

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00P.M.

JUNE 18, 2009

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

MEMBERS EXCUSED: Paige Roberts, Vice Chairman and Donald Coker;

ALSO PRESENT: David M. Holden, Planning Director;

.....
I. APPROVAL OF MINUTES

1. Approval of Minutes from the April 16, 2009 Planning Board Meeting – Unanimously approved.
 2. Approval of Minutes from the April 20, 2009 Planning Board Work Session – Unanimously approved.
 3. Approval of Minutes from the May 14, 2009 Planning Board Work Session – Unanimously approved.
 4. Approval of Minutes from the May 21, 2009 Planning Board Meeting – Unanimously approved.
-

II. PUBLIC HEARINGS

A. The application of the **City of Portsmouth, Owner**, for property located at **10 Middle Street (formerly 8 Islington Street)**, wherein amended Site Review approval is requested to reconfigure parking , with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 126 as Lot 21 and lies within the Historic District A, Downtown Overlay District (DOD) and Municipal District;

Voted to **approve** amended Site Review Approval with the following stipulation:

- 1). That a waiver of Site Review Regulations was granted by the Planning Board;
-

B. The application of **Madison Town houses, LLC, Owner**, for property located at **5, 7, 11 and 13 Old Parish Way (formerly 66 Madison Street)**, where in amended Site Review approval is requested for revisions to Units 8 – 11 to include interior garages, , with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 147 as Lots 1-1, 1-2 and 1-3 and lies within the Apartment District;

Voted **postpone** to the July 16, 2009 Planning Board meeting.

.....
III. CITY COUNCIL REFERRALS/REQUESTS

A. Request from Philip Thanas, of Thanas Galleries, for property located at 39 Ceres 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** with the following conditions:

1. That no sign is authorized to be placed, unless, it is at least 7’ above the sidewalk surface;
2. 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,
3. 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.

.....
B. Request from Alessandra Domina, of Sandy Domina Associates, for property located at 10 Ladd 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** with the following conditions:

1. That no sign is authorized to be placed, unless, it is at least 7’ above the sidewalk surface;
 2. 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,
 3. 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.
-

C. Request from Stuart Tulchinsky, of Headlines, for property located at 103 Vaughan Mall, 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** with 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.

.....
D. Request from Mike Bristow, of Roly’s English Fudge, for property located at 10 Commercial Alley, 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** with 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.

.....
E. Request from Alex Rogers and Jane Derry, of J. Covington, for property located at 185 High 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** with the following conditions:

1. That the sign to be removed is removed either before or at the same time as the proposed sign is placed and the one removed shall not be replaced unless all approvals are secured;
2. 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,
3. 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.

.....
F. Request from Mario Giberti requesting to purchase City-owned land located adjacent to 16 Barberry Lane; (This matter was postponed from the May 21, 2009 Planning Board Meeting); *(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 July 16, 2009 Planning Board meeting.

.....
G. Request from Doug Bates, President, Greater Portsmouth Chamber of Commerce, regarding Market Square Informational Kiosk; *(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 report back to the City Council and the City Manager as follows:

- 1) Approve the installation of display cases for event advertising as requested in Mr. Bates' letter of June 9, 2009;
- 2) Approve the installation of off season panels as outlined above;
- 3) Enter into an agreement with the Chamber for operation and maintenance of the kiosk, in order to formalize the City's authorization and to outline the respective roles of the two parties, including review of rental policies; and
- 4) Explore possible locations in the downtown area as alternatives to the kiosk for posting notices during the tourist season.

.....
IV. OLD BUSINESS

A. Discussion regarding possible zoning amendments to permit Senior Housing Facilities in the Office Research (OR) District, subject to certain conditions. (Borthwick Village);

Voted to schedule this matter for a public hearing at the July 16, 2009 Planning Board meeting.

.....
B. Correspondence received relative to property located at 150 Greenleaf Avenue, for Board review:

- 1) Letter from Robert P. Sullivan, Esq. to John Kuzinevich, dated May 22, 2009;
- 2) Letter from John Kuzinevich, Esq., to John Ricci, Chairman, dated May 26, 2009;
- 3) Letter from Charles Griffin, Esq., to John Ricci, Chairman, dated June 10, 2009;
- 4) Rockingham Superior Court – Notice of Decision;
- 5) Rockingham Superior Court – Notice of Hearing;

The Board acknowledged receipt of the above correspondence.
.....

V. ADJOURNMENT

A motion to adjourn at 8:20 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board