

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MAY 16, 2013

MEMBERS PRESENT: John Ricci, Chairman; Anthony Blenkinsop, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; Karina Quintans; Elizabeth Moreau, Alternate and Jay Leduc, Alternate

MEMBERS EXCUSED: John Rice and Colby Gamester;

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the February 21, 2013 Planning Board Meeting – no minutes available.
2. Approval of Minutes from the February 28, 2013 Planning Board Work Session – no minutes available.

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II. PUBLIC HEARINGS – OLD BUSINESS

*The Board's action in these matters 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.*

A. The application of **John L. Ahlgren and Bessie Palmisciano, Owners**, for property located on **Langdon Street**, requesting Final Subdivision Approval to subdivide one lot into four lots with the following:

- a. Proposed Lot 1 consisting of 5,022 s.f. and 63.35' of street frontage.
- b. Proposed Lot 2 consisting of 5,301 s.f. and 68.50' of street frontage.
- c. Proposed Lot 3 consisting of 4,965 s.f. and 43.23' of street frontage.
- d. Proposed Lot 4 consisting of 7,920 s.f. and 40.94' of street frontage.

Said lot is shown on Assessor Map 138 as Lot 48 and lies within the Mixed Residential Business (MRB) where a minimum of 7,500' of lot area and 100' of street frontage is required and also within the Office Research (OR) District where a minimum of 3 acres of lot area and 300' of street frontage is required. (This application was postponed at the April 18, 2013 Planning Board meeting.)

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

Conditions Precedent (to be completed prior to the filing of the plat):

1. Notes shall be added to the Subdivision Plan stating that:
 - (a) No basement shall be constructed on Lot 3, and
 - (b) No basement floor on Lot 2 shall be lower than 4.5 feet below current existing grade.
2. The owner shall grant an easement to the City for utility purposes as shown on the Easement Plan submitted with the application for subdivision approval.
3. Property monuments shall be set as required by the Department of Public Works.
4. GIS data shall be provided to the Department of Public Works in the form as required by the City.

Conditions Subsequent (to be completed prior to the issuance of any building permit):

5. The applicant shall submit a grading plan for review by the Department of Public Works, to ensure that adjacent properties are not impacted by site run-off. Approval by DPW shall not relieve the applicant of any liability for correcting off-site impacts.
6. If the City’s infrastructure improvement project in Langdon Street has not been commenced or substantially completed to the point where the DPW consents to allow construction on the lots, the applicant, at the applicant’s option, shall have the right to complete the project as designed by the City at the applicant’s expense.
7. The applicant will coordinate with the City on the installation of underground electrical conduits in order that no excavation will be required in Langdon Street after it is reconstructed as part of the City’s utility improvement project.
8. The applicant shall convey Lot 4 to the City, subject only to (1) approval and acceptance of Lot 4 by the City Council, and (2) the following restrictions as shown on a recordable plan to be prepared by the applicant and approved by the Department of Public Works:
 - (a) a 5-foot by 87.64 foot vegetative buffer along the north side of Lot 3 for the benefit of Lot 3,
 - (b) a view easement and no parking area, approved by the Planning Department, for the benefit Lot 3 as shown on the recordable plan to be prepared by the applicant.

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B. The application of **Jean R. Johnson, Owner, and Thomas Johnson, Applicant**, for property located at **50 Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland and a wetland buffer, to construct a 850’ ± pervious driveway to access a proposed subdivided lot, with 247 s.f. of impact to the inland wetland and 7,900 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 16 and lies within the Rural Residential (R) District. (This application was postponed at the April 18, 2013 Planning Board meeting.)

Voted to **postpone** Conditional Use Permit Approval to the June 20, 2013 Planning Board Meeting.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. The application of the **City of Portsmouth, Owner, and the Portsmouth School Department, Applicant**, for property located at **50 Andrew Jarvis Drive** (Portsmouth High School), requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to install a 47’ telephone pole as part of a zipline element of the existing Project Adventure course, with 3 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 229 as Lot 3 and lies within the Municipal (M) District.

Voted to **grant** Conditional Use Permit approval.

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B. The application of **Christian B. and Kirstin E. Stallkamp, Owners**, for property located at **565 F.W. Hartford Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to construct a screened porch addition with new landing and stairs; proposed pervious patio; and associated stormwater improvements in the wetland buffer, with 1,150 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 250 as Lot 99 and lies within the Single Residence B (SRB) District.

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

1. Sealcoat shall not be applied to the driveway due to the potential for toxic runoff.
2. The new buffer plantings shall be maintained and shall remain in place as shown on the plan and shall not be converted back to grass or impervious surface.
3. The rain garden shall be maintained and kept in functional order to continue to receive and treat run-off from the driveway.

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C. The application of **Carol J. Trecoستا and Michele D Cole, Owners**, for property located at **32 Boss Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to remove an 8’ x 25’ storage pen with concrete block flooring and to construct a 12’ x 24’ deck off the rear of the existing structure, with 288 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 153 as Lot 5 and lies within the Single Residence B (SRB) District.

Voted to **grant** Conditional Use Permit approval.

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D. The application of **Janis Hancock, Owner**, for property located at **59 Taft Road**, and **Peter M. Dinnerman Revocable Trust, Owner, and Peter M. Dinnerman, Applicant**, for property located at **61 Taft Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 77 on Assessor Map 247 increasing in area from 13,679 s.f. to 14,562 s.f. and increasing in continuous street frontage from 90.03' to 97.91' on Taft Road.
- b. Lot 11 on Assessor Map 251 decreasing in area from 31,417 s.f. to 30,534 s.f. and decreasing in continuous street frontage from 180' to 172.12' on Taft Road.

Said properties are shown on Assessor Map 251 as Lot 11 and Assessor Map 247 as Lot 77 and are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and the minimum continuous street frontage is 100'.

A. Voted to **grant** a waiver from Section VI.2.B of the Subdivision Rules and Regulations, requiring lot dimensions to conform to the requirements of the Zoning Ordinance.

B. Voted to **grant Preliminary and Final Subdivision Approval** with the following stipulations:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3. The final plat and all deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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E. The application of the **RLD Revocable Trust and the AMD Revocable Trust, Owner**, for property located at **3201 and 3203 Lafayette Road**, requesting Preliminary and Final Subdivision approval to subdivide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 6.02 acres and 561' of continuous street frontage.
- b. Proposed Lot 2 consisting of 67.11 acres and 200' of continuous street frontage.
- c. Proposed Lot 3 consisting of 11.38 acres and 1084' of continuous street frontage.
- d. Proposed Lot 4 consisting of 123.97 acres and no street frontage (deeded easement for access and utilities).

Said property is shown on Assessor Map 291 as Lot 7 and lies within the Gateway District where a minimum lot area of 43,560 s.f. and 200' of continuous street frontage is required, the Rural (R) District where a minimum lot area of 5 acres and no continuous street frontage is required and the Garden Apartment/Mobile Home (GA/MH) district where a minimum lot area of 15,000 s.f. and no continuous street frontage is required.

Voted to **postpone** Preliminary and Final Subdivision approval to the June 20, 2013 Planning Board meeting with the following stipulation:

- 1) This application is referred to the Technical Advisory Committee for review of the infrastructure issues, as well as any other technical issues that TAC may deem appropriate.
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F. The application of **Cumberland Farms, Inc., Owner**, for property located at **1475 Lafayette Road**, and **ONB Realty Corp, Owner**, for property located at **1555 Lafayette Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 124 on Assessor Map 251 increasing in area from 24,895 s.f. to 57,433 s.f. with 200’ of continuous street frontage on Lafayette Road.
- b. Lot 125 on Assessor Map 251 decreasing in area from 76,330 s.f. to 43,792 s.f. with 155’ of continuous street frontage on Lafayette Road.

Said properties are shown on Assessor Map 251 as Lots 124 and 125 and are located in the Gateway District where the minimum lot size is 43,560 s.f. and the minimum continuous street frontage is 200’.

A. Voted to grant a waiver from Section VI.2.B of the Subdivision Rules and Regulations, requiring lot dimensions to conform to the requirements of the Zoning Ordinance.

B. Voted to grant Preliminary and Final Subdivision Approval (Lot Line Revision) subject to the following stipulations:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3. The final plat and all deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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G. The application of **Cumberland Farms, Inc., Owner**, for property located at **1475 Lafayette Road**, requesting Site Plan Approval to demolish the existing building and gas dispensers and construct a new 4,513 s.f. convenience store, new canopy and four gas dispensers, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 251 as Lot 124 and lies within the Gateway District.

A. Voted to determine that the application for Site Plan Approval was complete according to the Board’s regulations, contingent upon compliance with the Board’s stipulations of approval regarding documentation and stamped plans; and to accept the application for consideration.

C. Voted to **grant** a waiver from Section 3.3.2.3 of the Site Plan Review Regulations, to allow three driveways on the lot as shown on the proposed site plans, as they will not have the effect of nullifying the spirit and intent of the City’s Master Plan or the Site Plan Review Regulations.

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. On Sheet CFG4.0 (Site Plan),
 - (a) Clearly identify all four existing monitoring wells and add “(Typ. 4)” to the callout note stating “existing monitoring wells to remain and raised to proposed grades.”
 - (b) Delineate and label the snow storage area in the right rear corner of the parking area.

2. On Sheet CFG4.1 (Signage and Marking Plan), add a “No Left Turn” sign for exiting vehicles at the Lafayette Road driveway.
3. On Sheet CFG8.0 (Landscape Plan), a note shall be added stating, “All trees shown on this plan shall be maintained and allowed to grow in their natural shape, and shall be pruned only as necessary for healthy growth or to remove branches that are less than 7 feet above grade over a sidewalk or parking area.”
4. Provide all final plans stamped by a New Hampshire licensed civil engineer as required by the Site Plan Review Regulations, Sec. 2.4.4.1(d).
5. Submit documentation from private utility service providers and a list of required state and federal permit applications as required by the Site Plan Review Regulations, Sec. 2.4.3.2(d) and (e).
6. The applicant shall videotape the 10" ductile iron drain pipe running across Elwyn Road for review by DPW. If the DPW determines that the pipe needs to be replaced, the applicant shall coordinate with DPW and shall complete all work associated with the replacement.
7. 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.

Conditions Subsequent (to be completed prior to the release of site plan security)

9. The easement to NHDOT along Lafayette Road and the easement to the City along Elwyn Road shall be prepared for review and approval by the Legal and Planning Departments, and shall be recorded prior to the issuance of a Certificate of Occupancy.
10. All improvements in Lafayette Road and Elwyn Road shall be completed as shown on the site plans prior to the issuance of a Certificate of Occupancy.

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IV. PLANNING DIRECTOR’S REPORT

The Planning Director gave an up date on the following items:

- A. Planning Department website and social media initiatives.
- B. Proposed amendments to the Planning Board Rules and Regulations to require digital submission of plans and other application materials.
- C. Status of Zoning Ordinance amendments recommended by Planning Board.
- D. Transportation policy update.
- E. Upcoming meetings and work sessions.

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V. ADJOURNMENT

A motion to adjourn at 9:05 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board