
MEMORANDUM

TO: Planning Board
FROM: Rick Taintor, Planning Director
Juliet T.H. Walker, Assistant Planning Director
DATE: March 13, 2017
RE: Staff recommendations for March 16, 2017 Planning Board meeting

II. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review

1. The application of **Hope for Tomorrow Foundation, Owner**, for property located at **315 Banfield Road**.
2. The application of **Old Tex Mex, LLC, Owner**, for property located at **3510 Lafayette Road**.

Planning Department Recommendation

Vote to determine that these applications for site plan approval are complete (contingent on the granting of any required waivers under Section IV of the agenda) according to the Site Plan Review Regulations and to accept them for consideration.

III. DESIGN REVIEW

A. The request of **299 Vaughan Street, LLC, and Sanel Realty Co., Inc., Owners**, and **299 Vaughan Street, LLC c/o Cathartes, Applicant**, for property located at **299 and 225 Vaughan Street and off Vaughan Street**, for design review under the Site Plan Review Regulations for the construction of a hotel with 143 guest rooms and 2,500± s.f. of commercial space, a 43,325± s.f. public park along the North Mill Pond waterfront (to be constructed in two phases), and a 2,869± s.f. public path from Vaughan Street to the waterfront park. Said properties are shown on Assessors Map 123 as Lot 15 and Assessors Map 124 as Lots 10 and 11, and lie within Character District 5 (CD5), the North End Incentive Overlay District, the Downtown Overlay District (DOD) and the Historic District.

Description

This item is a request for design review under the Site Plan Review Regulations for a proposed hotel on a Vaughan Street site currently occupied by a municipal parking lot and an auto parts business. This proposed development project previously came before the Planning Board for preliminary conceptual consultation at the Board's January 2017 meeting.

Under the State statute (RSA 676:4,II), the design review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this preapplication phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

Under the Site Plan Review Regulations, Section 2.4.3(4), the request for design review is first considered at a regular meeting of the Planning Board. If the Board determines that the request contains enough information to allow the Board to understand the project and identify potential issues and concerns, it then schedules a public hearing on the request. Thus, the Board is not expected to consider the substance of the proposal at this month’s meeting, but only to determine if the request is complete enough to proceed to a public hearing.

Planning Department Recommendations

1. *Vote to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns.*
2. *(If the above vote is positive) Vote to accept the request for design review and schedule a public hearing for the Planning Board meeting on April 20, 2017.*

IV. PUBLIC HEARINGS – NEW BUSINESS

A. Request to name a new city street to be constructed between Bridge Street and Rock Street, providing access to the new municipal parking garage. The Parking Garage Building Committee has proposed three names for consideration: Depot, Foundry and Creek. Other names may also be considered.

Description

As part of the municipal parking garage project, the City plans to construct a new public street from Bridge Street to the intersection of Rock Street and Sudbury Street.

At the January 19, 2017 meeting, the Planning Board voted to recommend that the City construct the proposed new street and to recommend that the new street be dedicated and accepted as a City street upon completion of construction in accordance with the approved plans.

Per Chapter 11 of the City Ordinances, Article V, Section 11.501, “the naming of all public streets and rights of way which are to receive or have received legal status by acceptance shall be subject to approval by the Planning Board” and “no existing or proposed street name shall duplicate the name or names of other proposed or existing streets irrespective of the use of the suffix, “Street”, “Avenue”, “Boulevard”, “Drive”, “Place”, “Way”, “Court”, or the like.”

A memorandum from David Allen, the City's Parking Garage Project Manager, outlining the process that was used to develop the recommended street names is included with this packet.

Planning Department Recommendation

Vote to approve [name and suffix per Planning Board discussion] as the name for the proposed new street.

B. Petition of **393 New Castle Avenue, LLC, owner**, for property located at **390 New Castle Avenue**, requesting Conditional Use Permit approval for work within a tidal wetland buffer including 437 ± s.f. of temporary impact and 133 ± s.f. of permanent impact to raise the elevation of the existing main structure, pour a concrete slab within the existing garage, close openings in the foundations of the main structure and garage, remove a portion of the gravel parking area, and add landscape improvements. Said property is shown on Assessor Plan 207 as Lot 6 and lies within the Single Residence B (SRB) District and the Historic District.

Description

The applicant proposes to raise and improve the main structure and garage with new steps and landing, to remove a portion of a gravel parking area, and to install wetland buffer plantings.

In order to be granted a Conditional Use Permit for work within the wetland buffer, the applicant must satisfy the criteria for approval set forth in Section 10.1017.50 of the Zoning Ordinance, as follows:

1. The land is reasonably suited to the use, activity or alteration.
2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.
3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.
4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.
5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of [the wetlands protection provisions of the Ordinance].

The land is suited to the proposed work and the proposed changes are a redevelopment of an existing site which will provide better flood protection for the buildings. Given the small size of this lot there is no other location feasible for the proposed work. If the erosion control measures included on the plan are followed, the temporary impacts will be reduced. The long term benefits of the plantings and removal of gravel area should have small net benefit on the site and surrounding properties.

This application plans to replace gravel with lawn area and convert a portion of lawn area to wetland buffer plantings with native vegetation which should result in enhanced natural

vegetation on the site. The proposed project has been designed to reduce impacts and should result in a small net benefit to the wetland buffer.

Conservation Commission Review

The Conservation Commission considered this application at its meeting on March 8, 2017, and voted to recommend that the conditional use permit be granted as presented.

Planning Department Recommendation

Vote to grant the conditional use permit as presented.

It is recommended that Items C and D under Public Hearings – New Business be discussed together and voted on separately.

A motion is required to consider these two items together.

C. Petition of **Hope for Tomorrow Foundation and Foundation for Seacoast Health, owners**, and **Hope for Tomorrow Foundation, applicant**, for property located at **315 Banfield Road** and **100 Campus Drive**, requesting Conditional Use Permit approval for work within an inland wetland buffer including 15,200 ± s.f. of permanent impact to construct sewer service through an existing nature trail. Said properties are shown on Assessor Plan 266 as Lots 4 & 5 and lie within the Industrial (I) District.

D. The application of **Hope for Tomorrow Foundation, Owner**, for property located at **315 Banfield Road**, requesting Site Plan Approval for the construction of a 200-student private elementary school with a footprint of 24,150 ± s.f. and gross floor area of 28,000 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 266 as Lot 5 and lies within the Industrial (I) District.

Description

The applicant proposes to construct a new elementary school with access from a driveway off of Banfield Rd with athletic fields, parking, and a pathway connecting to the neighboring Community Campus property.

Conditional Use Permit

In order to be granted a Conditional Use Permit for work within the wetland buffer, the applicant must satisfy the criteria for approval set forth in Section 10.1017.50 of the Zoning Ordinance, as follows:

1. The land is reasonably suited to the use, activity or alteration.
2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.
3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.
4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of [the wetlands protection provisions of the Ordinance].

The work proposed by the applicant is to connect to the City of Portsmouth Sewer system using a cross-country route to an existing sewer connection at the Foundation for Seacoast Health. The applicant has, to the extent possible, located the new sewer line along an existing previously disturbed area stone dust path through the wetland buffer. This proposed location was selected over constructing a new line along Banfield Road or installing a septic system. Using this previously disturbed route is a reasonable approach to providing wastewater service to the proposed school, is the best approach to reducing impacts to natural vegetation, and is the preferred alternative to the other two considered.

The plan does not clearly show where the proposed sewer line is in relation to the existing path and where it requires new disturbance in the buffer. If the erosion control measures included on the plan are followed, the temporary impacts will be reduced. The areas in the path will return to path once the sewer line is in. The areas of undisturbed or naturally vegetated buffer will need the most care in replanting and future monitoring to insure that invasive species are controlled after the project is complete.

The proposed project has been designed to reduce impacts but care must be taken in the construction of the sewer line and stone wall to reduce impacts to the wetland buffer. The temporary impacts can be reduced with the use of erosion control measures such as installation and management of a silt sock. The long-term impacts can be controlled by insuring that the natural vegetation which returns over the new sewer line is free of invasive plants to provide similar buffer function to what is there today.

Conservation Commission Review

The Conservation Commission considered this application at its meeting on March 8, 2017, and voted to recommend approval of the conditional use permit with stipulations.

Site Plan

The proposed school will be set back from Banfield Road with driveways, parking areas and playing fields between the building and the street.

An issue of importance to the Planning Department is the creation of a public multi-use pathway across the site, connecting the future City land adjacent to the subject parcel to Banfield Road and the future rail trail beyond. This matter was raised at the public hearing on the subdivision and subsequently has been communicated to the applicant both in meetings with Planning Department staff and in the TAC work session and hearing. The Department strongly recommends that site plan approval be conditioned on the recording of an easement concurrently with the site and landscaping plans to ensure that this important link is preserved.

Required Variances

The proposed school use is not permitted in the Industrial zoning district, and the Zoning Board of Adjustment granted a variance to allow this use in September 2016.

A second variance is required for placement of off-street parking areas between the principal building and the street (Zoning Ordinance, Section 10.1113.20). The owner has submitted an application for this variance and is scheduled for a public hearing at the ZBA meeting on March 21, 2017. Because site plan approval requires conformance to zoning regulations, the Board's action to grant approval must be made contingent on approval of the parking variance.

Technical Advisory Committee Recommendation

At its meeting on February 28, 2017, the Technical Advisory Committee voted to recommend site plan approval with the following stipulations:

1. The off-site roadway improvements to Banfield Road shall be reviewed and approved by Department of Public Works (DPW) and the Planning Board prior to the recording of the plan. It will be a condition precedent to recording of the plan. Work will be completed as part of the work subsequent to that approval and before project completion.
2. The solar installation shall comply with the provisions in FPA 1, 2012, Section 11.12.
3. The pump station calculations shall be provided. The sewer design and sewer permit will need to be approved by DPW.
4. The applicant shall review final lighting design to determine if it is appropriate to address concerns from abutters and if shields are required.
5. The applicant shall review the driveway culvert and confirm that the 8" pipe is appropriate and will not be washed out.
6. The applicant shall verify that the water coming off the slope towards the neighbors' septic system is the same or less runoff than currently.
7. The driveway within the site shall be a minimum of 18' wide at the entrance.
8. The interior driveway between the median and the front of the school will be converted to one-way.

On March 8, the applicant submitted revised plans, addressing items 2 and 7 above to the satisfaction of the Planning Department. Additional information has been submitted by the applicant addressing the other TAC stipulations. Any remaining items have been included in the recommended stipulations of site plan approval listed below.

Planning Department Recommendations

A. Vote to grant the conditional use permit with the following stipulations:

1. *The site engineer shall provide construction oversight with routine inspections to ensure (a) that the grading is undertaken as shown on the plans, (b) that there are no additional wetland or wetland buffer impacts beyond those shown on the plans, and (c) that the clearing of vegetation is minimized and no more than shown on the plans.*
2. *Invasive species on the site will be shown on a plan prior to construction and an invasive species inventory shall be conducted one year post construction to insure that invasive species were not spread during construction. Results of this inventory*

shall be provided to the environmental planner and a plan to remove newly established invasive vegetation shall be provided if necessary.

B. Vote to grant site plan approval with the following stipulations:

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

1. *The applicant shall apply for and receive the required relief from the Zoning Board of Adjustment to allow parking to be located in front of the principal building.*
2. *The plan sheet(s) showing landscaping and screening shall also include the following additional notes:*
 - “1. *This Landscape Plan shall be recorded in the Rockingham County Registry of Deeds.*
 2. *All improvements shown on this Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Plan without the express approval of the Portsmouth Planning Director.*
 3. *The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.*
 4. *All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.*
 5. *The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”*
3. *The off-site roadway improvements to Banfield Road shall be reviewed and approved by Department of Public Works (DPW) and the Planning Department.*
4. *The sanitary pump station calculations shall be provided to DPW for review and approval.*
5. *The sewer design and sewer permit shall be approved by DPW.*
6. *The location of the shielded lights shall be shown on the Lighting Plan and appropriate details and specifications shall be added to the plan set.*
7. *The design of the driveway culvert shall be reviewed and approved by DPW.*
8. *The drainage analysis of runoff towards the neighbors' property shall be reviewed and approved by DPW.*
9. *The one-way driveway between the median and the front of the school will be changed to show traffic traveling in a westerly direction (toward the 22-space parking lot).*
10. *The location of the pedestrian/bicycle connection between Banfield Rd and the land to be acquired by the City from the Foundation for Seacoast Health (Community Campus) shall be designed in consultation with the Planning Department, and the applicant shall provide an easement for public (non-vehicular) access across the site to implement the proposed path.*
11. *The applicant shall prepare easement plans showing the final delineation of the path.*

12. *The Site Plan, Landscape Plans and all easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

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

1. *The off-site roadway improvements to Banfield Road shall be completed.*
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E. The application of **Old Tex Mex, LLC, Owner**, for property located at **3510 Lafayette Road**, requesting Site Plan Approval for the conversion of an existing office/warehouse building to 24 dwelling units with a footprint of 13,250 ± s.f. and gross floor area of 27,135 ± s.f., and to retain the existing single-family dwelling with a footprint of 1,087 ± s.f. and gross floor area of 2,174 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 297 as Lot 8 and lies within the Gateway (GW) District.

Description

The applicant is proposing to convert an existing commercial building to a multi-unit residential housing complex and to retain an existing single-family dwelling on the lot.

Technical Advisory Committee Recommendation

At its meeting on February 28, 2017, the Technical Advisory Committee voted to recommend site plan approval with the following stipulations:

1. The water test will be done to the satisfaction of the Department of Public Works and the Fire Department with regard to the appropriate fire prevention procedures. Additionally, the building and the installed sprinkler system shall conform to the approved system.
2. The proposed mulch shall be replaced with crushed stone in the rain garden.

The Committee also recommended the planting area adjacent to the dumpster be converted to a rain garden for stormwater treatment at the rear of the lot.

On March 8, the applicant submitted revised plans, addressing all of the items above to the satisfaction of the Planning Department.

Planning Department Recommendation

Vote to grant site plan approval with the following stipulation:

1. *The Site Plan and Landscape Plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
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F. The application of **Mark McNally, Owner**, for property located at **21 Brewster Street**, requesting Site Plan Approval for the conversion of a former boarding house to 6 dwelling units with a footprint of 4,160 ± s.f. and gross floor area of 11,742 ± s.f., and the construction of a 6-bay attached garage with a footprint of 1,404 ± s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 138 as Lot 11 and lies within the General Residence C (GRC) District.

Description

On March 7, 2017, the applicant submitted a letter requesting that consideration of this application be postponed to the April Planning Board meeting.

Planning Department Recommendation

Vote to postpone consideration of this application to the Planning Board meeting on April 20, 2017.
