

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00P.M.**

**MAY 21, 2009**

**MEMBERS PRESENT:** John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Paige Roberts, Vice Chairman; Donald Coker; Anthony Coviello; John Rice; Anthony Blenkinsop; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; and MaryLiz Geffert, Alternate

**MEMBERS EXCUSED:** Norman Patenaude, Alternate

**ALSO PRESENT:** David M. Holden, Planning Director; Peter Britz, Environmental Planner

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**I. PUBLIC HEARINGS**

A. The application of the **City of Portsmouth, Owner**, for property located **off Ceres Street** and **Portsmouth Navigation Corp, Owner**, for property located at **34 Ceres Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots having the following: Lot 46 as shown on Assessor Plan 106 decreasing in area from 5,141 ± s.f. to 5,131 ± s.f. and continuous street frontage on Ceres Street increasing from 90' to 99' and Lot 45 as shown on Assessor Plan 106 increasing in area from 11,339 ± s.f. to 11,349 ± s.f. and continuance street frontage on Ceres Street decreasing from 172' ± to 161' ±, and lying in a district where a minimum lot area of 1,000 s.f. and no continuous street frontage is required. Said properties are are shown on Assessor Plan 106 as Lots 45 and 46 and lie in the Central Business A District, Historic District A and the Downtown Overlay District (DOD). *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant Preliminary and Final Subdivision approval** with the following stipulations:

1. That, as appropriate, approval from the Board of Adjustment shall be secured for the reduction in continuous street frontage;
  2. That the Board grants a waiver to allow for one of the lots to not be completely presented on the Subdivision Plan as required by the Subdivision Rules and Regulations;
  3. That GIS data shall be provided to DPW in the form that is required by the City;
  4. That property monuments as required by DPW shall be set prior to the filing of the plat;
  5. That the zoning district on the Subdivision Plan shall be revised to show the Waterfront Industrial District; and
  6. That the Planning Board recommends that the City Council authorize these land conveyances.
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B. The application of the **City of Portsmouth, Owner, and TCG New Jersey, Inc., Applicant**, for property located in the **Echo Avenue Right of Way**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the placement of 4” PVC conduits for installation of buried fiber optic cable, connecting between existing utility poles, all within an Inland Wetlands Protection District. Said property is shown between Assessor Plan 238, Lot 2 and Assessor Plan 237, Lots 56 & 57, and lies within the General Business district and the Single Residence B District. *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant** Conditional Use approval with the following stipulations:

1. That the applicant shall receive a license from the City Council prior to commencing any work in the right-of-way;
2. That the Conditional Use Permit approval is subject to review and approval by the Department of Public Works;

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C. The application of **Bruce and Suzanne Phinney, Owners**, for property located at **165 Bartlett 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 two retaining walls to control run off and erosion of back yard, all within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 158, Lot 10, and lies within the General Residence A district. *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant** Conditional Use approval.

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D. The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road**, wherein Site Review approval is requested to construct a 25,500 ± s.f. retail addition, to construct a 27,350 ± s.f. stand alone retail building, and to demolish 155 ± s.f. of existing building to separate the buildings, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 273 as Lot 3 and lies within the General Business district; *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant** site review approval with the following **stipulations**:

**Stipulations from the December 30, 2008 Technical Advisory Committee Meeting:**

- 1) That easements shall be required for all gate valves and service shut offs to the individual units, for review and approval as to content and form by the City Legal Department;
- 2) That a copy of the as-builts in electronic format, compatible with the City’s GIS format, shall be provided to DPW;
- 3) That the water meter shall be relocated to where it is tapped off the fire service;
- 4) That any domestic service that is tapped off of fire service should be brought in from the main in front of the building to a separate domestic service and it should then have a meter;
- 5) That the applicant shall be required to appear before the Traffic & Safety Committee for review and approval;

- 6) That the applicant shall meet with Deborah Finnigan and Lucy Tillman to review and approval of the Landscaping Plan;
- 7) That a copy of the SWIFF shall be provided to DPW;

**Stipulations from the May 5, 2009 Technical Advisory Committee Meeting:**

- 8) That the applicant shall meet with representatives of DPW to resolve the water issues;
- 9) That the applicant shall review their final drainage report with representatives of DPW and a Memo shall be submitted to the Planning Board at their May 21<sup>st</sup> meeting;

**Stipulations from the May 21, 2009 Planning Board Meeting:**

- 10) That the lighting pole heights shall be reviewed and approved by DPW;
- 11) That a Construction Management Plan shall be prepared by the Applicant and reviewed and approved by the City, prior to the issuance of a building permit, and said CMP shall specifically report the amount of material leaving the site and include plans for review and approval by DPW.

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E. The application of **The Hill Unit Owners Association, Owner**, for property located **off Deer Street and High Street, commonly known as "The Hill"**, wherein Site Review approval is requested to construct eleven new parking spaces with brick pavers, reconstruct the service road entrance at High Street and construct a new loading area, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 26 and lies within the Historic District A and Central Business B Districts; *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant** site review approval with the following **stipulations**:

**Stipulations from the May 5, 2009 Technical Advisory Committee Meeting:**

- 1) That the 11 parking spaces shown on the Site Plan shall be the only legally recognized parking spaces;
- 2) That the text "One Way" shall be removed from the service road, leaving only the arrows on the Site Plans;
- 3) That the handicapped tip down in front of the Fitch House shall be verified with David Desfosses, of DPW;
- 4) That the Site Plans shall indicate that the brick sidewalk and granite curb will be replaced with paving where the service road enters High Street;
- 5) That the loading area easement shall be approved for content and form by the City's Legal Department.

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F. The application of **Dilorenzo Real Estate, LLC, Owner**, and **Poco's Bow Street Cantina, Applicant**, for property located at **33 and 37 Bow Street**, and the **City of Portsmouth, Owner**, for property located **off Ceres Street**, wherein Site Review approval is requested for the construction of a new 1,050 ± s.f. deck, after the demolition of an existing deck and patio, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 106 as Lots 46, 48 and 49 and lies within the Historic District A and Central Business A Districts; *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant** site review approval with the following **stipulation**:

**Stipulation from the May 5, 2009 Technical Advisory Committee Meeting:**

- 1) That the applicant shall prepare an easement for the deeded right-of-way as referenced in Agreement recorded in the Rockingham County Registry of Deeds at Book 3192, Page 0701, for review and approval as to content and form by the City Legal Department;

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G. The application of **The Edgewood Centre, Owner**, for property located at **928 South Street**, wherein Amended Site Review approval is requested to construct a new 10' x 24' vestibule with airlock entrance and concrete slabs with roof overhang on either side of the entrance, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 221 Lot 87 and lies within the Single Residence B District; *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

Voted to **grant** site review approval with the following **stipulations**:

**Stipulations from the May 5, 2009 Technical Advisory Committee Meeting:**

- 1) That underground utilities shall be shown on the Site Plan;
- 2) That the applicant shall X out on the Site Plan the areas that are not part of this approval;
- 3) That a waiver of Site Review Regulations shall be required at the Planning Board Meeting;

**Stipulation from the May 21, 2009 Planning Board Meeting:**

- 4) That the applicant shall re-submit the Site Plan without the stamp and title block.
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**II. CITY COUNCIL REFERRALS/REQUESTS**

A. Request from Joe Hickey, of Blue Athletic, Inc. for property located at 67 Bow Street to install a projecting sign; *(The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.)*

Voted to recommend a favorable approval of this license request to the City Council subject to the following conditions.

- 1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
  - 2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.
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B. Request from Michael Labrie, of Riverhouse Restaurant Group, LLC, for property located at 53 Bow Street to install a projecting sign; *(The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.)*

Voted to recommend a favorable approval of this license request to the City Council subject to the following conditions.

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

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C. Request from Jodie Curtis, of Re-Enhabit, LLC, for property located at 15 Daniel Street to install a projecting sign; *(The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.)*

Voted to recommend a favorable approval of this license request to the City Council subject to the following conditions.

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

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D. Request from Mario Giberti requesting to purchase City-owned land located adjacent to 16 Barberrry Lane; *(The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.)*

Voted to postpone to the June 18, 2009 Planning Board Meeting, with a request to the Department for a report back.

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E. Request from JASK Realty, for property between Bartlett Street and the U.S. Route One Bypass, to rezone land; *(The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.)*

Voted to recommend that the Planning Department review land use and circulation issues in the area defined by Bartlett Street, Woodbury Avenue, Cottage Street, the Route 1 Bypass, and the railroad embankment (see attached map), and prepare a recommendation for

rezoning of this area as part of the overall revision of the Zoning Ordinance and Zoning Map. In the interim, that a brief report be prepared for the City Council, advising them of this recommendation.

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**IV. ADJOURNMENT**

A motion to adjourn at 9:15 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board