

**ACTION SHEET  
REGULAR MEETING  
PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.                                  CITY COUNCIL CHAMBERS                                  JUNE 19, 2003  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**MEMBERS PRESENT:**                                  Kenneth Smith, Chairman; Paige Roberts, Vice Chairman;  
Brad Lown, City Council Representative; Richard A.  
Hopley, Building Inspector; George Savramis; and,  
alternates John Ricci and Jerry Hejtmanek

**MEMBERS EXCUSED:**                                  Thaddeus J. “Ted” Jankowski, Deputy City Manager; John  
Sullivan; Raymond Will; and, Donald Coker;

**ALSO PRESENT:**                                  David M. Holden, Planning Director; and,  
Lucy E. Tillman, Planner I

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**I. APPROVAL OF MINUTES**

- A. April 24, 2003, meeting
- B. May 15, 2003, meeting

VOTED to approve the minutes as presented.

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**II. PUBLIC HEARINGS**

A. **Master Plan Neighborhood Informational Meeting** – Public comment and suggestions are invited for the Planning Board’s consideration in its drafting of a new City Master Plan. As this is a regularly scheduled Planning Board meeting, one hour has been set aside for such input. If appropriate, this informational meeting could be continued at a later date.

A representative from Taintor & Associates gave a brief overview of the Existing Conditions Plan. The only speaker from the public was Dana Pratt of 410 Islington Street. The Chair informed those in attendance and the tv audience that the Board would hold an informational meeting at New Franklin School on June 24, 2003, at 7:00 p.m. Additional informational meetings will be scheduled once the draft Master Plan is complete.

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B. The application of **Margo Villandry** for property located at **126 Spring Street** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the removal of an existing 10’ x 12’ addition and a 12’ x 15’ deck, the construction of a one-story 20’ x 30’ addition at the rear elevation and the construction of a 14’ x 22’ deck off the new addition within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 133 as Lot 16 and lies within a General Residence A district.

VOTED to grant the Conditional Use Permit subject to the following stipulations:

1. That the proposed deck be no larger than 10' x 16';
2. That a dry well be established if such is the recommendation of the Engineering Division of the City's Public Works Department; and,
3. That the deck shall not be enclosed or roofed.

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C. The application of **John and Mary Mitchell** for property located at **840 McGee Drive** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the installation of a 20' x 40' ± in ground gunite swimming pool within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 219 as Lot 45-2 and lies within a Single Residence B district.

VOTED to deny the Conditional Use Permit.

The maker of the motion to deny felt that the intrusion of some 864 s.f. into the buffer zone was a significant issue. Furthermore, he felt that there would be times when the chlorinated pool water would splash onto the ground and enter the buffer. It was his suggestion that other alternatives be explored.

The Board member who seconded the motion felt that the scale of the project was particularly problematic within the buffer zone and also suggested that other alternatives be explored.

The Chair, in supporting the motion, commented that the City Council had established a 100' buffer to protect the wetlands.

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D. The request of **John Bosa** for property located at **248 Peverly Hill Road** for an amendment to a previously approved site plan, more specifically, the roadway plan. Said property is shown on Assessor Plan 243 as Lot 54 and lies within a Single Residence B district.

VOTED to table the request to the Board's next regularly scheduled meeting of July 17, 2003. The tabling motion was made to allow the applicant to arrange an on-site meeting with the owners of the condominium units at 248 Peverly Hill Road, Eric Weinrieb, the City's independent engineer, David Desfosses, Engineering Technician with the City's Public Works Department, and representatives of the Planning Department.

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E. The application of **Arthur K. Day, Trustee of the Arthur K. Day Revocable Trust of 2003, owner, and Emily M. Battis, applicant**, for property located at 234 Sherburne Road wherein Preliminary and Final Approval is requested for the creation of two lots from an existing lot. Proposed Lot 1 would have a lot area of 16, 925 s.f.  $\pm$  and 115'  $\pm$  of continuous street frontage. The existing three-story wood frame house and garage would be sited on this lot. Proposed Lot 2 would have a lot area of 61,822 s.f.  $\pm$  and 143'  $\pm$  of continuous street frontage. Said property is shown on Assessor Plan 261 as Lot 1 and lies within a Single Residence B district. Plat plans are recorded as 7.1-03.

VOTED to grant Preliminary and Final Subdivision Approval subject to the following stipulations:

1. That the subdivision plan depict the 400' sanitary radius from the Smith Well;
2. That no building or structure of any kind is allowed above or below ground within the 400' sanitary radius;
3. That any oil tank installed on the proposed vacant lot shall be inside the basement on an impermeable surface (concrete floor) with no floor drains;
4. That if a dwelling is constructed on the proposed vacant lot, a connection shall be made to the City sewer;
5. That no cars, trucks or other vehicles are allowed to be stored on the property within the 400' radius;
6. That if the lot owner ever wants farm animals; such as, horses or a kennel, that the animals be restricted from the 400' sanitary radius;
7. That permanent boundary monuments be established as per the requirements of the Public Works Department;
8. That stipulations #2 through #6 be included on the mylar and subsequent deed(s) as appropriate;
9. That the existing exposed foundation be secured in such a manner that it is not a hazard to anyone; and,
10. That a dry well be established on proposed Lot 2 if such is the recommendation of the Engineering Division of the City's Public Works Department.

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F. The application of **Gordon B. Sorli and Eleanor R. Sorli, owners, and the Portsmouth Gas Light Company, applicant**, for property located at 64 Market Street wherein site plan approval is requested for the construction of a second and third floor rear addition above the first floor of the existing building with associated site improvements. Said property is shown on Assessor Plan 117 as Lot 35 and lies within Central Business B and Historic A districts.

A motion was made and seconded to approve the site plan subject to the following stipulations:

**From the Technical Advisory Committee:**

1. That the last sentence of note #5 on the Fire/Life Safety Provision Diagram shall read as follows: In case of medical emergency, the elevator will be accessible for the evacuation of injured persons;

2. That the easements shall be reviewed and approved as to content and form and record by the City Attorney in conjunction with the Planning Department;
3. That City Council approval is required for any encumbrances in the right-of-way;
4. That the existing grease trap system be reviewed by John Lanoie, the City’s Mechanical and Plumbing Inspector and David Allen, the City’s Deputy Public Works Director; and
5. That a revised duly executed letter/memo from Peterson Engineering be submitted to Tom Cravens of the City’s Water Division with a copy to the Planning Department for record keeping purposes prior to the Planning Board meeting.

Subsequent to the motion to approve, the Board voted to **table** the application to its next regularly scheduled meeting of July 17, 2003. The tabling motion was made to allow for review by the Historic District Commission of the request to demolish and replace, in kind, the existing one story structure and to allow for the completion of the review of the easements as to content and form by the City Attorney.

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G. The application of **Thomas Battles** for property located at **948 Route 1 ByPass** wherein site plan approval is requested for the development of an existing three-story structure into a mixed use of office space, artisan space and five apartments with associated site improvements. Said property is shown on Assessor Plan 142 as Lot 17 and lies within a Business district.

VOTED to approve the site plan subject to the following stipulations:

**From the Technical Advisory Committee:**

1. That the applicant and design team take a look at the site lighting to see if it needs to be supplemented;
2. That the availability of off-site notification capabilities for the sprinkler system be confirmed. If none is available, then such should be added; and,
3. That the applicant work with Lucy Tillman of the Planning Department on a vegetation plan.

**From the Planning Board:**

1. That a note be added to the site plan indicating that snow storage will be removed from the site;
2. That the site plan indicate the placement of upright signs for the handicapped spaces;
3. That a note be added to the site plan indicating that the project will comply with Article V of the City’s *Zoning Ordinance* especially as it relates to odors;
4. That the site plan indicate that the exterior stairs will come to an impervious walkway leading from the building;
5. That the existing fence will be repaired and maintained and that the proposed fence will be maintained. Additionally the fencing should comply with a previous subdivision approval;
6. That should the new occupancy require an additional flow for the sprinkler system; that the addition of a new water service would not have to come back before the Planning Board for review and approval;
7. That if the current overhead wires are not adequate and the service has to be changed; that the service be underground;

- 8. That a stop sign and stop line be indicated on the site plan subject to the approval of John Burke, the City’s Parking and Transportation Director; and,
- 9. That the project is subject to the review and approval of the Code Enforcement Officer.

The Board was made aware, at the meeting, that the application is actually for six apartments and not the five apartments indicated in the notice. The Site Review Application indicated five apartments.

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H. The application of **Philbrick’s Fresh Market, LLC** for property located at **775 Lafayette Road** wherein site plan approval is requested for the renovation of the former Stroudwater Bookstore at Lafayette Plaza into a grocery store with a restaurant (café) with both inside and outside seating with associated site improvements. The conversion will involve the construction of a 1,020 s.f. ± addition. Said property is shown on Assessor Plan 245 as Lot 1 and lies within a General Business district.

VOTED to approve the site plan subject to the following stipulations:

**From the Technical Advisory Committee:**

- 1. That the site plan indicate the condition of the sidewalk in front of the building;
- 2. That information on the site lighting be submitted;
- 3. That the applicant work with Lucy Tillman of the Planning Department on some landscaping;
- 4. That the site plan indicate the posting of “no parking” signs in the areas around the building; and
- 5. That the site plan indicate that all services to the structure will be underground.

**From the Planning Board:**

- 1. That the site plan indicate upright handicapped signs for the handicapped spaces associated with this project;
  - 2. That there shall be no retail uses in the parking spaces associated with this project;
  - 3. That the City Engineer review and approve the change in the site plan concerning the removal of the exterior grease trap; and,
  - 4. That the appropriate parking spaces be reconfigured to allow for a better location for the handicapped spaces.
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I. The application of **Sharan R. Gross Revocable Trust, owner, and Paul D. Gross and Sharan R. Gross, applicants**, for property located at **201 Cate Street** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the construction of a two-story 30' x 46' ± with a footprint area of 1,476 s.f. ± to house a beauty parlor on the first floor and two apartments on the second floor with associated parking within an Inland Wetlands Protection District. A previous approval expired on April 25, 2003. Said property is shown on Assessor Plan 163 as Lot 32 and lies within a General Residence A district.

VOTED to grant the Conditional Use Permit.

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**III. NEW BUSINESS**

**A. Master Plan Planning Process – Existing Conditions Report**

VOTED to adopt the Existing Conditions Report with the understanding that any mistakes could be corrected and additions could continue to be made.

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**IV. OLD BUSINESS**

**A. Property located off Langdon, McDonough and Brewster Streets**

Request of John L. Ahlgren for an extension of the Preliminary and Final Approval granted on June 20, 2002 for a Lot Line Relocation

VOTED to grant the extension. The approval now lapses on June 20, 2004.

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**V. AMENDED SITE PLAN REVIEW**

**A. 96-98 State Street (informational only)**

VOTED to approve the amended site plan.

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**ITEMS NOT ON THE AGENDA:**

**Master Plan Planning Process:** The Chair noted that the Phase I and Phase II Study Circle participants had scheduled a picnic at Four Tree Island for 6:00 p.m. at Four Tree Island on June 24<sup>th</sup>. That being the same night as the informational meeting scheduled for the New Franklin School, the Chair suggested that Board members could grab a hot dog or hamburg at the picnic and then head over to the school for the 7:00 p.m. meeting.

It was announced that the Phase II Study Circle presentation is scheduled for July 10, 2003, from 7:00 p.m. to 9:00 p.m. Mr. Holden stated that the Study Circles have done a great deal of work

for the Planning Board and that it is much appreciated. He went on to state that it would be helpful if all Board members could make the meeting.

Mr. Holden indicated that meetings would be scheduled for late summer between the other land use agencies. It was the consensus of the Board that the various subcommittees could be involved with these meetings noting that the full Board would be looking at the draft.

The Chair stated that two of the three informational meetings had been held at the local elementary schools with disappointing public participation. However, he noted that the principals went out of their way to provide refreshments for everybody for which the Chair was very thankful.

**Little Bay Bridge:** The Chair advised Board members that he had received a letter from the NH Department of Transportation regarding the Little Bay Bridge and General Sullivan Bridge study area.

**Water Country:** The Chair noted that Tuesday, the 24<sup>th</sup>, is a busy day what with the scheduling of City Employees' Day on that date.

**917 Greenland Road:** The Chair noted that correspondence had been left on the table concerning approvals granted for 917 Greenland Road. The parties (to a lawsuit) have agreed that the applicants will relinquish approvals received from the Planning Board and the Board of Adjustment. The applicants can re-apply if they so choose in the future. The agreement will make the lawsuit go away. The City Attorney has asked that the Chairs of the Planning Board and the Board of Adjustment be authorized to sign off on the agreement; thus, indicating that the City is aware of the agreement. VOTED to accept the agreement between the two parties.

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**VI. ADJOURNMENT** was had at approximately 10:15 p.m.

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This Action Sheet was prepared by Barbara B. Driscoll, Administrative Assistant in the Planning Department.