allen, Deputy City Manager; Robert Marsilia, Building Inspector; Colby Gamester; Michael Barker; Jay Leduc

**MEMBERS EXCUSED:** William Gladhill; Justin Finn

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

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**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the September 17, 2015 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the September 24, 2015 Planning Board Master Plan Work Session – Unanimously approved.

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**II. DETERMINATIONS OF COMPLETENESS**

**A. Site Plan Review**

- 1) The application of Tanner Bridge Development, LLC, Owner, for property located at 40 Bridge Street.

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

- 2) The application of One Way Realty, LLC, Owner, and 406 Highway 1 ByPass, LLC, Applicant, for property located at 406 Route 1 By-Pass.

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

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- 3) The application of Hillcrest at Portsmouth, LLC, Owner, for property located at 3201 Lafayette Road.

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

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- 4) The application of Eport Properties 1, LLC, and The National Society of Colonial Dames, Owners, and Aland Realty Group, Applicant, for property located at 173-175 Market Street and 165 Ceres Street.

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

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**III. PUBLIC HEARINGS – OLD BUSINESS**

A. The application of **955 Sagamore Realty Trust, Owner**, for property located at **955 Sagamore Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- 1. Proposed lot #1 having an area of 64,600 ± s.f. (1.48 acres) and 141.82’ of continuous street frontage on Sagamore Avenue and 171.49’ of continuous frontage on Sagamore Grove; and
- 2. Proposed lot #2 having an area of 22,500 ± s.f. (.5163 acres) and 107’ of continuous street frontage on Sagamore Grove.

Said property is shown on Assessors Map 201 as Lot 1 and is located in the Waterfront Business (WB) district which requires a minimum lot size of 20,000 s.f. and 100’ of continuous street frontage. (This application was postponed at the August 20, 2015 Planning Board Meeting.)

(A) Voted to find that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations and, therefore, to waive compliance with Section IV.10 of the Subdivision Rules and Regulations, requiring that the preliminary plat show all utilities serving the proposed subdivision.

(B) Voted to grant Preliminary Subdivision Approval, and to postpone consideration of Final Subdivision Approval to the Planning Board meeting on November 19, 2015, to allow for review and recommendation by the Technical Advisory Committee.

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B. The application of **Chinburg Developers, LLC, Owner**, for property located at **1163 Sagamore Avenue**, and the **City of Portsmouth, Owner**, for property located **off Sagamore Avenue**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for demolition of an existing clubhouse and construction of 11 residential units including a private accessdrive, stormwater/drainage structures and sewer upgrade along Sagamore Avenue, with 9,682 ± s.f. of total impact to the wetland buffer (7,295 ± of impact for on-site improvements, 649 ± for off-site stormwater/drainage structures and 1,738 ± for off-site sewer improvements along Sagamore Avenue). Said properties are shown on Assessor Plan 224 as Lot 17 and Assessor Plan 223-0025-000B, and lie within the Mixed Residential Office (MRO) District and the Municipal (M) District. (This application was postponed at the September 17, 2015 Planning Board Meeting.)

Voted to grant the Conditional Use Permit as requested.

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C. The application of **Chinburg Development, LLC, Owner**, for property located at **1163 Sagamore Avenue**, requesting Site Plan Approval for the demolition of existing building and the construction of 11 single family dwellings and a private roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District. (This application was postponed at the September 17, 2015 Planning Board Meeting.)

Voted to grant Site Plan Approval with the following stipulations:

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

1. The following note shall be added to Sheet C3 (Site Layout Plan):

This site plan and all dwelling units within the site are subject to the following restrictions:

1. The driveway shown on the plan as providing access from Sagamore Avenue to the dwellings within the property shall remain private and shall be maintained, repaved and plowed at private cost and expense. No unit owner or association formed to maintain the common responsibilities of the property shall in the future petition the City of Portsmouth to accept or lay out said private driveway as a public street.
2. All pipes, structures and other infrastructure within the boundaries of the parcel for providing water supply, sanitary sewer service or stormwater management shall remain private and shall be maintained, repaired and replaced at private cost and expense. No unit owner or association formed to maintain the common responsibilities of the property shall in the future petition the City of Portsmouth to accept ownership of or to maintain, repair or replace such infrastructure.

3. The City of Portsmouth does not provide certain municipal services, including trash collection, on private driveways or streets, and any such services shall only be provided to the property within the Sagamore Avenue right of way.
4. The above restrictions are binding upon all purchasers of dwellings within the property and shall remain in effect in perpetuity unless otherwise released or amended by the City of Portsmouth.
2. The following notes shall be added to Sheet C3 as required by Section 2.13(3) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
3. The following notes shall be added to Sheets LA-1.0 through LA-1.4 as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
  3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
  4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
  5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
4. The applicant shall confirm with the Fire Department whether a second water service is needed to each dwelling for the sprinkler system, and shall modify the Utility Plan if required.
5. The common driveway serving the dwellings within the site shall be labeled as a private driveway, and not as a private road, and shall be designated as such in all easements, declarations and other legal instruments relating to the development.
6. The Standard Boundary Survey & Proposed Easement Plan, Sheet C3 (Site Layout Plan) and Sheets LA-1.0 through LA-1.4 (Landscape Plans) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.

- 7. The Declaration of Covenants, Restrictions and Easements shall be subject to approval by the City Attorney and shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
- 8. The recording book and page of the Declaration of Covenants, Restrictions and Easements shall be referenced in the condominium declaration.
- 9. The following easement deeds shall be subject to approval by the City Attorney and the City Council, and shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department:
  - a. Access Easement Deed from Chinburg Development LLC to the City of Portsmouth, for the purpose of reading, maintaining and replacing water meters and to shut off water supply in connection with its provision of water service to individual units within the Property.
  - b. Easement Deed from Chinburg Development LLC to the City of Portsmouth, for pedestrian access to allow the public to cross a portion of the Property to allow the public from Sagamore Avenue to access trails on the abutting property owned by the City, as shown on the “Standard Boundary Survey & Proposed Easement Plan” included in the plan set.
  - c. Easement Deed from the City of Portsmouth to Chinburg Development LLC, for the purpose of constructing and maintaining drainage lines, pipes, swales and/or channels for the collection and distribution of runoff water from the Property, as shown on the “Standard Boundary Survey & Proposed Easement Plan” included in the plan set, as said plan may be revised for approval by the Department of Public Works and the Planning Department.
- 10. A plan for long-term maintenance of the drainage improvements shall be incorporated into the condominium documents and shall be subject to review and approval by the City Attorney and the Environmental Planner.
- 11. The final sewer design shall be subject to approval by the Department of Public Works through the sewer permit process.
- 12. The applicant shall secure approval by the New Hampshire Department of Transportation of the improvements in the State right-of-way, and any easement required to complete such improvements shall be recorded in the Registry of Deeds.
- 13. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
- 14. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements on site and in the public right-of-way.

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D. Proposed amendments to Site Plan Review Regulations, Section 2.5 (Application Requirements), relative to site development within a Character District. (This matter was postponed at the September 17, 2015 Planning Board Meeting.)

Voted to amend the Site Plan Review Regulations, Section 2.5.4 – Site Plan Specifications and Required Exhibits and Data, by inserting the new item 3(q):

- (q) For sites within a Character District or Civic District, the following additional information shall be included in the plan set:
  - Applicable building height standards (Zoning Ordinance, Sec. 10.5A21.20 and 10.5A43.30, and Regulating Plan) and proposed building height.
  - Applicable special requirements (Zoning Ordinance, Sec. 10.5A21.30 and Regulating Plan), if any, and demonstration of compliance.
  - Proposed building form and building type (Zoning Ordinance, Sec. 10.5A43).
  - Proposed community space, if applicable (Zoning Ordinance, Sec. 10.5A46).

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**IV. PUBLIC HEARINGS – NEW BUSINESS**

A. The request of 955 Sagamore Realty Trust to rezone 22,500 s.f. of property at 955 Sagamore Avenue from Waterfront Business (WB) to Single Residence B (SRB).

Voted to recommend that the City Council amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 10/9/15, containing 24,000 s.f.; provided that the rezoning shall take effect no earlier than the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

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B. The request of Nathan Aviezri Revocable Trust to restore involuntarily merged lots located at 75 Munroe Street (Map 168, Lot 27) to their pre-merger status.

Voted to report to the City Council that there has not been any overt action or conduct that indicates that owner regarded the two lots as merged with the remaining three lots, and to request that the City Attorney provide an opinion as to whether these two lots may be restored to their premerger status separately from the remaining three lots prior to the matter being placed on the City Council agenda for action.

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C. The request of Gerald Zelin to amend the Zoning Ordinance to prohibit casino gambling, keno, or other games of chance, in hotels and motels.

Voted to recommend that the City Council amend the definitions of “hotel” and “motel” in Section 10.1530 of the Zoning Ordinance by inserting the phrase “but shall not include casino gambling, keno or other games of chance” in each definition following the words “recreational facilities,” so that the sentence reads as follows:

Such activities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, but shall not include casino gambling, keno or other games of chance.

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D. The application of **270 West Condominium Association, Owner**, for property located at **270 West Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland and wetland buffer for the restoration of wetlands that were altered by the removal of trees, saplings and stumps, with 12,932 ± s.f. of impact to the wetlands and 11,088 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 267 as Lot 19 and lies within the Industrial (I) District.

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

1. The applicant shall monitor invasive species as described in the “Wetland and Buffer Zone Restoration Program – 270 West Road, Portsmouth, NH,” dated August 18, 2015, and shall remove any invasives that are inhibiting growth of the installed specimens.

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E. The application of **Margaret Coate, Owner**, for property located at **110 Clinton Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the construction of a 24’ x 24’ garage with attached breezeway to house, with 2,250 ± s.f. of total 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 the Conditional Use Permit as shown on the revised plan dated 10/12/15, with the following stipulation:

1. Silt socks shall be used instead of silt fences, and a detail for a silt sock shall be provided on the plan.

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F. The application of **Portsmouth Submarine Memorial Association, Owner**, for property located at **600 Market Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer, for proposed rehabilitation of the existing submarine dry basin, with 250 ± s.f. of total impact to the wetland buffer. Said property is shown on Assessor Map 209 as Lot 87 and lies within the Single Residence B (SRB) District.

Voted to grant the Conditional Use Permit as shown on the revised plan submitted to the Conservation Commission on October 14, 2015, with the following stipulation:

- 1. The plan set shall be revised to include a revision date.

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G. The application of **Tanner Bridge Development, LLC, Owner**, for property located at **40 Bridge Street**, requesting Site Plan approval to demolish the existing building and construct a three-story, 5,590 s.f. mixed-use building with 10 below grade parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 52 and lies within Character District 4 and 4-L1 (CD4 & CD4-L1), Downtown Overlay District (DOD), and Historic District.

(A) Voted to determine that streetlights should be installed in this area.

(B) Vote to grant Site Plan Approval with the following stipulations:

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

- 1. Details for lighting fixtures shall be added to the plan set.
- 2. The plan shall include at the garage driveway an audible alarm during daytime hours and a flashing light during nighttime hours to warn pedestrians of entering and exiting vehicles.
- 3. The plan shall show a crosswalk across the site driveway to provide a visual warning to vehicles entering and exiting the garage.
- 4. The following two notes required by Section 2.13(3) of the Site Plan Review Regulations shall be added to Sheet C2:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
- 5. The final details on the method of supplying electricity to the building shall be approved by the Department of Public Works.
- 6. The final details on the Fairpoint/Comcast service to the building shall be approved by the Department of Public Works.
- 7. The final details for water, sanitary sewer and stormwater utilities shall be approved by the Department of Public Works as part of the permit process for each utility.
- 8. The final locations and type of lighting shall be approved by the Department of Public Works.
- 9. Sign types and locations for parking warning signs shall be approved by the City



- 10. Sheet C2 (Layout and Landscaping Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
- 11. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments. The CMMP shall address blasting and vibration monitoring for the historic structures close to the site, and shall maintain pedestrian access from the rear of 7 Islington Street to Bridge Street.
- 12. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements on site.

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

- 13. Utility work shown on the plan as to be done by the City will be done on the City’s timeline, which is uncertain because funding is not guaranteed. If the project needs the utilities earlier than the City’s timeline, the developer shall pay the cost.

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H. The application of **One Way Realty, LLC, Owner, and 406 Highway 1 By-Pass, LLC, Applicant**, for property located at **406 Route 1 By-Pass**, requesting a Conditional Use Permit for a Gateway Planned Development consisting of a new 3-story building containing a brewery, pub and office. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Gateway (GW) District.

(A) Voted to find that modifications to the specific standards and requirements set forth in the Zoning Ordinance, Section 10.730 – Gateway Planned Development, will promote design flexibility and overall project quality, and that such modifications are consistent with the purpose and intent set forth in Section 10.731; and therefore to modify the standards and requirements as follows:

ZO Reference	Requirement and modification
10.735	<ul style="list-style-type: none"> <li>• Must demonstrate ability to attain national certification.</li> <li>• Applicant states that project “meets the spirit of this requirement.”</li> </ul>
10.736.32	<ul style="list-style-type: none"> <li>• Must provide at least one 8-foot pedestrian walkway throughout the project site connecting off-street parking to building entrance.</li> <li>• Plan includes 8-foot walkway along north building façade, but no walkway to off-street parking spaces.</li> </ul>

(B) Voted to find that:

- (a) The proposed project is consistent with the purpose and intent of the Gateway Planned Development provisions set forth in Section 10.731; and
- (b) The proposed project meets the GPD standards in Section 10.730 (as modified by the Board for this project); and

- (c) The anticipated impacts of the proposed project on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional development of the site.

(C) Voted to grant the Conditional Use Permit subject to the stipulations of Site Plan Approval.

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I. The application of **One Way Realty, LLC, Owner, and 406 Highway 1 ByPass, LLC, Applicant**, for property located at **406 Route 1 By-Pass**, requesting Site Plan Approval to demolish the existing building and construct a new 3-story building (brewery, pub and office) with a footprint of 5,857 ± s.f. and gross floor area of 20,033 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Gateway (GW) District.

Vote to grant Site Plan Approval with the following stipulations:

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

1. Add the following notes to Sheet C2 (Site Layout Plan) as required by Section 2.13(3) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
2. Add the following notes to Sheet L1 (Proposed Landscape Master Plan) as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
  3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
  4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
  5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”

3. Sheets C2 (Proposed Layout Plan) and L1 (Proposed Landscape Master Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
4. The applicant shall TV the sewer line to the main to verify that the sewer is acceptable for re-use. The video inspection shall be delivered to the Department of Public Works for review and approval.
5. The project requires an industrial discharge permit issued by the Department of Public Works, and shall be subject to the requirements of the permit which may involve surcharge or testing requirements.
6. The project requires additional permits for utilities to be issued by the Department of Public Works, which may take precedence over these plans for water and sewer.
7. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
8. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements on site.

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

9. The landscaping strip along the northwest property line may be replaced with a sidewalk in coordination with development of the abutting parcel, subject to administrative approval of an amended site plan.

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J. The application of **Hillcrest at Portsmouth, LLC, Owner**, for property located at **3201 Lafayette Road**, requesting Site Plan approval to replace up to 80 manufactured homes over the next 10 years, to create a 20’ x 20’ yard waste compost site, and to create 5 new pad sites for future homes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 7 and lies within the Gateway (GW) District, Garden Apartment/Mobile Home (GA/MH) District and Rural (R) District.

Voted to postpone consideration of this application to the Board’s November meeting in order to allow the Planning Department staff to develop recommended standards for site development.

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K. The application of **Dilorenzo Lafayette Ledgewood Real Estate, LLC, Owner, and Tuscan Brands, LLC, Applicant**, for property located at **581 Lafayette Road**, requesting Site Plan approval to renovate an existing 14,366 s.f. building with two additions to the front (one 8’ x 10’ addition and one 8’ x 36’ addition), one addition to the rear (10’ x 80’ addition), and two outdoor seating areas ( one 1,277 s.f. area in the front and one 1,261 s.f. seating area to the side), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 229 as Lot 8B and lies within the Gateway (GW) District.

(A) Voted to find that a waiver will not have the effect of nullifying the spirit and intent of the City’s Master Plan or the Site Plan Review Regulations and, therefore, to waive compliance with Section 3.3.2(3) of the Regulations in order to allow two driveways on the lot.

(B) Voted to grant Site Plan Approval with the following stipulations:

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

1. Amend the plan set as follows:

- a. Replace the at-grade planter strip around the outdoor seating areas with a fence and/or raised planter structure at least 4 feet high, including gates, to prevent entry other than from inside the restaurant.
- b. If the doors from the restaurant into the outdoor seating area are necessary to provide emergency egress from the restaurant, the paths from the doors to the gates at the perimeter of the seating area shall be kept open (including snow clearing) and illuminated at all times while the restaurant is open. A note shall be added to Sheet C3 regarding this requirement.
- c. Show sidewalk tip-downs at both driveways. Crosswalks as currently shown are not required, but are acceptable if deemed necessary by the applicant.
- d. On Sheet C3, show the correct setbacks from lot lines to the pergolas: approximately 55 feet in the front, and approximately 30 feet on the side facing Ledgewood Drive.
- e. Add a stop sign at the property line with the adjacent parcel, at the end of the one-way segment of the circulation aisle.
- f. Add the following notes to Sheet C3 as required by Section 2.13(3) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
- g. Add the following notes to Sheet L-1 as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
  - 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.

- 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
- 5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”

- h. Revise the site plans and/or the building elevations to ensure that all plans and elevations are coordinated in terms of the number, size and locations of entry doors and pergolas.
- 2. Sheets C3 (Site Layout Plan) and L-1 (Landscape Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
- 3. The applicant shall prepare a traffic study covering Lafayette Road from the Route 1 Bypass to Greenleaf Avenue for review and approval by the Traffic Engineer. Any improvements identified in the study shall be completed by the applicant as part of the project.
- 4. The applicant shall have the drainage pipes reviewed and televised if necessary.
- 5. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments. The CMMP shall address blasting and vibration monitoring for the historic structures close to the site.
- 6. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements on site.

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

- 7. The proposed pergola and plaza structure on private, City and State property is approved subject to the issuance of all required variances (for setbacks from lot lines), licenses, easements and/or permits from the appropriate agencies.

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L. The application of **Eport Properties 1, LLC, and The National Society of Colonial Dames, Owners, and Aland Realty Group, Applicant**, for property located at **173-175 Market Street and 165 Ceres Street**, requesting Amended Site Plan approval to construct a 5-story, 3,616 ± s.f. (footprint) addition to an existing building which will include three new dwelling units, office and commercial space and 6 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 118, as Lots 3, 4 & 5, and lies within Character District 5 (CD5), 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. Sheet C-2 (Site Plan) shall include an acknowledgement that the utility pole on the Market Street sidewalk is too close to the corner of the new building to guarantee that the building will

not be impacted by sidewalk plows. The applicant shall design the building to be robust enough to withstand a minor impact from a plow.

2. The plan shall include at the garage driveway an audible alarm during daytime hours and a flashing light during nighttime hours to warn pedestrians of entering and exiting vehicles.
3. The following notes shall be added to Sheet C-2 as required by Section 2.13(3) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
4. The following notes shall be added to Sheet L1 (Landscape Plan) as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
  3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
  4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
  5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
5. The applicant shall provide an easement to the City for the sewer line through the building, to be subject to review and approval by the Legal Department.
6. The applicant shall enter into a legally binding agreement indemnifying the City in case of a break in the sewer line passing through the building.
7. The bike rack shall be provided by the applicant at a location to be determined by the City.
8. Unprotected openings in proximity to a property line must comply with the 2009 International Building Code.
9. Sheet C-2, Sheet L1 and the sewer easement shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
10. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
11. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements on site.

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**V. PLANNING DIRECTOR'S REPORT**

- 1) CIP Subcommittee will meet on December 2, 2015 and December 9, 2015.
- 2) Next Week's Master Plan Work Session has been rescheduled to Thursday, November 12, 2015.

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**VI. ADJOURNMENT**

A motion to adjourn at 11:20 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board