

# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7281

Planning Department  
(603) 610-7216

## PLANNING DEPARTMENT

November 19, 2018

Edward Hayes & Doug Pinciario  
Portsmouth Lumber and Hardware  
105 Bartlett Street  
Portsmouth, NH 03801

Philip Kingman  
Boston and Maine Corporation  
Iron Horse Park  
High Street  
North Billerica, MA 01862

### **RE: Subdivision Application for Property Located at 105 Bartlett Street**

Dear Mr. Hayes, Mr. Pinciario and Mr. Kingman:

The Planning Board, at its regularly scheduled meeting of November 15, 2018, considered your request for Preliminary and Final Subdivision approval to consolidate and subdivide five lots and a portion of another into 5 lots, a right-of-way, and a remainder of one lot as follows:

- (1) Proposed Lot #1 having an area of 20,667 ± s.f. (0.4747 ± acres) and 143.44' of continuous street frontage on Bartlett Street.
- (2) Proposed Lot #2 having an area of 51,952 ± s.f. (1.1927 ± acres) and 80.91' of continuous street frontage on Bartlett Street and 386.88' of continuous street frontage on a proposed right-of-way.
- (3) Proposed Lot #3 having an area of 102,003± s.f. (2.3417 ± acres) and 809.23' of continuous street frontage on a proposed right-of-way.
- (4) Proposed Lot #4 having an area of 61,781 ± s.f. (1.4183 ± acres) and 481'± of continuous street frontage on a proposed right-of-way.
- (5) Proposed Lot #5 having an area of 177,435 ± s.f. (4.0733 ± acres) and 297.42' of continuous street frontage on a proposed right-of-way.
- (6) Proposed Right-of-Way having an area of 69,621 ± s.f. (1.5983 ± acres).

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- (7) Map 164 Lot 4 reducing in area from 13 ± acres to 4.7 ± acres and having 75'± of continuous street frontage on Maplewood Avenue, and decreasing intermittent street frontage of 234'± on Bartlett Street to 105'± of continuous street frontage on Bartlett Street.

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

- 1) Voted to determine that the application is complete according to the Subdivision Regulations (contingent on the granting of any required waivers under Section VI of the agenda) and to **accept** the application for consideration.
- 2) 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 to **waive** the following regulations with the stipulation that any modifications to the final roadway and sidewalk design and materials shall be reviewed and approved by the DPW prior to construction and that modifications to the design that result in a revised layout and/or impact the overall drainage plan from that approved by Planning Board shall require amended subdivision approval:
  - a) Section VI 3.B Minimum Right-of-Way -- to allow 50 feet where 60 feet is require;
  - b) Section VI 3.I Maximum Cul-de-Sac length – to allow a 1,050-foot long cul-de-sac where the maximum length is 500 feet;
- 3) Vote to **grant** Preliminary and Final Subdivision Approval with the following stipulations:

Conditions Precedent (to be completed prior to the recording of the subdivision)

- 3.1) Approval is for Subdivision Plans sheets 1 through 4, associated Easement Plans sheets 1 through 3, and Lot Plan sheets C4 through C10, P1 and P2, SD1 and SD2 and supporting detail sheets.
- 3.2) Applicant shall provide a letter from Eversource confirming how electricity service will be provided and the potential extent of impacts to the surrounding neighborhood in order to extend service.
- 3.3) The plans shall be updated to show existing and proposed utility lines servicing each building and lot. The plans should also identify where cross easements may be required to provide service connections that run across multiple lots. Services shown shall include sewer, gas, water, storm drainage, power, communications and access. A new water main shall be provided under the proposed road and a note shall be added to the plans that service lines for Lots 4 and 5 shall be relocated to the new line once operational. A note shall be added to the plan that water line sizing shall be based on the outcome of the Water Capacity Analysis.

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- 3.4) Proposed Utility Easement Plan, Sheet 2 of 3, Note 5 shall be updated to clarify that the easement shall be the area of the proposed "right-of-way".
- 3.5) Any references to the sizing of the proposed water main shall be removed from the plans until such time as the Water Capacity Analysis has been completed.
- 3.6) The proposed sidewalk along the north side of the proposed road and any related drainage improvements shall be shown on all applicable plan sheets and incorporated into the drainage plan. The sidewalk shall be constructed as part of the subdivision road construction unless amended by the Planning Board in the future. Any notes indicating that the sidewalk will not be constructed as part of this project shall be removed from the plans.
- 3.7) Stormwater runoff from the roofs of existing buildings on Lot 3 shall be revised to redirect and capture runoff from flowing onto the proposed sidewalk.
- 3.8) Sheet P1, Note 4 shall be removed as road reconstruction shall include the entire length of the proposed road.
- 3.9) Sheet C7, note referencing vegetation and sight distance shall be updated to include reference to the need for maintenance.

Conditions Precedent (to be completed prior to the recording of the subdivision)

- 3.10) As the applicant anticipates recording the final plat prior to construction of the road and utilities, the final subdivision approval shall require a subdivision bond adequate for the completion of these improvements. All improvements shall be completed within 2 years unless otherwise amended by the Planning Board.
- 3.11) The subdivision shall not be recorded until the closing has been finalized for the transfer of ownership from the Boston & Maine Corporate to the applicant.

Conditions Subsequent (to be completed prior to construction of the roadway)

- 3.12) The applicant shall coordinate with the City's consultant to complete a Water Capacity Analysis using the City's capacity modeling and shall modify the water service design as required. The private water line that currently feeds lots 4 and 5 shall be either replaced or abandoned depending on the outcome of the Study. All modifications shall be reviewed and approved by the DPW and the Fire Department.
- 3.13) Final design and construction of the road and utility improvements shall be subject to wetland conditional use permit approval and all applicable state and federal permits.
- 3.14) Proposed easements to the City shall be reviewed and approved by the Planning and Legal Departments prior to final acceptance by the City Council.

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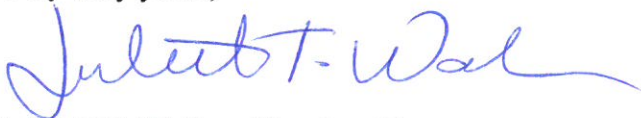
- 3.15) Final roadway and sidewalk design and materials shall be reviewed and approved by the DPW prior to construction. Any modifications to the design that result in a revised layout and/or impact the overall drainage plan from that approved by Planning Board shall require amended subdivision approval.
- 3.16) Applicant shall provide documentation of ownership rights and responsibilities for the private road to be constructed.
- 3.17) Any future development of Lot 5 may require modifications and relocation of the gas line. Any modifications shall be reviewed and approved by the City through the Site Plan Review process.
- 3.18) If future development is proposed on the lots on the roadway, the placement and orientation of the angled parking spaces along the roadway may need to be adjusted. This will be reviewed during the Site Plan Review approval process.

All stipulations of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within 6 months of the date of approval by the Planning Board, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.D of the Subdivision Rules and Regulations. If all stipulations have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,



Juliet T.H. Walker, Planning Director  
for Dexter Legg, Chairman of the Planning Board  
JTHW:jms

cc: Robert Marsilia, Building Inspector  
Rosann Maurice-Lentz, City Assessor  
John Chagnon, P. E., Ambit Engineering  
Stephen G. Pernaw, PTOE  
R. Timothy Phoenix, Esq.