

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

**7:30 P.M.**

**CITY COUNCIL CHAMBERS**

**OCTOBER 19, 2006**

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

**MEMBERS PRESENT:** John Ricci, Chairman; Jerry Hejtmanek, Vice-Chairman; M. Christine Dwyer, City Council Representative; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; Raymond Will; George Savramis; Anthony Coviello; and Paige Roberts, Alternate;

**MEMBERS EXCUSED:** Donald Coker and Timothy Fortier, Alternate;

**ALSO PRESENT:** David M. Holden, Planning Director; and, Lucy E. Tillman, Chief Planner  
Peter Britz, Environmental Planner  
Robert Sullivan, Esq., City Attorney

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6:00 pm – 7:30 pm WORK SESSION regarding Zoning Ordinance Re-Write

A work session was held regarding the Zoning Ordinance Audit Report with Rick Taintor and Chris Eaton of Taintor & Associates.

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**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the September 21, 2006 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the September 28, 2006 Planning Board Meeting – Unanimously approved.

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**II. PUBLIC HEARINGS**

A. The application of the **City of Portsmouth, Owner**, and **Nextel Communications, Applicant**, for property located at **280 Constitution Avenue**, wherein Site Review approval is requested to construct an 11' 6" x 20' equipment shed and backup generator pad adjacent to an existing water tank and to install antennas on the top of an existing water tank, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 273 as Lot 8 and lies within a Municipal district;

Voted to **approve** with the following **stipulations**:

1. City of Portsmouth will maintain snow plowing at the water tank for municipal access and purposes only. Any additional snow plowing required to access Tenant's equipment facility shall be Tenant's responsibility and at Tenant's expense.
2. Tenant shall not install hydrogen batteries within the equipment shelter, per the request of Steven Griswold, Deputy Fire Chief for the City of Portsmouth. Battery specs shall be provided to the Deputy Fire Chief prior to construction of Tenant's facility.
3. Tenant shall ensure the compatibility of Sprint Nextel's proposed antennas with the City of Portsmouth's existing equipment on the water tank. Should any interference be identified, it shall be the responsibility of the Tenant to cause any such interference to cease, at Tenant's expense. This is also a requirement of the Lease Agreement signed by Sprint Nextel.
4. Per request of Tom Cravens of the City of Portsmouth Water Department, there shall be an interior inspection of the water tank where the stud welds were applied to the outside of the tank. This inspection shall be at the expense of Nextel and under the direction of the Water Division. The inspection will check for any damage to the interior coating system. All damaged shall be repaired to the satisfaction of the Water Division.
5. Construction of Sprint Nextel facilities to be done in accordance with CBI Review dated May 11, 2006.

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B. A public hearing is convened to consider the request of The Housing Partnership for an access easement on Bedford Way. The purpose of this hearing is to solicit public comment on this request. Relevant materials are available for public inspection in the Planning Department. Said properties are shown on Assessor Plan 212 as Lot 120-A which lies within a Municipal District and Lot 118 which lies within a General Residence B District;

Voted to **favorably recommend** this request to the City Council, with the following recommended **stipulations**:

1. That the Portsmouth Housing Authority endorses the joint use concept as proposed by this proposal for use in a workforce housing project;
2. If the PHA endorses this concept, that a *Memorandum of Understanding* should be prepared that formalizes their partnership in this matter in terms of future use/liability/maintenance/etc.;
3. That as the driveway would not be built to municipal standards that it is not to be accepted as a municipal street;
4. That the easement should be amended so as to include these matters and shall be approved as to content and form by the Legal Department; and,
5. That all necessary easements and related materials shall be recorded in the Registry of Deeds.

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C. Public hearing is convened to consider the request of The Housing Partnership for an amendment to Section 10-1508 of the City's Zoning Ordinance relating to Planned Unit Developments (PUD). The purpose of this hearing is to solicit public comment on this request. Relevant materials are available for public inspection in the Planning Department;

Voted to **favorably recommend** this amendment to the City Council with the following findings:

1. Following any corrections/additions that the Board so approves this proposal as a proposed amendment to the *1995 Zoning Ordinance*, as Amended;
2. That the Board recommends that the City Council should adopt this proposed amendment; and,
3. That the Board finds this proposal consistent with the City’s Master Plan;

A stipulation of the motion was to revise the following section of the proposed amendment:

1. That wording in Section G. 1. shall be changed from “households with annual incomes below 120 percent of the area median family income” to “households with annual incomes of 120 percent or lower of the area median family income”.

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D. The application of **The Society of the Protection of New Hampshire Forests, Owner**, for property located at **400 Little Harbor Road** (a/k/a The Creek Farm) wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to widen an access driveway to accommodate traffic within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 203 as Lot 8 and lies within a Rural Residential District;

Voted to **approve** Conditional Use Approval.

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E. The application of **The Society for the Protection of New Hampshire Forests, Owner**, for property located at **400 Little Harbor Road**, wherein Site Review approval is requested to widen an access driveway and provide public parking, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 203 as Lot 8 and lies within a Rural Residential district;

Voted to **approve** with the following **stipulations**:

- 1) That the driveway into the parking lot shall go to the top of the hill and should be paved;
- 2) That another riprap stone filter strip be added on the southerly side;
- 3) That the temporary road shall be a permanent road;
- 4) That the pull outs shall be flared out rather than 90 degrees;
- 5) That a report from the Director of Public Works be submitted to the Planning Department for review and incorporation into the Site Plans;
- 6) That a note be added to the Site Plan indicating that the maintenance and plowing of the road is not a public responsibility;

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F. The application of **Millennium Borthwick, LLC, Owner**, for property located at **155 Borthwick Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to add 13,771 s.f. of grading and pavement within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 259 as Lot 14-1 and lies within an Industrial District;

Voted to **table** this application to the next regularly scheduled Planning Board Meeting on November 16, 2006.

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G. The application of **Michael LeCroix, Owner**, for property located at **151 High Street** wherein Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 18 as shown on Assessor Plan 118 decreasing in area from 6,800 ± s.f. to 4,233 ± s.f. and decreasing continuous street frontage off of High Street from 57.2' to 42.8' and Lot 19 as shown on Assessor Plan 118 increasing in area from 626 ± s.f. to 3,192± s.f. and increasing continuous street frontage off of High Street from 13' to 27.4', and lying in a zone where a minimum lot area of 1,000 s.f. and no continuous street frontage is required. Said properties are shown on Assessor Plan 118 as Lots 18 & 19 and lie within a General Business B District, Downtown Overlay District and Historic District A;

Voted to **approve** with the following **stipulations**:

- 1) That the demolition of the existing structure/construction of a new structure receives the required approval(s) from the Historic District Commission;
- 2) That Parking Credit information shall be identified on the Final Plat Plan;
- 3) That the former lot lines shall be identified on the Final Plat along with a Table identifying "Existing" and "Proposed" lot areas, zoning district and other information as required by this Board for a Final Plat (see Subdivision Rules and Regulations);
- 4) The Plat needs to be stamped;
- 5) That boundary monuments shall be placed in accord with the requirements of the Department of Public Works;
- 6) That appropriate GIS information shall be provided to the City's Department of Public Works for the purpose of updating the Tax Maps; and
- 7) That when all the aforementioned stipulations are complete that the Plat is accepted by this Board as the Final Subdivision Plat and shall be filed in the Registry of Deeds.

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H. The application of **Portsmouth Hospital Office Building Association, Owner**, for property located at **330 Borthwick Avenue (Jackson Gray Medical Office Building)**, wherein Site Review approval is requested to expand an existing asphalt parking lot by 50 parking spaces into a vacant wooded area, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 240 as Lot 2-2 and lies within an Office Research district.

Voted to **approve** with the following **stipulations**:

**Stipulations from the October 2, 2006 Technical Advisory Committee Meeting:**

- 1) That all existing sewer easements be shown on the Site Plans;
- 2) That snorkel hoods be installed on all existing and proposed catch basins;
- 3) That the sidewalk on Borthwick Avenue be extended in front of this site, at the expense of the applicant, the exact location of which to be determined by DPW;
- 4) That all proposed lighting shall be Dark Sky Friendly and shall not extend over the property line;
- 5) That the applicant shall met with DPW, pending the review of a condition assessment being done on that section of sewer line, to coordinate work in the area if replacement is needed;

- 6) That a maintenance schedule for the catch basins shall be prepared on a schedule to be determined by DPW and said reports shall be filed with DPW for their review;
- 7) That the Site Plans reflect that this is in a Wellhead Protection Area and all work shall follow the Water Protection Guidelines due to the proximity to a City well;
- 8) That the applicant shall work with the City Water Department relative to the installation of two monitoring wells on the site;
- 9) That the applicant plant a native conservation seed mix, rather than Kentucky blue grass, and shrubs in the wetland fill area;
- 10) That all State and Federal Permits shall be obtained;

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**III. CITY COUNCIL REFERRALS/REQUESTS**

A. Disposal of or reuse under the City Ordinance of the old Library Building (8 Islington Street);

The Board voted to recommend as the Board’s report back to the Council:

- 1. That the Board finds that there is no municipal agency requiring the use of this facility; and,
- 2. That given the potential interest in this historic structure, that the City should conduct a formal review of the title/deeds relating to this site

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**IV. NEW BUSINESS**

A. Property Located at 125 Brewery Lane – Request for One Year Extension of Site Review approval;

Voted to **grant** a one year extension, with a new expiration date of November 17, 2007.

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**V. AMENDED SITE PLAN REVIEW**

A. Property Located at 566 Islington Street – Amended Site Review approval to remove and replace two trees;

Voted to **grant** the applicant amended Site Review Approval to work with the Planning Department and the Department of Public Works to coordinate the removal of two large trees located in the front of your office and to replace them with a more suitable species, as well as to work with the Planning Department in the future to discuss the replacement of additional trees that are deemed unhealthy.

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

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This Action Sheet was prepared by Jane M. Shouse, Administrative Assistant in the Planning Department.

