

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

**7:00 P.M. CITY COUNCIL CHAMBERS AUGUST 21, 2003  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**MEMBERS PRESENT:** Kenneth Smith, Chairman; Paige Roberts, Vice Chairman; Thaddeus J. "Ted" Jankowski, Deputy City Manager; Brad Lown, City Council Representative; Richard A. Hopley, Building Inspector; John Sullivan; Raymond Will; Donald Coker; George Savramis; and, alternates John Ricci and Jerry Hejtmanek

**MEMBERS EXCUSED:** None

**ALSO PRESENT:** David M. Holden, Planning Director; Lucy E. Tillman, Planner I; and, Peter Britz, Environmental Planner for a portion of the meeting

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6:00 P.M. to 7:30 p.m. – work session with the Board of Adjustment, the Historic District Commission and the Master Plan Consultant  
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**I. OLD BUSINESS**

A. 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. **(This Agenda item was tabled from the Board's July 17, 2003, meeting to this meeting.)**

The Board took this agenda item off the table and proceeded to approve the amended site plan subject to the following stipulations:

1. That the 2 ½ to 1 slope that has been established be reviewed and approved by the Public Works Department; and,
2. That the agreement between the 248 Peverly Hill Condominium Association and John Bosa dated August 21, 2003, be reviewed by the City Attorney as to content and form and appropriately recorded.

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B. The application of **Rick and Charlotte Maffei** for property located at **258 Buckminster Way** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the replacement of a previously existing hot top driveway and the installation of two to three inches of crushed stone (14' x 50') along the side of the garage on top

of a processed gravel base within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 282 as Lot 6-20 and lies within a Single Residence B district. **(This application was tabled at the Board’s July 17, 2003, meeting to this meeting.)**

The Board took the application off the table and proceeded to approve the Conditional Use Permit subject to the following stipulation:

That a “V” notch be created in the driveway if it is determined that the catch basin (at the end of the driveway) has an oil/water separator; otherwise, the hot topping would be done as proposed. Let the record show that Mr. Britz left after this application was heard.

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**II. APPROVAL OF MINUTES**

A. July 17, 2003, meeting

VOTED to approve the minutes as submitted.

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**III. PUBLIC HEARINGS**

A. The application of the **John S. Evans and Margaret L. Evans Trust** for property located at **826 South Street and 1 Lookout Lane** wherein Preliminary and Final Approval is requested for a lot line relocation whereby 1,296 s.f. ± of lot area would be conveyed from property located at 826 South Street to property located at 1 Lookout Lane resulting in the following: Property located at 826 South Street would have a lot area of 33,955 s.f. ± and property located at 1 Lookout Lane would have a lot area of 22,872 s.f. ±. Said property is shown on Assessor Plan 132 as Lot 2 and Assessor Plan 221 as Lot 86 and lies within a General Residence A zone. Plat plans are recorded in the Planning Department office as 04.3-00. (This application was tabled at the Board’s May 18, 2000, meeting to a time indefinite.)

The Board took the application off the table and proceeded to approve the lot line relocation subject to permanent boundary monuments being established as per the requirements of the Public Works Department.

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B. The application of **Richard P. Fusegni, DSP Shopping Center, LLC and Endicott Hotels** for property located at **1574 and 1600 Woodbury Avenue** wherein Preliminary and Final Approval is requested for a lot line relocation which would result in the following: 1574 Woodbury Avenue would have a lot area of one acre ± and 1600 Woodbury Avenue would have a lot area of 15.94 acres ±. Said property is shown on Assessor Plan 238 as Lots 16 and 17 and lies within a General Business district. Plat plans are recorded in the Planning Department office as 19.3-99. (Planning Board approvals for this request were granted on September 2, 1999 and August 16, 2001; however, the mylars for the lot line relocation were not recorded within a year of the approvals.)

VOTED to approve the lot line relocation subject to the following stipulations:

- 1. That permanent boundary monuments be established as per the requirements of the Public Works Department; and,
- 2. That the proposed driveway easement shall be reviewed by the City Attorney as to content and form.

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C. The application of **Edmund L. Price** for property located at **111 Newcastle Avenue** wherein Final Subdivision Approval is requested to create two lots from an existing lot. Proposed Lot 101/52-00 would have a lot area of 8,533 s.f. ± with street frontage off Newcastle Avenue and would contain the existing duplex and accessory structures. Proposed Lot 101/52-01 would have a lot area of 6,898 s.f. ± and adequate continuous street frontage off Marcy Street. Said property is shown on Assessor Plan 101 as Lot 53 and lies within a General Residence B district. Plat plans are recorded in the Planning Department Office as 13.2-02. (Preliminary Subdivision Approval was granted on September 19, 2002.)

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

- 1. That the following note be added to the subdivision plan: *That the use of fertilizers other than low phosphate, slow release nitrogen fertilizer is prohibited within the 250' Shoreland Protection Zone;*
- 2. That the 100' tidal buffer zone be indicated on the plan;
- 3. That the proposed lots be referred to on the plan as Lot 101/53-00 and Lot 101/53-01;
- 4. That the plan indicate the amount of structure coverage on proposed Lot 101/53-00 keeping in mind that the maximum structure coverage on a lot in the General Residence B district is 30%; and,
- 5. That permanent boundary monuments be established as per the requirements of the Public Works Department.

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D. The application of **Michael Brigham** for property located at **487 Cutts Avenue** wherein site plan approval is requested for the creation of a seven lot subdivision ranging in lot size from 15,078 s.f. ± to 25,612 s.f. ± with five of the proposed lots having access off a proposed cul-de-sac off Cutts Avenue. One proposed lot will have access off Chase Drive and the remaining proposed lot will have access off Michael Succi Drive with related paving, utilities, landscaping, drainage and associated site improvements. The existing buildings will be removed. Said property is shown on Assessor Plan 210 as Lot 26 and lies within a Single Residence B district.

A motion was made and seconded that the pavement width of the proposed cul-de-sac be 28'; that future extensions or connections to the proposed cul-de-sac are not authorized unless either the street (cul-de-sac) is brought into conformance with relevant street standards of the time or the Planning Board so authorizes a continuation of this or some other waiver. This waiver is

subject to the approval of the Director of Public Works; otherwise, the issue would revert back to the Planning Board for discussion. Documentation of this effort is to be included in the City's Master Plan Planning process. Subsequent to that motion, the Board voted to table the motion to its September 18, 2003, meeting to allow for a report back from the Public Works and Fire Departments.

Thereafter, the Board approved the submitted site plan subject to the following stipulations:

**From the Technical Advisory Committee:**

1. That a letter be submitted to the Planning Department with a sketch attached thereto setting forth the rock/ledge crushing plan including the hours of operation and a start and finish time for the project;
2. That Cutts Avenue be video taped before construction takes place. It is understood that the developer agrees to provide an overlay to correct any damage;
3. That it is understood that the Planning Department will make a recommendation to the Planning Board when it reviews this site plan; that final approval be tabled until all Federal and State Permits are in hand;
4. That there will be no sale of crushed rock from this site;
5. That the right-of-way shall be monumented in accordance with City standards;
6. That the sewer line configuration shall be reviewed and approved by Peter Rice of the Public Works Department;
7. That the applicant work with Tom Cravens of the City's Water Division regarding the replacement of the 6" and 8" water lines with a plan and profile of Cutts Avenue to be provided;
8. That a mechanical engineer confirm the water size servicing the lower two lots prior to the Planning Board meeting;
9. That the Technical Advisory Committee recommends that the requests for waivers on the sidewalk and the width of the cul-de-sac be denied. However, a meeting will be scheduled before the next Planning Board meeting with administrative staff to see if it is possible to craft a standard that would be limited to residential streets. Such a standard would be shared with the applicant, his attorney, and the Planning Board with the indication that the proposed standard should be part of the Master Plan process;
10. That all monuments to be set shall be indicated on the subdivision plan;
11. That the developer shall pay for the services of a private consultant, picked by the Department of Public Works, who will oversee the engineering aspect of this project;
12. That the drop manhole detail be revised to conform with Department of Public Works standards;
13. That a street name sign be provided as well as stop signs and a "No Outlet" sign;
14. That a formal request for the name of the street be submitted to the Planning Board;
15. That the location of the sewer and drainage lines be reviewed with the Public Works Department;
16. That cross sections be provided for the new road with 50' stations;
17. That "as builts" be submitted at the end of the project;
18. That the catch basin spec be changed from 420-4 to 420-3;
19. That an easement be provided for the drain line crossing proposed Lot 7;
20. That the proposed driveway for Lot 7 be relocated due to its proximity to the intersection;
21. That the landscaping plan be reviewed by Lucy Tillman of the Planning Department;

- 22. That the number and location of gate valves at the intersection of Cutts Avenue and Chase Drive be reviewed with Tom Cravens of the Public Works Department;
- 23. That there be two individual shut offs for the water services in the location of the railroad tracks;
- 24. That temporary above-ground water lines be provided, to include hydrants as well, during the construction of the project; and,
- 25. That any existing septic system be abandoned in accordance with State standards.

**From the Planning Board:**

- 1. That the street lighting shall conform with residential street lighting standards;
- 2. That the catch basin at the lower end of Chase Drive be outfitted with a rubber snout;
- 3. That a note be added to the site plan regarding erosion control in the winter; and,
- 4. That a note be added to the site plan indicating that a separate driveway permit will be required for each of the lots.

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E. The application of **Michael Brigham** for property located at **487 Cutts Avenue** wherein Final Subdivision Approval is requested for the creation of a seven lot subdivision ranging in lot size from 15,078 s.f. ± to 25,612 s.f. ± with five of the proposed lots having access off a proposed cul-de-sac off Cutts Avenue. One proposed lot will have access off Chase Drive and the remaining proposed lot will have access off Michael Succi Drive. Included in this request are proposed conveyances to and from the property of Kelly Boston located at 465 Cutts Avenue resulting in a proposed lot area of 10,799 s.f. for the Boston lot. Said property is shown on Assessor Plan 210 as Lots 26 and 27 and lies within a Single Residence B district.

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

- 1. That all necessary State/Federal Permits be received and identified on the Final Plat before recording;
- 2. That the neighbors be notified as to the construction route and schedule;
- 3. That easements be approved as to content and form by the City Attorney; and,
- 4. That permanent boundary monuments be installed as per the requirements of the Public Works Department.

**IV. CITY COUNCIL REFERRALS/REQUESTS**

A. Request of the NH Army National Guard to place an illuminated sign on City property off Market Street

VOTED to table the request to the Board’s September 18, 2003, meeting to allow for a draft Memorandum of Understanding and to have a representative of Army National Guard present at the meeting to answer any questions the Board might have.

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B. Request to purchase City-owned property off Barberry Lane

VOTED to recommend to the City Council that the request be denied.

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C. Request for re-conveyance of property

VOTED to recommend to the City Council that the request be denied.

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**V. NEW BUSINESS**

A. Master Plan Planning Process

The Planning Director reviewed the schedule of upcoming work sessions.

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**VII. ADJOURNMENT** was had at approximately 10:30 p.m.

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