



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Subject: Staff Recommendations for June 15, 2017 Planning Board Meeting
Date: June 14, 2017

II. DETERMINATIONS OF COMPLETENESS

A. SITE REVIEW

1. The application of **Five Hundred Five Lafayette Road, LLC, Owner, and Lens Doctors, Applicant**, for property located at **605 Lafayette Road**, requesting Site Plan Approval.
2. The application of **Pauline M. Dowd, Owner, and Tuck Realty Corporation, Applicant**, for property located at **288 Peverly Hill Road**, requesting Site Plan Approval.
3. The application of **299 Vaughan Street, LLC, c/o Cathartes Private Investments, Owner**, for property located at **299 Vaughan Street**, and **Sanel Realty Company, Inc, Owner**, for property located at **225 Vaughan Street**, requesting Site Plan Approval.

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 III of the agenda) according to the Site Plan Review Regulations and to accept them for consideration.

B. SUBDIVISION

1. The application of **Elizabeth E. Simpson Revocable Trust, Owner**, for property located at **40 Martine Cottage Road**, and **Carolyn McCombe Revocable Trust of 1998, Elizabeth Barker Berdge Revocable Trust of 1993, and Timothy Barker, Owners**, for property located **off Little Harbor Road**, and requesting Preliminary and Final Subdivision Approval (Lot Line Revision).
2. The application of **299 Vaughan Street, LLC, Owner**, for property located **off Vaughan Street**, requesting Preliminary and Final Subdivision Approval

Planning Department Recommendation

Vote to determine that these applications for subdivision approval are complete (contingent on the granting of any required waivers under Section III of the agenda) according to the Subdivision Rules and Regulations and to accept them for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

A. 244 South St

The application of **Swirly Girl II, LLC, Owner**, for property located at **244 South Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to convert a three-unit residential building to a two-unit residential building, construct a 27' high, 22' x 30' addition, a 10' high, 7' x 17' addition, a 6' x 12.5' deck, the addition of 581 ± s.f. of pervious driveway and stormwater management structures, with 1,091 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 111 as Lot 3 and lies within the Single Residence B (SRB) District and the Historic District. (This application was postponed at the May 18, 2017 Planning Board Meeting).

Description

This is an application for conditional use for impacts in the wetland buffer from the construction of a new pervious driveway and a new addition in the buffer with 236 sq. ft. of impervious building in the buffer and 267 sq. ft. of pervious driveway in the buffer for a total of 503 sq. ft. of new permanent impact in the buffer. In addition there is also a temporary impact proposed from grading in the buffer. The applicant is proposing drywell areas to infiltrate the runoff from the new roof area as well as a new buffer enhancement area at the rear of the site.

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.

1. *The land is reasonably suited to the use activity or alteration:*
The impacts proposed from this project are required for the applicant to construct an addition and provide access to a new garage in the addition. The area where the work is proposed is lawn and the applicant has taken measures to infiltrate stormwater.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration:*
The proposed changes are intended to accommodate an addition and new driveway area to access the new addition in the rear of the house. Given the proximity of the house to the street and the side property line this is the only area where the house can be expanded.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties:*
The applicant has taken steps to reduce the impacts of the new impervious areas through the use of pervious driveway materials and dry wells for stormwater infiltration and porous driveway materials. In addition, the applicant has added

pervious sidewalk area outside the buffer and a new buffer enhancement area of 622 sq. ft. with native plantings.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals:*

The project will result in the loss of some lawn area but not natural woodland.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section:*

The proposed project has been designed to reduce impacts through the use of porous pavement, the addition of drywells to infiltrate the stormwater and a buffer enhancement area with native plantings.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible:*

A vegetated buffer strip of 622 sq. ft. has been included at the rear of the property increasing the area of natural buffer from approximately 30 feet to approximately 40 feet.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

<h4><u>Planning Department Recommendation</u></h4>
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<p><i>Vote to grant the conditional use permit as presented.</i></p>
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B. 605 Lafayette Rd

The application of **Five Hundred Five Lafayette Road, LLC, Owner, and Lens Doctors, Applicant**, for property located at **605 Lafayette Road**, requesting Site Plan Approval for the demolition of the existing building and the construction of a proposed 2-story office building, with a footprint of 7,000 ± s.f. and gross floor area of 14,000 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 229 as Lot 9 and lies within the Gateway (GW) District. (This application was postponed at the May 18, 2017 Planning Board Meeting).

Description

This application involves construction of a new expanded office building to replace the existing building currently occupied by Lens Doctors. The new building will be constructed prior to the existing building being demolished. There is direct access to this property from Route 1 as well as from the parking areas of the abutting properties, which include 599 Lafayette Rd (former Bowl-a-Rama plaza) and 775 Lafayette Rd (home to Margaritas and Fresh Market). An existing cross easement allows access across the abutting properties via the shared driveway off Route 1 at the signalized intersection with Greenleaf Woods Dr, although the specific routes through the parking areas are not clearly defined in that easement.

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this at the May 2, 2017 meeting and voted to recommend approval with stipulations the following stipulations:

1. The sidewalk shall be amended to provide a more direct pathway to the front door from the sidewalk extending from Lafayette Road.
2. A Green Building Statement shall be provided according to the requirements of Section 2.5.3(1a) of the Site Plan Review Regulations.
3. The sewer lateral shall be revised from 4" to a 6".
4. Additional investigative work to confirm utility locations is needed to confirm that the site design will work as intended. As this will require coordination with NHDOT to do additional investigations, any utility modifications after Planning Board approval shall require Planning Department and DPW review and approval.

The applicant submitted revised plans on June 5, 2017 addressing all of the TAC stipulations to the satisfaction of the Planning Department. In addition, subsequent to the TAC meeting, the applicant and the City's DPW have negotiated a modification that would remove the need for the proposed retaining wall by grading slightly onto the abutting City property. In return, the City will be using a portion of 605 Lafayette Rd as a laydown area for an upgrade to the City's sanitary pumping station.

Planning Department Recommendation

Vote to grant Site Plan Approval with the following stipulations:

Conditions Precedent (to be completed prior to the recording of the site plan)

1. A Driveway Entrance Permit approval shall be secured from NHDOT.
2. The applicant shall enter into a Memorandum of Understanding with the City for use of a portion of the property by the City for a laydown area related to the City's upgrades to the municipal sanitary pump station.

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

1. The site plan and landscape plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
2. The contractor shall test excavate to locate existing utilities prior to construction. Any design modifications from the approved site plan shall require DPW review and approval and notification to the Planning Department.

It is recommended that Item (C) under Public Hearings – Old Business and Item (I) under Public Hearings – New Business be discussed together and voted on separately.

A motion is required to consider these two items together.

C. 288 Peverly Hill Rd (Site Plan)

The application of **Pauline M. Dowd, Owner, and Tuck Realty Corporation, Applicant**, for property located at **288 Peverly Hill Road**, requesting Site Plan Approval for the demolition of an existing residence and the construction of a proposed Planned Unit Development (PUD) consisting of two 2 ½ story buildings, with five units in “Building A” with a footprint of 5,200 ± s.f. and gross floor area of 13,230 ± s.f., and four units in “Building B” with a footprint of 4,160 ± s.f. and gross floor area of 10,504 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 255 as Lot 8 and lies within the Single Residence B (SRB) District. (This application was postponed at the May 18, 2017 Planning Board Meeting).

I. 288 Peverly Hill Rd (CUP)

The application of **Pauline M. Dowd, Owner, and Tuck Realty Corporation, Applicant**, for property located at **288 Peverly Hill Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to demolish a shed and remove debris, with 3,100 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 255 as Lot 8 and lies within the Single Residence A (SRA) District and the Single Residence B (SRB) District.

Description

This is a project to construct a nine-unit residential condominium as an Open Space Planned Unit Development (OS-PUD). In general, the purpose of an OS-PUD under the City’s Zoning Ordinance is to permit clustering of residential units so as to preserve natural features and create usable protected open space. The OS-PUD also allows for townhouses, two-family, and multi-family uses, which are otherwise not allowed in the Single Residence districts. The total lot area of this proposed development is 14.9 acres of which approximately 3.4 acres is considered developable land. A minimum of 25% of the site (3.7 acres) is required to be permanently protected as open space. The clustering of the units into 9 townhomes will allow 1.8 acres of developable area to be preserved as open space in addition to the 11.5 acres of open space that is otherwise considered undevelopable for a total of 13.2 acres of permanently protected common open space. This proposed use is allowed by Conditional Use Permit in this district, per the requirements of Section 10.725. An application for an OS-PUD Conditional Use Permit is subject to Site Plan Review. In addition, while the buildings and site development are all out of the buffer, a Wetland Conditional Use Permit is required to remove existing buildings in the buffer.

Wetlands 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.

1. *The land is reasonably suited to the use activity or alteration:*
The conditional use permit application is proposing removal of an existing shed and concrete slab along with debris which has been dumped throughout the buffer. The land is suited by the alteration as it will allow for greater conservation use of the property.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration:*
The proposed conditional use permit is to enhance the buffer by removing debris.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties:*
The removal of debris from the property should enhance the functional values of the surrounding properties.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals:*
The applicant proposing to remove some vegetation to clear a path to the building to be removed. This path will be seeded with a conservation seed mix upon completion of the project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section:*
This project is proposed in order to enhance the wetland buffer and conservation area for future residents.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible:*
The removal of the existing shed will enhance the buffer. The applicant is proposing to allow the entire buffer to remain a natural area.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

Site Plan Review and Open Space Residential Planned Unit Development (OS-PUD) Conditional Use Permit

Technical Advisory Committee Review

The Technical Advisory Committee (TAC) reviewed this at the May 2, 2017 meeting and voted to recommend approval with the following stipulations:

1. The Landscape Plan shall be revised to address issues raised by the TAC members including addition of landscaping along entrance to the site. This plan shall be submitted to the Planning Department for review and approval prior to final submission to the Planning Board.
2. Sheet C3 note 5 change to all existing utilities shall be terminated at the point of service.
3. Sheet D2 sewer manhole detail, revise to reflect that the standard City sewer manhole shall be used.
4. Sheet D3 hydrant shall be a Kennedy K81, changed to pumper connection, and the hydrant detail shall be updated per DPW comments.
5. A blanket easement for maintenance and access to private water lines and shutoffs shall be provided to the City.
6. Additional information to be reviewed and approved by DPW shall be added to the Utility Plan note 36 regarding the design of the water main.
7. A Green Building Statement shall be provided according to the requirements of Section 2.5.3(1a) of the Site Plan Review Regulations.
8. The applicant shall provide a detailed common open space management plan that shall include details regarding preservation, management, maintenance and delineation of the permanent common open space areas.
9. The applicant shall coordinate with DPW to add required language to the site plans regarding maintenance of stormwater management systems in perpetuity.

10. The applicant shall contact the Planning Department to confirm the process for issuance of a Conditional Use Permit by the Planning Board and required review by the Conservation Commission.

The applicant submitted updated plans on May 24, 2017. Items 1, 2, 3, 7 and 10 above have been addressed to the satisfaction of the Planning Department. The remaining items have been incorporated into the recommended stipulations below.

Conservation Commission Review

Section 10.727.20 of the Zoning requires that the Planning Board afford the Conservation Commission an opportunity to review the site plan and comment on the particulars of the proposed PUD including, but not limited to, the natural features of the site and how these may be impacted.

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

OS-PUD Findings

In order to grant a conditional use permit for a OS-PUD, the Planning Board must make the following findings as required in Section 10.727.31:

1. The site is appropriate for an OS-PUD.
2. The anticipated impacts of the proposed PUD on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional residential development on the site.

Planning Department Recommendation

A. Wetland Conditional Use Permit

Vote to grant the conditional use permit as presented.

B. OS-PUD Conditional Use Permit

1. *Vote to find that the application meets the requirements of Section 10.727.31.*
2. *Vote to grant a conditional use permit for the project as presented subject to the following condition:*
All materials submitted to the Planning Board and representations made at the public hearing for this application shall be deemed conditions of approval and shall be documented in a development agreement entered into and between the applicant and the City, which shall be reviewed and approved by the City Attorney.

C. Site Plan Review

Vote to grant site plan review approval with the following stipulations:

Conditions Precedent (to be completed prior to the recording of the site plan)

1. *The detail for the hydrant on Sheet D3 shall be reviewed and approved by DPW.*
2. *Utility Plan Note 36 shall be revised to read "Final design of water main shall be reviewed and approved by DPW."*
3. *The blanket easement for maintenance and access to private water lines and shutoffs shall be reviewed and approved by the City's Legal Department.*
4. *The common open space management plan shall be reviewed and approved by the City's Legal and Planning Departments.*
5. *The applicant shall coordinate with DPW to add required language to the site plans regarding maintenance of stormwater management systems in perpetuity.*
6. *The following notes shall be added to the Site Plan:*
 1. *This Site Plan shall be recorded in the Rockingham County Registry of Deeds.*
 2. *All improvements shown on this Site 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 Site Plan without the express approval of the Portsmouth Planning Director."*
7. *The following notes shall be added to the Landscape Plan*
 1. *The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.*
 2. *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.*
 3. *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."*

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

1. *The Site Plan (Sheet C4), Landscape Plan (Sheet L2), easement plans and deeds shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.*

IV. PUBLIC HEARINGS – NEW BUSINESS

A. 185 Edmond Ave

The application of **Ryan A. and Adrienne A. Cress, Owners**, for property located at **185 Edmond Avenue**, and **the City of Portsmouth, Owner**, for property located **off Edmond Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to excavate (8' x 55') along the south and west side of the house, remove and replace the existing headwall and failing CMP culvert and install new RCP culvert, with 750 ± s.f. of temporary impact to the wetland buffer. Said properties are shown on Assessor Map 220 as Lots 56 & 79 and lie within the Single Residence B (SRB) and Municipal (M) Districts.

Description

This is a drainage improvement project to repair a drainage line connecting two wetland/drainage areas.

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.

1. *The land is reasonably suited to the use activity or alteration. The impacts proposed from this project are all temporary.*
A new headwall will be installed along with new sections of pipe and a new drainage catchbasin where the drain pipe changes direction. The area is suited to the activity since it is where the existing drainage currently is located.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.*
Given that this is all replacement work and all temporary impacts this is the most reasonable location for the work.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*
Given the temporary nature of this project there will be no adverse impact from this project.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*
The project is primarily within a lawn area which does include several small trees and lilac bushes. The trees and lilac bushes that are located over the existing drainage pipe or in the area where the excavator needs to access the site will be relocated upon completion of the project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*
The proposed project requires only temporary impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The applicant will be planting a wetland seed mix on the bank closest to the wetland.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

Planning Department Recommendation

Vote to grant the conditional use permit as presented.

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

A motion is required to consider these two items together.

B. 135 Corporate Dr (CUP)

The application of **Pease Development Authority, Owner, and City of Portsmouth, Applicant**, for property located at **135 Corporate Drive**, requesting Conditional Use Permit approval, under Section 304.A.08 of the Pease Land Use Controls, for work within the inland wetland buffer to construct a 74' 8" X 30' 8" headworks building at the wastewater treatment facility, consisting of three levels (one above grade level and two below grade levels), with 23,790 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 303 as Lot 6 and lies within the Pease Airport Business Commercial (ABC) District.

C. 135 Corporate Dr (Site Plan)

The application of **Pease Development Authority, Owner, and the City of Portsmouth, Applicant**, for property located at **135 Corporate Drive**, requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, to construct a 74' 8" X 30' 8" headworks building consisting of three levels (one above grade level and two below grade levels) totaling 2,290 ± s.f. , with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessors Map 303 as Lot 6, and lies within the Pease Airport, Business, Commercial (ABC) District.

Description

This is a project on the Pease Tradeport to construct a portion of a new headworks building and a section of new pavement to provide access to this building partially in the wetland buffer.

Note that this application is subject to the land use regulations of the Pease Development Authority rather than those of the City of Portsmouth, and that the Planning Board's action is therefore to make a recommendation to the Pease Development Authority regarding approvals.

Wetland Conditional Use Permit

According to the Pease Development Authority Zoning Ordinance Part 304-A Pease Wetland Protection section 304-A.08 Conditional Use Permitting (f) Criteria for Approval the applicant must satisfy the following conditions for approval of this project.

1. The land is reasonably suited to the use.

The impacts proposed from this project are located to the maximum extent possible outside of the wetland buffer and the majority of the area is either existing buildings and pavement or lawn.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use.*

This is a project to improve the function of the Pease wastewater treatment plant. The applicant has worked to minimize impacts on the project and the site is reasonably suited to accommodate the development proposed.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

The design of the project includes infiltration of stormwater and new plantings which will should offset the impact of the new pavement and building in the wetland buffer.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*

There is a fairly small area of existing lawn converted to pavement from this project. It is the minimum required to complete the project.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

The applicant has selected an alternative that reduced the amount of pavement necessary to complete the project with a design that utilized as much previously disturbed area of the site as possible.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

Site Plan Review

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this application at the May 30, 2017 meeting and voted to recommend approval.

Planning Department Recommendation

A. Wetland Conditional Use Permit

Vote to recommend approval of the conditional use permit as presented.

B. Site Plan Review

Vote to recommend site plan approval as requested.

D. 62 & 76 Northwest St

The application of **Society for the Preservation of New England Antiquities of MA, Owner**, for property located at **62 & 76 Northwest Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer consisting of minor grading around the house, a new yard drain system, two new grass swales and a level spreader, with 3,400 ± s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 141 as Lot 29 and Assessor Map 122 as Lot 9 and lie within the General Residence A (GRA) District and the Historic District.

Description

The Jackson House has designed a project to direct stormwater to a drainage swale and level spreader within 100' of the North Mill Pond. The project location has been selected to avoid archeological resources near the house. The design of the project includes site grading and installation of a level spreader.

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.

1. *The land is reasonably suited to the use activity or alteration.*
The area where the swale and level spreader are proposed in the buffer is existing lawn and suitable for the installation of the proposed swale and level spreader.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.*
The proposed location was selected due to constraints on the site from archeological resources.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*
The proposed grading will dissipate stormwater velocities and should not impact 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.*
The project will result in a slightly different grade but essentially the same amount of open space and pervious area.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*
The proposed project amounts to a fairly modest amount of grading in a lawn area within the 100' wetland buffer.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
A vegetated buffer strip approximately 30 feet wide currently exists on the property and is not proposed to be disturbed.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

<p><u>Planning Department Recommendation</u></p>
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<p><i>Vote to grant the conditional use permit as presented.</i></p>
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E. 40 Martine Cottage Rd

The application of **Elizabeth E. Simpson Revocable Trust, Owner**, for property located at **40 Martine Cottage Road**, and **Carolyn McCombe Revocable Trust of 1998, Elizabeth Barker Berdge Revocable Trust of 1993, and Timothy Barker, Owners**, for property located **off Little Harbor Road**, and requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- (1) Map 202, Lot 14 decreasing in area from 7.33 ± acres to 5.17 ± f. acres.
- (2) Map 202, Lot 15 increasing in area from 2.28 ± acres to 4.44 ± acres.

Said lots lie within the Rural (R) District where the minimum lot area is 5 acres and there is no continuous street frontage requirement.

Planning Department Recommendation

Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:

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

F. 4 Sylvester St

The application of **Gary and Aerial Sillanpaa, Owners**, for property located at **4 Sylvester Street**, requesting Conditional Use Permit approval to create a two-bedroom 676 ± s.f. detached accessory dwelling unit on the second story of a garage (to be constructed), with associated paving, lighting, and utilities. Said property is shown on Assessor Map 232 as Lot 36 and lies within the Single Residence B (SRB) District.

Description

The applicant proposes to construct a new accessory dwelling unit to be constructed in conformance with all dimensional standards for the zoning district. Because the resulting unit will be a detached accessory dwelling unit (DADU), the provisions of Sec. 10.814.50 apply.

The original application proposed locating the DADU next to the primary dwelling beyond the end of Sylvester St and adding a new driveway access off of the end of the unimproved portion of Sylvester St. As generally no more than one driveway is permitted per lot, the applicant is considering expanding the existing parking area instead.

DPW staff have also reviewed the plans for this application and have expressed some concerns about constructing the garage in the proposed location. The Planning Department will have an update at the Planning Board meeting.

	Required	Provided / Proposed
Min. lot area (sf)	15,000	21,344
Lot area / dw unit (sf)*	15,000	21,344
Street frontage (ft)	100	200
Lot depth (ft)	100	80
Primary front yard (ft)	30	20**
Right side yard (ft)	10	24
Left side yard (ft)	10	>10
Rear yard (ft)	30	30
Height (ft)	35	23
Bldg coverage (%) max.	20%	9%
Open Space (%) min.	40%	87%
Parking (#)	4	4

*In the Single Residence districts, the lot area per dwelling unit requirement only applies to the principal single family use.

**Property meets the requirements of Section 10.516.10 for a front yard exception for existing alignments (front yard average for the properties in the neighborhood).

The applicant has indicated they will comply with all of the requirements of the Ordinance for a DADU as follows:

- The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership.
- Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling.
- Neither the principal dwelling nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.
- In addition to the two off-street parking spaces required for the single-family dwelling, two parking spaces shall be provided for an ADU larger than 400 sq. ft.
- The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area;
- The DADU shall be separated from the single-family dwelling by at least 20 feet.

In order to grant a conditional use permit for an ADU, the Planning Board must first make the following findings (Sec. 10.814.60):

Required Findings	Planning Department Comments
1. Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.	To increase compatibility of the design with the existing residence and surrounding properties, Planning staff has recommended that the applicant consider modifying the roof to a steeper pitch and changing the garage doors to double bays with windows.

Required Findings	Planning Department Comments
2. The site plan provides adequate open space and landscaping that is useful for both the ADU and the primary dwelling.	The location of the proposed DADU will be on a portion of the property that is more heavily vegetated. Both the primary dwelling and the DADU will have access to usable open space. However, the need to expand the parking area will decrease the amount of usable open space available for the primary dwelling. No additional landscaping has been proposed.
3. The ADU will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.	The proposed DADU will be located next to the house at the end of Sylvester St and does not appear to have an impact on privacy of adjacent properties.
4. The ADU will not result in excessive noise, traffic or parking congestion.	The applicant is proposing to expand the parking area to accommodate parking needs, the DADU will be located on a part of the property that is setback from abutting residences. DPW is currently reviewing the proposed location and staff will provide an update at the Planning Board meeting.

Aerial photo showing the relationship of the lot to surrounding lots and buildings:



Planning Department Recommendation

Planning staff is reviewing this application with DPW and will report back with a recommendation at the Planning Board meeting.

G. Oriental Gardens

The application of **Kelly Property Trust AB, Owner**, for property located at **Oriental Gardens Mobile Home Park off Woodbury Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer consisting of installation of rip rap outlet protection associated with an existing 48" RCP culvert and sewer improvements including removing an existing inoperative pump station, subsurface piping and reconstruction of the sewer system to operate by gravity, with 3,318 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 215 as Lot 9 and lies within the Office Research (OR) District.

Description

Oriental Gardens is proposing to upgrade and maintain an existing drainage swale and remove some unnecessary sewer infrastructure. The work proposed is in an existing drainage swale and under a lawn area.

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.

1. *The land is reasonably suited to the use activity or alteration.*
The swale area is an existing drainage swale and the applicant is proposing to add rip rap to the outlet to reduce the velocity of flow in the drainage channel thereby reducing sediment transport. This is largely a maintenance project. The other aspect of the project is to remove a tank and piping from the wetland buffer in a lawn area which will be a temporary impact.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.*
Since the drainage swale, tank and pipe are existing there is no alternative location for the work.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*
The proposed project should help deduce sediment to the wetland area at the rear of the site at the outlet of this swale.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*
The project is proposing to prune existing vegetation along the length of the swale to allow future maintenance.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*
The proposed project is necessary to maintain the drainage from the site and the addition of the rip rap outlet should reduce any adverse sediment impacts. The removal of the sewer infrastructure is necessary as it is not necessary to allow the sewer to function.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The applicant is proposing to prune vegetation along the swale but this area will remain naturally vegetated. The lawn area will remain to allow future access to clean out the drainage swale.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

Planning Department Recommendation

Vote to grant the conditional use permit as presented.

H. 250 McKinley Rd

The application of **Christopher and Rachel Delisle, Owners**, for property located at **250 McKinley Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a rain garden to collect existing sump/gutter runoff, add a soil berm and deep rooted plantings along the rear property line, add a thin layer of loam to lower areas to reduce the pitch of grade from the house to wetland, and raise the soil level at the house foundation, with 250 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 250 as Lot 117 and lies within the Single Residence B (SRB) District.

Description

This is a project to make site improvements to the rear of the property including drainage improvements and 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.

1. *The land is reasonably suited to the use activity or alteration.*
The applicant's yard is lawn sloped to the wetland area. He is proposing to reduce the slope and build a berm to slow water running off his property into the wetland area. In addition, the project calls for a rain garden to collect the water from a sump pump. This carefully designed project is reasonable for this property.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.*
This is the only area where the work in the buffer is feasible to slope water away from the house and infiltrate stormwater.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*
With the installation of the rain garden and berm with plantings this project should enhance the wetland values at the rear of his property.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*
The applicant is proposing to add plantings through this project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

This project is proposed in order to move water away from the house and to protect the values of the adjacent wetland. The applicant has provided appropriate stormwater treatment and if constructed as designed should result in an enhancement to water quality reaching the wetland bordering his property.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The applicant is proposing to add buffer plantings at the rear of his property where there is currently lawn resulting in an improvement in buffer vegetation from the existing condition.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

Planning Department Recommendation

Vote to grant the conditional use permit as presented.

It is recommended that Items (J), (K), and (L) under Public Hearings – New Business be discussed together and voted on separately.

A motion is required to consider these items together.

J. 299 Vaughan St (Subdivision)

The application of **299 Vaughan Street, LLC, Owner**, for property located **off Vaughan Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- (1) Proposed lot #1 having an area of 47,776 ± s.f. (1.0 acre) and no continuous street frontage.
- (2) Proposed lot #2 having an area of 3,947 ± s.f. (0.09 acres) and no continuous street frontage.

Said property is shown on Assessor Map 123 as Lot 15 and lies within Character District 5 (CD5), the North End Incentive Overlay District, the Downtown Overlay District (DOD) and the Historic District, where there is no minimum lot area or continuous street frontage requirement.

K. 299 Vaughan St (CUP)

The application of **299 Vaughan Street, LLC, Owner**, for property located at **299 Vaughan Street and property located off Vaughan Street**, and **Sanel Realty Trust Company Inc., Owner**, for property located at **225 Vaughan Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for the demolition of the existing buildings and for the construction of a 143 guest room hotel, with 1,970 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 255 as Lot 8 and lies within Character District 5 (CD5), the North End Incentive Overlay District, the Downtown Overlay District (DOD) and the Historic District.

L. 299 Vaughan St (Site Plan)

The application of **299 Vaughan Street, LLC, c/o Cathartes Private Investments, Owner**, for property located at **299 Vaughan Street**, and **Sanel Realty Company, Inc, Owner**, for property located at **225 Vaughan Street**, requesting Site Plan Approval for demolition of the existing buildings and 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 deeded to the City), 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

The applicant proposes to construct a five-story, 143-room hotel with additional ground-floor retail uses on the 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 and subsequently for Design Review approval at the Board's April 2017 meeting. The Historic District Commission approved this project on June 7, 2014.

The hotel's building footprint is 40,000 SF. To construct a footprint of 40,000 sq ft where 20,000 is the maximum normally allowed, Section 10.5A43.43 of the Zoning Ordinance requires the project provide community space that equals 30% of the total project area.

The total project area for the proposed hotel is approximately 1.3 acres (55,343 sq ft), which requires about 0.4 acres (16,603 sq. ft.) of community space to support the 40,000 sq. ft. building footprint. That 30% community space is proposed to be provided on the proposed hotel lot as well as on the abutting (Map 123 Lot 15). The proposed community space includes a connection to the future North Mill Pond Greenway, which is a project in the City's Capital Improvement Program and recommended in the 2014 Bicycle Pedestrian Plan. However, the amount of available land on Map 123 Lot 15 exceeds the 30% required for the building footprint incentive. While the applicant is willing to work with the City to implement the vision of the North Mill Pond Greenway park, the applicant does not want to give up the additional incentive potential that the excess land could provide for a future development.

Pending final adoption of a zoning amendment on June 19th, the Planning Board may allow this excess community space to be "banked" toward a future development project (subject to a conditional use permit from the Planning Board). However, should the amendment fail to be adopted, the applicant's current proposal will be changed with respect to the size of the proposed community space. Thus, the Planning Department staff's recommendation includes a stipulation that considers failure of the zoning amendment.

Typically, any community space that is proposed as part of a development project under Section 10.5A43.43 would be designed and constructed as part of the overall project. However, after some preliminary reviews with the Planning Board and Conservation Commission and in anticipation of the availability of the future community space along the waterfront, the applicant is proposing to deed to the City the portion of community space on Map 123 Lot 15 that is needed for the 30% requirement and make a financial contribution to the City to cover the cost of the improvements. This would enable the

City to run a public process for the design and improvements of that portion of community space separate from the development approval process.

The portion of community space on the waterfront that is proposed to be “banked” for future development can either be designed and constructed now by the City or built at a future date, either way the future developer is responsible for the cost of those improvements. So, potentially, the entire community space between the hotel site and the water could be designed as one project.

Separating out the community space that is proposed to be improved by the City, a small portion of the hotel site is subject to a Wetland Conditional Use Permit as part of this project approval. Additional permitting may be required in the future for the remaining portion of the community space to be designed and constructed by the City.

As part of this project, the applicant is proposing to subdivide and retain 3,937 SF of land from the waterfront parcel. The entire remaining 43,766 SF of land will be deeded to the City (14,884 SF for this project’s community space and the remaining to be credited for future development). The parcel to be retained by the applicant will include a 15 ft pedestrian access easement to benefit the waterfront parcel that is being deeded to the City. This easement will allow for the future North Mill Pond Greenway across the parcel that the applicant proposes to retain.

Wetland 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.

1. *The land is reasonably suited to the use activity or alteration.*
The area in question was previously approved as a parking lot which the City currently operates. This project will convert that parking lot into a hotel. The buffer area will be converted from parking to a mix of building, parking and rain garden. Given the reduction in impervious surface on this urban lot the land is reasonably suited to the proposed use.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.*
The applicant has reduced the impact in the buffer by converting impervious surface to rain garden.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*
The design of this project will see an overall reduction in impervious surface which should not create an adverse impact on the functional values of the site.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*
The applicant is not proposing to impact any buffer vegetation with this proposal.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*
This project is proposing to reduce the amount of impervious surface in the buffer which is a less impacting alternative than the existing site.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The applicant is proposing to add an expanded rain garden in the buffer in place of impervious parking spaces. While the expanded rain garden is not a natural buffer strip the addition of plants to the buffer where there is pavement now will result in improved buffer function.

Conservation Commission Review

The Conservation Commission will be reviewing this application at the June 14, 2017 meeting.

Site Plan Review and Subdivision

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this application at the May 30, 2017 meeting and voted to recommend approval with the following stipulations:

1. The Applicant shall provide a biddable plan set for the Green Street sewer replacement project by October 1, 2017.
2. The Applicant shall work with the City DPW to determine project limits and specifications as well as the timing of the installation of the binder overlay for the road for the sewer replacement project.
3. The Applicant shall contribute \$50,000 towards the sewer replacement project on Green Street.
4. The Applicant shall provide a solid waste management plan providing additional information on estimated solid waste generation and management of trash removal and recycling, amount of area needed for trash removal and means and methods for project's trash removal and recycling.
5. The existing sewer to be abandoned shall be shown on Utility Plan.
6. The electrical cabinet with meter (Milbank Type) for the street lighting and the electrical conduit locations shall be shown on the plans.
7. The street lighting type to be used shall be finalized through consultation with the Planning Department.
8. The pedestrian detectable panels on either side of the Green Street crosswalk shall be cast iron and shall be the radius type.
9. The Applicant shall replace the broken plastic panel on the other side of Green Street.
10. The detection panels on either side of the driveway shall be removed from the plan.
11. The LED bulbs for fixtures shall be 3000K color temp.
12. The Applicant shall provide alternative brick samples to DPW for review and modify note on site plan details for brick sidewalk to indicate "or City approved alternative".
13. Light pole bases shall have 5' of rigid steel on either side of the base, not 10'.
14. The conduit runs shall extend across Green Street and into 3S site to pick up the existing conduit system.
15. The Applicant shall work with Planning Department to identify potential alternatives to stone dust for multi-use path and to identify pros and cons of porous pavement path.
16. The Plans shall be modified to show community space connecting from Hotel to North Mill Pond to be "future community space to be designed and constructed by City" and the plans for that portion of the community space should be noted as conceptual only.

17. The Applicant shall deed the community space to the City and shall provide a financial contribution for the construction of the final design of the community space.
18. The driveway shall have a STOP line and STOP sign before the sidewalk.
19. Easements and deeding of land along Green Street shall be reviewed and finalized by Planning and Legal Department.
20. The loading zone shall require Parking & Traffic Safety Committee approval.
21. The width of the parking lot travel aisles shall be shown on the site plan.
22. The size of valet parking signage shall be 12"x18".

On June 6, 2017 the applicant submitted revised plans addressing items 8-14, 16-18, and 21-22 to the satisfaction of the Planning Department. The remaining items have been incorporated into the recommended stipulations below.

The Planning Department will be making a recommendation to the Planning Board for the applicant's financial contribution to the City for the community space improvements that are required to satisfy the 30% community space requirement. In addition the applicant will be providing the preliminary engineering design, surveying, and archeological survey that has been conducted on that property to date.

Planning Department Recommendations

A. Subdivision

Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:

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

B. Wetland Conditional Use Permit

Vote to grant the conditional use permit as presented.

C. Site Plan

1. *Vote to find that the application meets the criteria of Section 10.5A43.43 and grant approval for a conditional use permit for additional building footprint.*
2. *Vote to find that the application meets the requirements of the proposed zoning amendment Section 10.5A46.23 and, pending final adoption of that amendment, grant approval for a conditional use permit for the excess community space to be credited toward a future project.*
3. *Vote to grant Site Plan Review approval with the following stipulations:*

Conditions Precedent (to be completed prior to the recording of the site plan):

1. *The existing sewer to be abandoned shall be shown on the Utility Plan.*

2. *The street lighting type to be used shall be finalized through consultation with the Planning Department.*
3. *All easement plans, land swap agreements, and deeds shall be reviewed and finalized by Planning and Legal Department.*
4. *The applicant shall provide more detail for review and approval by DPW regarding solid waste and recycling generation amounts to back up the size of the containers needed and the frequency (per week) that is intended for trash/recycling pickup.*
5. *The Site Plan shall include the following notes:*
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site 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 Site Plan without the express approval of the Portsmouth Planning Director.”
6. *The Landscape Plan shall include the following additional notes:*
 - “1. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 2. 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.
 3. 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.”

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

1. *The Site Plan (Sheets 102.1 and 102.3), Landscape Plan (Sheet L2), easement plans and deeds shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.*
2. *For the future community space, to be designed and constructed by the City, the Applicant shall provide to the City all of the preliminary engineering design, surveying, and archeological survey that has been conducted on that property by the applicant to date and shall provide a financial contribution in the amount of \$ _____ for the construction of the community space.*
3. *The terms of the conditional use permit for the banking of the community space per Section 10.5A46.23 shall be documented in a Prospective Development Incentive Agreement (PDIA) to be entered into between the applicant and the Planning Department.*
4. *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.*

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

1. *For the Green Street sewer replacement project which shall be undertaken by the City, the applicant shall contribute \$50,000, shall provide a biddable plan set to the City by October 1, 2017, and shall work with the DPW to determine project limits and specifications as well as the timing of the installation of the binder overlay for the road.*

2. *The loading zone shall require Parking & Traffic Safety Committee approval.*

M. Oak St

Request of **Debra Regan** to transfer title to half of the “paper street” known as **Oak Street** that abuts 43 Mangrove Street. (City Council Referral)

Planning Department Recommendation

The Planning Department is not prepared to make a recommendation on the transfer of the paper street at this time, additional research is required with the Legal Department as well as with the Public Works Department. As this has already been advertised, the Board may hold the public hearing and vote to continue the decision on the recommendation to the City Council until a future meeting.

V. OTHER BUSINESS

A. Dorado Investments, Inc.

Request that the City accept a water line easement from **Dorado Investments, Inc.** in Greenland.

Planning Department Recommendation

Vote to recommend that the City Council accept a water line easement from Dorado Investments, LLC.