

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

AUGUST 16, 2012

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

MEMBERS EXCUSED: Brian Groth, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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I. PUBLIC HEARINGS – OLD BUSINESS

A. 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 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 July 19, 2012 Planning Board Meeting. The application has been revised and the description has been amended accordingly)

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 decreasing from 7.258 acres to 6.06 acres
Map 170 as Lot 24 decreasing from 5.478 acres to 4.15 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)
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
- 10. City of Portsmouth, Owner
City Right of Way off Spinney Road, 15' wide x 349' long
Lot area increasing by .12 acres

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

- 1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
- 2. The final plat and all resulting deeds and easements shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 3. Property monuments shall be set as required by DPW prior to the filing of the plat.
- 4. GIS data shall be provided to DPW in the form as required by the City.

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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**, requesting Final Subdivision Approval to subdivide one lot into four lots with the following:

- a. Proposed Lot 1 consisting of 15,080 s.f. and 100' of street frontage.
- b. Proposed Lot 2 consisting of 15, 010 s.f. and 100' of street frontage.
- c. Proposed Lot 3 consisting of 15,090 s.f. and 136' of street frontage.
- d. The balance of Lot 170, Map 24 consisting of 180,823 s.f. and 219' of street frontage.

Said lot lies within the Single Residence B (SRB) District where a minimum of 15,000 s.f. and 100' of street frontage is required. (This application was postponed from the July 19, 2012 Planning Board meeting. The application has been revised and the description has been amended accordingly.)

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

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all easements shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. Property monuments shall be set as required by DPW prior to the filing of the plat.
4. GIS data shall be provided to DPW in the form as required by the City.

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C. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located at 1046 Islington Street and property on Spinney Road, requesting Final Subdivision approval for a Lot Line Revision between two existing lots having the following: Lot 12 as shown on Assessor Map 171 increasing in area from 4,246 ± s.f. to 15,001 ± s.f. and Lot 13 as shown on Assessor Map 171 decreasing in area from 2.88 ± acres to 114,723 ± s.f. Said lots lie within the Single Residence B (SRB) district where a minimum lot area of 15,000 s.f. is required. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

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

1. The final plat and the resulting deed(s) shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
2. Property monuments shall be set as required by DPW prior to the filing of the plat.
3. GIS data shall be provided to DPW in the form as required by the City.

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D. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **on Spinney Road**, requesting Final Subdivision approval to subdivide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 28,315 ± s.f. and 109.03' of street frontage.
- b. Proposed Lot 2 consisting of 33,107 ± s.f. and 110.72' of street frontage.
- c. Proposed Lot 3 consisting of 36,028 ± s.f. and 100.66' of street frontage.
- d. Proposed Lot 4 consisting of 17,404 ± sf. and 100.00' of street frontage.

Said lot lies within the Single Residence B (SRB) district where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

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

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all easements shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. Property monuments shall be set as required by DPW prior to the filing of the plat.
4. GIS data shall be provided to DPW in the form as required by the City.

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E. 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 125,509 s.f. with 240.72' 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 223,416 s.f. with 537.51' 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'. (The application was postponed from the July 19, 2012 Planning Board meeting. The application has been revised and the description has been amended accordingly.)

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

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all resulting deeds and easements shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. Property monuments shall be set as required by DPW prior to the filing of the plat.
4. GIS data shall be provided to DPW in the form as required by the City.

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F. 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 1) a 6,000 s.f. building consisting of a 3,500 s.f. bank with three drive through lanes and a 2,500 s.f. restaurant; and 2) 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. (The application was postponed from the June 21, 2012 Planning Board meeting. The application has been revised and the description has been amended accordingly.)

- A. Voted to **grant** a Conditional Use Permit under Section 10.440, use 19.40, to allow a three-lane drive-through facility as an accessory use to a bank.
- B. Voted to **grant** a waiver from the Site Plan Review Regulations, Section 3.3.2.3, regarding the number of driveways per lot.
- C. Voted to **grant** Site Plan approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. The Site Plans shall be revised as follows:
 - (a) The three-way stop intersection in the middle of the site shall include a raised intersection, and the applicant shall review how pedestrians pass through all raised islands in the same vicinity. Any revisions shall be reviewed and approved by the Planning Director and DPW.
 - (b) On the east to west driveway, along the boundary with the Comfort Inn parcel, the double solid yellow center line shall be continuous from the Lafayette Road island to the raised crosswalk and from the raised crosswalk to the stop sign.
 - (c) Note 7 on Sheet 102 shall be revised to read that the DigSafe notice is 72 hours prior to construction.
 - (d) The sidewalk along Lafayette Road shall be concrete rather than asphalt.
 - (e) The directional signs for traffic exiting the site onto Peverly Hill Road shall better direct vehicles to northbound Route 1.
2. All proposed easements shall be reviewed and approved by the Legal and Planning Departments, and shall be recorded prior to the issuance of any building permit.
3. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City prior to the issuance of a building permit.
4. Building permits for this site shall not be issued until curbing or other barriers have been installed to prevent vehicles from entering or exiting the parking spaces on the adjacent parcel from the shared driveway.

Conditions Subsequent (to be completed prior to the issuance of a Certificate of Occupancy):

5. The applicant shall pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.
6. All improvements in Peverly Hill Road and Lafayette Road as shown on the site plans, including the Conceptual Improvement Plan, shall be completed prior to the issuance of the first Certificate of Occupancy for any building on the site.

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G. The application of **Richard P. Fecteau, Owner**, for property located at **120 Spaulding Turnpike**, **Two Way Realty, LLC, Owner**, for property located at **100 Spaulding Turnpike**, and **Five Way Realty, LLC, Owner**, for property located at **80 Spaulding Turnpike**, (to be consolidated into one lot), requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, involving demolition and construction, driveways, septic systems and construction of a stormwater management system, with 42,331 s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 236 as Lots 33, 37, and 38 and lie within the General Business (GB) and Single Residence B (SRB) District. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

Voted to **postpone** to the September 20, 2012 Planning Board meeting.

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H. The application of **Olde Parish Townhouses Condominium Association, Owner**, for property located at **66 Madison Street**, requesting Amended Site Plan approval to revise a condition of previous Site Plan approval granted on January 22, 2004 by the Planning Board which requires cross-easements for all utilities for recording at the Registry of Deeds. Said property is shown on Assessor Map 147 as Lots 1-1, 1-2 and 1-3 and lie within the General Residence C (GRC) District. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

Voted to **postpone** to the September 20, 2012 Planning Board meeting.

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I. Proposed amendments to the Site Plan Review Regulations, Section 1.2.3 – Developments of Regional Impact. (This matter was postponed from the July 19, 2012 Planning Board Meeting.)

No action taken.

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II. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Service Credit Union, Owner**, for property located at **2995 Lafayette Road**, requesting Amended Site Plan Approval to extend the proposed sidewalk, relocate the project sign and provide additional landscaping as a result of the merger of the corner parcel at the intersection of Lafayette Road and Longmeadow Road, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 2 and lies within the Gateway (GW) District.

Voted to **grant** Amended Site Plan approval with the following stipulation:

1. The owner shall either (a) obtain a license from the City Council for the sprinkler system that has been installed in the City right-of-way, or (b) provide a document, to be approved by the Legal Department, releasing the City from liability for any damage to the sprinkler system that may result from work done in the right-of-way.

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B. The application of **HCA Health Services of New Hampshire, Owner**, for property located at **333 Borthwick Avenue**, requesting Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, for the construction of an at grade 50' x 50' concrete helipad, with 8,648 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 240 as Lot 2-1 and lies within the Office Research (OR) District.

Voted to **grant** Conditional Use Permit Approval with the following stipulations:

1. The applicant shall follow best management practices for phragmites control as recommended by the Department of Environmental Services.
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C. The application of **HCA Health Services of NH, Inc., Owner**, for property located at **333 Borthwick Avenue**, requesting Site Plan Approval to construct an at grade 50' x 50' concrete helipad in the existing hospital emergency room parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 240 as

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

1. The laydown area and all construction personnel and equipment shall be outside the Borthwick Avenue right-of-way.
2. A note shall be added to the plan that Digsafe shall be contacted at least 72 hours prior to construction.

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D. The application of **Paul Kamakas, Owner**, for property located at **990 Lafayette Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland and wetland buffer, involving the stabilization of a previously disturbed area with vegetation and the placement of boulders to make the area less accessible, with 27,000 s.f. of impact to the wetland and 28,500 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 253 as Lot 13 and lies within the Gateway District

Voted to **grant** Conditional Use Permit Approval

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E. The application of the **City of Portsmouth, Owner and Public Service of New Hampshire, Applicant**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland, for the replacement of 48 utility poles and associated overhead wires and guy wires along a 1.2 mile corridor starting at the Greenland town line and running along Interstate 95 to the Exit 3 off-ramp and then along the railroad tracks, with 100,517 s.f. of impact to the inland wetland. Said property is shown on Assessor Map 278 as Lot 1 and Assessor Map 280 as Lot 3 and lies in the Natural Resource Protection (NRP) District.

Voted to **grant** Conditional Use Permit Approval with the following stipulations:

1. All vehicles shall be parked at an off-site location and not in the wetland area at night.
2. The mats shall be cleaned when moved from one location to another so as to not spread invasive species.

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F. The application of **Ricci Supply Company, Inc., Owner**, for property located at **105 Bartlett Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer, for the demolition and reconstruction of 7,980 s.f. two-story building, with 8,700 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 164, Lot 1 and lies within the Office Research (OR) District.

Voted to **grant** Conditional Use Permit Approval

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G. The application of **Ricci Supply Company, Inc., Owner**, for property located at **105 Bartlett Street**, requesting Site Plan Approval for the demolition and reconstruction of a 7,980 s.f. two-story building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 164 as Lot 1 and lies within the Office Research (OR) District

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

1. Amend the site plans as follows:
 - (a) Add an accessible parking space detail, including surface painting and upright signage.
 - (b) Show the sprinkler pipe connection to the building.
 - (c) Demonstrate that the plan complies with the Zoning Ordinance relative to light spillage.
 - (d) Include a reference to the recorded easement allowing the applicant to use the adjacent land owned by the railroad.
2. The easement deed shall be reviewed by the City Attorney to confirm that it allows the applicant to use the railroad land as shown on the site plan.
3. Final water connections shall be reviewed and approved by the City Water Department.
4. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City prior to the issuance of a building permit.

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H. The application of the **M. H. Wentworth Home, Owner**, and **127 Parrott Avenue, LLC, Applicant**, for property located at **127 Parrott Avenue**, requesting Site Plan Approval for the removal of exterior ramps, fire escape, fencing, concrete aprons and sidewalks; the expansion of parking; and the construction of a new closed drainage system; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 115 as Lots 3 and 3-1 and lies within the Mixed Residential Office (MRO) District and the Historic District.

A. Voted to **grant** a waiver under Section 3.3.23 of Site Plan Review Regulations, regarding number of driveways per lot.

B. Voted to **grant** a waiver under Section 5.11 of Site Plan Regulations regarding the sidewalk connection, shown as Note 9 on the site plan.

C. Voted to **grant** Site Plan approval with the following stipulations:

1. Catch basin #5 shall be labeled on the plan.
2. The sign in front of the building shall be re-labeled as “existing sign”.
3. A Construction Management and Mitigation Plan shall be prepared by the Applicant for

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I. The application of **MacLeod Enterprises, Inc., Owner**, for property located at **1190 Lafayette Road**, requesting Amended Site Plan Approval for the reconfiguration of parking spaces, the addition of parking lot islands, the relocation of a driveway entrance off Lafayette Road, and installation of new curbing and sidewalk, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 252 as Lot 8 and lies within the Gateway (GW) District

Voted to **grant** Amended Site Plan approval with the following stipulations:

1. All construction details shall be identical to the details being used on the site plan for 1390 Lafayette Road.
2. The applicant shall participate in the Construction Management and Mitigation Plan (CMMP) for the development of 1390 Lafayette Road.

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III. CITY COUNCIL REFERRALS/REQUESTS

A. Letter from Stephen Kelm requesting an easement from the City to access his property at 80 Wright Avenue. (This matter was postponed at the July 19, 2012 Planning Board Meeting).

Voted to **postpone** to the September 20, 2012 Planning Board Meeting.
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IV. OTHER BUSINESS

A. Request from **233 Vaughan Street LLC, Owner**, for property located at **233 Vaughan Street**, for a one year extension of Site Plan Approval which received approval on May 20, 2010 and Amended Site Plan Approval August 18, 2011.

Voted to **grant** a one year extension of Site Plan approval to August 18, 2013.
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V. PLANNING DIRECTOR'S REPORT
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VI. ADJOURNMENT

A motion to adjourn at 10:45 pm was made and seconded and passed unanimously.
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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board