

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MAY 17, 2012

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill;

MEMBERS EXCUSED: John Rice and Brian Groth, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the February 16, 2012 Planning Board Meeting – Unanimously approved.
- B. Approval of Minutes from the March 22, 2012 Planning Board Work Session – Unanimously approved.
- C. Approval of Minutes from the April 19, 2012 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Parade Residence Hotel, LLC, Owner**, for property located at **100 Deer Street (formerly a portion of 195 Hanover Street)**, wherein Amended Site Plan Approval is requested for sidewalk changes in connection with a 11,437 s.f. conference center to be established in space previously approved for retail use, with related paving, utilities, landscaping, lighting, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 22 and lies within the General Business B and the Historic District. (This application was granted by the Planning Board on February 18, 2010; appealed to the Board of Adjustment which upheld the Planning Board action on April 20, 2010; appealed to the Rockingham County Superior Court where the decision was vacated and remanded on January 27, 2011; and appealed to the New Hampshire Supreme Court where the Superior Court Decision was affirmed on March 23, 2012.) (This matter was postponed from the April 19, 2012 Planning Board Meeting.)

Voted to grant amended site plan approval under the Zoning Ordinance in effect on February 18, 2010
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B. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road and Middle Road**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, including a stormwater detention pond/raingarden, vegetated outlet swale and a level spreader. Said property is shown on Assessor Map 167 as Lot 5 and Assessor Map 170 as Lot 24 and lie within the Single Residence B (SRB) District. (This application was postponed from the April 19, 2012 Planning Board Meeting)

Voted to postpone to the June 21, 2012 Planning Board meeting.

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C. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road and Middle Road**, requesting Preliminary and Final Subdivision Approval to subdivide two lots into nine lots, including a public right-of-way, with the following: Lot 5 on Assessor Plan 167 having 316,165 s.f. (7.258 acres) and Lot 24 on Assessor Plan 170 having 238,601 s.f. (5.478 acres), to be consolidated and subdivided into nine separate lots, ranging in size from 5,000 s.f. to 329,641 s.f. and all with a minimum of 100' of continuous street frontage on Spinney Road or the new proposed public right-of-way. Said properties lie in a Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100' of continuous street frontage. (This application was postponed from the April 19, 2012 Planning Board Meeting)

Voted to postpone to the June 21, 2012 Planning Board meeting.

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D. The application of **Lynn J. & Frances T. Sanderson Revocable Trusts, Paul J. Sanderson, Trustee, Owners**, and various other property owners, for property located **off Spinney, Middle, Thaxter, Sewell and Kensington Roads**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between lots as shown on Assessor Map 167 as Lot 5 and Assessor Map 168 as Lot 17, and abutting lots as listed below. Said properties are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100'. (This application was postponed from the April 19, 2012 Planning Board Meeting.)

1. Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson Trustee, Owner
Property located off Spinney, Middle, Thaxter, Sewell and Kensington Roads (Assessor Map 167 as Lot 5 and Assessor Map 170 as Lot 24)
Lot area decreasing in size from 12.74 acres to 11.92 acres
2. Craig S. and Christine Almond Hodgson, Owners
Property located at 165 Middle Road (Assessor Map 168 as Lot 17)
Lot area increasing from .18 acres to .30 acres
Street frontage increasing from 75' to 125' off Middle Road
3. Neal L. and Darlene L. Ouellett Revocable Trust, Neal L and Darlene L. Ouellett, Trustees, Owners
Property located at 124 Kensington Road (Assessor Map 152 as Lot 20)
Lot area increasing from .22 acres to .43 acres

- Street frontage remaining at 100'
- 4. Jeremy D. Martin, Owner
Property located at 199 Middle Road (Assessor Map 168 as Lot 14)
Lot area increasing from .28 acres to .51 acres
Street frontage remaining at 100'
- 5. Patrick B. and Karen A. Lyons, Owners
Property located at 185 Middle Street (Assessor Map 168 as Lot 15)
Lot area increasing from .13 acres to .80 acres
Street frontage remaining at 50'
- 6. David and Patricia Gress, Owners
Property located at 14 Sewall Road (Assessor Map 170 as Lot 20)
Lot area remaining at .31 acres to .31 acres
Street frontage decreasing from 135' to 125'
- 7. Michael Jacques, Patricia Newman and Caroline A. Newman Revocable Trust, Caroline A. Newman, Trustee, Owner
Property located at 342 Spinney Road (Assessor Map 169 as Lot 5)
Lot area increasing from .51 acres to .54 acres
Street frontage decreasing on Spinney Road from 171.3' to 162.59'
- 8. Joseph G. and Carol S. McGinty, Owners
Property located at 300 Spinney Road (Assessor Map 169 as Lot 6)
Lot area increasing from .69 acres to .70 acres
Street frontage decreasing from 150' to 141.26'
- 9. Patricia O. Sanderson Revocable Trust, David Sanderson, Trustee, Owner
Property located at 248 Spinney Road (Assessor Map 169 as Lot 4)
Lot area increasing in size from 1.31 acres to 1.46 acres

Voted to postpone to the June 21, 2012 Planning Board meeting.

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E. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **on Spinney Road and Middle Road**, requesting a Conditional Use Permit under Section 10.725 of the Zoning Ordinance for an Open Space Residential Planned Unit Development (OS-PUD) consisting of nine single family residential structures and five two-unit residential structures, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 167 as Lot 5, Assessor Map 170 as Lots 23 and 24, Assessor Map 171 as Lot 13 and lies within the Single Residence B (SRB) District. (This application was postponed from the April 19, 2012 Planning Board Meeting.)

Voted to postpone to the June 21, 2012 Planning Board meeting.

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F. The application of **Michaels Realty Trust, Owner**, for property located at **1390 Lafayette Road**, **ESUM Realty Trust, Owner**, for property located at **1400 Lafayette Road**, and **MacLeod Enterprises, Inc., Owner**, for property located at **1190 Lafayette Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision & Lot Consolidation) is requested between three lots as follows:

1. Lot 7 on Assessor Map 252 consisting of 14,358 s.f. being consolidated with Lot 9 on Assessor Map 252 for a total lot area of 237,001 s.f.;

2. Lot 8 as shown on Assessor Map 252 increasing in area from 111,924 s.f. to 126,989 s.f. with 248.72' of continuous street frontage on Lafayette Road and consolidated Lots 9 and 7 as shown on Assessor Map 252 decreasing in area from 237,001 s.f. to 221,936 s.f. with 529.51' of continuous street frontage on Lafayette Road.

Said properties are located in the Gateway District where the minimum lot size is 43,560 s.f. and the minimum continuous street frontage is 200'. (This application was postponed from the April 19, 2012 Planning Board Meeting)

Voted to postpone to the June 21, 2012 Planning Board meeting.

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G. Proposed amendments to the Site Plan Review Regulations, Section 3.6. – Drive-Through Facilities, to address screening of drive-through lanes and any other design and performance standards that may appear appropriate. (This hearing was postponed from the April 19, 2012 Planning Board Meeting)

Voted to postpone to the June 21, 2012 Planning Board meeting.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Kenneth M. Buttermore, Owner**, for property located at **545 F. W. Hartford Drive**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for 312 s.f. of impact within an inland wetland buffer for the replacement of an existing 12' x 21' wood deck with a 12' x 11' paver patio. Said property is shown on Assessor Map 250 as Lot 97 and lies within the Single Residence B (SRB) District.

Voted to grant Conditional Use Permit approval.

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B. The application of **Michaels Realty Trust and ESUM Realty Trust, Owners, and 4 Amigos, LLC, Applicant**, for property located at **1390 and 1400 Lafayette Road** requesting Site Plan Approval to construct a 2,500 s.f. one-story bank building with two drive through lanes, a 4,500 s.f. retail building and a 11,944 s.f. Rite Aid Pharmacy store with two drive through lanes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 252 as Lots 7 and 9 and lie within the Gateway (GW) District.

Voted to **deny** the request to waive Section 3.3.2(3) of the Site Plan Review Regulations to allow four driveways on a single lot.

Voted to postpone the application to the June 21, 2012 Planning Board meeting.

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C. The application of **A. Robert McGuire, Jr. and A. Robert McGuire, III, Owners**, for property located at **677 Dennett Street**, requesting Site Plan Approval for the construction of two 3-unit, 3,084 s.f. (footprint) residential buildings on two separate lots, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 161 as Lot 31 for which Subdivision Approval was granted by the Planning Board on February 16, 2012; and lies within the General Residential A (GRA) District.

Voted to **grant** Site Plan Approval with the following stipulations:

1. The final plan shall be approved by PSNH and the applicant shall consult with DPW on any changes.
2. All easements shall be approved by the City Attorney and recorded prior to the issuance of a building permit.
3. A Construction Management and Mitigation Plan (CMMP) shall be prepared by the applicant for review and approval by the City.
4. A fence detail shall be added to the Site Plan.
5. The line of Spruce trees shall be continued along the DOT easement area along Woodbury Avenue.
6. Plantings shall be added along the edge of Bartlett Street for the purpose of softening the view from the abutting residential houses, to be reviewed and approved by the Planning Director.
7. A handicapped sign detail shall be added to the Site Plan.

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D. The application of **Wright Ave, LLC, Owner, and Fresh Local, LLC, Josh Lanahan, and Michelle Lozuaway, Applicants**, for property located off **Wright Avenue**, requesting Site Plan Approval for the renovation of an existing building for restaurant use with indoor and outdoor seating, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 105 as Lot 18 and lies within the Central Business B (CBB) District and the Historic District.

Voted to grant all waivers from the Site Plan Review Regulations necessary to accept the site plan as submitted.

Voted to grant Site Plan approval with the following stipulation:

1. The Site Plan approval is for a temporary use and shall last no longer than November 16, 2012.

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E. The application of **Summit Land Development, LLC, Applicant**, for property located at **108 Corporate Drive**, requesting Site Plan Approval for the construction of a 1-story, 21,000 s.f. office building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 305 as Lot 3 and lies within the Pease Business/Commercial District

Voted to recommend Site Plan approval to the Pease Development Authority.

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IV. NEW BUSINESS

A. Proposed amendments to the Zoning Map regarding the location of the Downtown Overlay District, and to the Zoning Ordinance, Section 10.640 – Downtown Overlay District.

Voted to postpone to the June 21, 2012 Planning Board meeting.
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V. CITY COUNCIL REFERRALS/REQUESTS

A. Letter from Attorney James Nocas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery.

Voted to postpone to the June 21, 2012 Planning Board meeting.
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B. Request by Eric Mart and Kathryn McCallion to rezone property at 1283 Woodbury Avenue from Single Residence B (SRB) to Mixed Residential Business (MRB).

Voted to postpone to the June 21, 2012 Planning Board meeting.
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C. Request by Attorney John McGee, on behalf of the Trustees of the Arthur MacDonald Trust, for a lot line revision between the Middle School property and 46 & 65 Mark Street.

Voted to recommend that the City Council approve the transfer of land to the abutters under such terms as may be deemed appropriate to the City, and based on the value of the land as deemed appropriate by the City.
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VI. PLANNING DIRECTOR'S REPORT

A. New Hampshire Community Planning Grant.

B. 2015 Master Plan.
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VII. ADJOURNMENT

A motion to adjourn at 10:40 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board