



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner I
Subject: Staff Recommendations for the April 19, 2018 Planning Board Meeting
Date: 4/13/2018 (Updated 04/18/18)

II. DETERMINATIONS OF COMPLETENESS

A. Subdivision

1. The application of **Seacoast Development Group, LLC, Owner**, for property located along **Rockingham Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots.

Planning Department Recommendation

Vote to determine that the application is complete according to the Subdivision Review Regulations and to accept the application for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

It is recommended that Item III.A. and Item III.F. be discussed together and voted on separately.

A motion is required to consider these two items together.

- A. The application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe's Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk-up window, with 6,870 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 239 as Lot 9 and lies within the Gateway Corridor (G1) District. (This application was postponed at the March 15, 2018 Planning Board Meeting).
- F. The application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe's Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Site Plan Review approval for a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk-up window, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 239 as Lot 9 and lies within the Gateway Corridor (G1) District. (This application was postponed at the March 22, 2018 Planning Board Meeting).



Description

The applicant proposes to add a 785 S.F. restaurant/take-out building (Aroma Joe's) with an attached patio and drive-thru service to the site. Variances were granted by the Zoning Board of Adjustment on March 21, 2017 as follows:

1. 10.440 #19.40 to allow a drive-through as a principal use where the use is only allowed as an accessory use;
2. 10.1112.30 to allow 21 off-street parking spaces to be provided where 22 spaces are required;
3. 10.1113.31 and 10.835.32 to allow accessways, traffic aisles, and drive through bypass lanes to be set back 30'± from a residential district where 50' to 100' are the minimums required;
4. 10.1113.41 to allow off-street parking areas, accessways & traffic aisles to be set back 30'± from the front lot line where 40' is the minimum required;
5. 10.591 and 10.835.31 for an outdoor service facility to be located 75'± from a residential district where 100' is the minimum required;
6. 10.1243 to allow three free-standing signs on a lot where only one free-standing sign per lot is permitted;
7. 10.1271.70 to allow signage to be located on a wall that does not face the street or include a public entrance;
8. 10.1251.10 to allow 61± s.f. non-freestanding signs where 30 s.f. is the maximum allowed.

These variances were granted with the following stipulation:

A fence or other barrier, approved by the Planning Department, will be erected to prevent light pollution from vehicles entering or leaving the property from spilling over onto the neighboring residential property.

Waiver Requests

The applicant requests a waiver from Site Plan Review Regulations for the following:

- Section 3.3.2(3) – Driveways shall be limited to one per lot.
- Section 9.3(5) – Dumpsters shall be 20 feet from the property line.

Conservation Commission Review

This application is to repave a parking lot, add a new use outside of the 100 foot wetland buffer and install a stormwater treatment system for a lot that currently allows stormwater to flow over the parking lot into the wetland area, with only a small lawn area providing limited velocity reduction and treatment.

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* The current buffer is a mix of pavement and grass bordering a large wetland complex. As such, the paved area and grass are not providing a positive benefit to the adjacent wetland. The land on this site that this proposal will impact is a previously disturbed degraded buffer. Given the applicant is proposing improvements this land is suited to the activity.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed use on the site is outside of the buffer and there is no alternative location for providing improvements to the buffer other than the downslope parking and lawn area.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project is planned to benefit the wetland through stormwater treatment and proposed plantings
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The applicant is only planning to alter existing lawn area. This vegetated area will remain vegetated but serve as a stormwater treatment 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 is an improvement to the site over the existing parking lot and lawn area.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has provided some new plantings on the wetland side of the stormwater treatment areas.

The Commission reviewed this application at the February 14, 2018 meeting and voted unanimously to recommend approval of the Conditional Use Permit with no stipulations.

Technical Advisory Committee Review

The TAC reviewed this application on February 27, 2018 and voted to recommend approval with the following stipulations, to be completed prior to Planning Board approval:

1. Exit driveway shall be just one lane.
2. Crosswalk that leads to parking lot shall be eliminated.
3. The applicant shall coordinate with DPW to show an appropriate sewer manhole (SMH) detail, label the asbestos pipe correctly and put instructions on the plan on how to deal with the pipe. It shall be noted that DPW will witness the installation of the manhole.
4. The applicant shall review ability of expanding stormwater pond #1 to accommodate more pre-treatment of the stormwater run-off from the parking area. DPW shall review and approve the stormwater design as revised.
5. The applicant shall confirm the owner and adequacy of sizing of the water main and whether an easement for the water main is required.
6. The applicant shall provide seasonal high water table (SHWT) in locations of proposed ponds.
7. The applicant shall provide a detail for each pond including any overflow/discharge structures. Indicate separation from SHWT.
8. Pipe slopes and inverts shall be shown for all pipes.
9. Applicant shall update the filter media mix to match NH Stormwater requirements.
10. The maintenance requirements for proposed ponds shall indicate minimum twice annual inspection.
11. The rainfall intensities shown in the Stormwater Modeling Summary Table in the drainage report shall match hydroCAD analysis.
12. The applicant shall provide a detail for proposed new SMH connection to the existing sewer.

13. The plans shall be updated to show that the sidewalk along Woodbury Avenue shall be resurfaced in kind across the entire frontage.
14. The layout shown on sheet C-2 shows the 14 x 14 patio on the east side of the building with the overall structure being rectangular. The layout depicted on sheet A1.0 shall match this configuration.
15. The two "Black Tupelo" trees (Ns on plan) depicted on sheet L-1 appear to encroach on driveways and parking when mature. Notes shall include maintenance requirements for trimming.
16. On sheet C-2, SITE NOTES CONTINUED, Note 21 shall read: "Existing building (Mattress Store) shall have a fire suppressions installed within two years of Planning Board Approval for the Aroma Joe's building."
17. The applicant shall note the dumpster location distance from the property line, revise the location should it be less than 10 ft. and note the requirement for a waiver if it is determined to be less than 20 ft.
18. In addition to planting Seed Mix A in Stormwater Ponds 1 and 2, Seed Mix A shall be planted in the area of the outfall of Stormwater Pond 1 from the rip rap outlet up to the edge of wetland.

On March 23, 2018, the applicant submitted revised plans addressing items 1-4, 6-7 & 9-18 above to the satisfaction of the Planning Department. Items 5 & 8 have been included in the recommended stipulations below.

Planning Department Recommendation

A) Wetland Conditional Use Permit

Vote to grant approval of the conditional use permit.

B) Site Plan Review

1. *Vote to find that granting of waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations: **[Note: An affirmative vote of six members of the Planning Board is required to grant a waiver.]***

- 1) *Section 3.3.2(3) – Driveways shall be limited to one per lot.*
- 2) *Section 9.3(5) – Dumpsters shall be 20 feet from the property line.*

2. *Vote to grant Site Plan Review approval with the following stipulations:*

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

- 1) *Engineer to adjust/reduce slope of proposed sewer lateral pipe to the City's sewer main, final design shall be reviewed and approved by DPW.*
- 2) *The owner shall provide an easement to the City of Portsmouth for the City's existing water main across the property. The Easement shall be 20 feet wide and centered on the existing pipe. The easement plan and deed shall be reviewed and approved by the Planning and Legal Departments and accepted by the City Council prior to recording.*

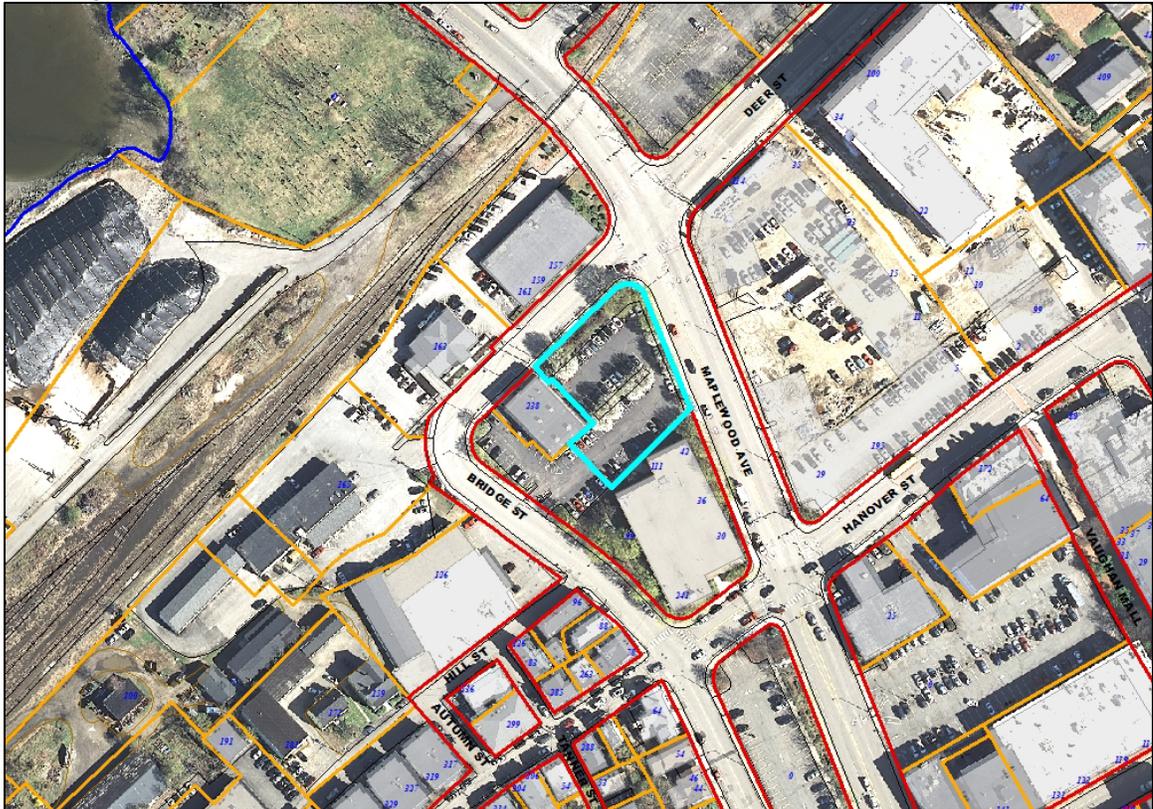
3) The Site Plan (Sheet C-2) and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy):

1) Coordinate the installation of the sewer lateral with the City's sewer department.

III. PUBLIC HEARINGS – OLD BUSINESS

- B.** The application of **Thirty Maplewood, LLC, Owner**, for property located at **46–64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Review approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the March 15, 2018 Planning Board Meeting).



Description

The applicant proposes to construct a 5-story mixed-use building, including 22 dwelling units and ground floor retail, office and restaurant. Variances were granted by the Zoning Board of Adjustment on June 27, 2017 to allow one 8' x 19' parking space where 8.5' in width is required and to allow ten (10) stacked parking spaces.

Historic District Commission Review

The Historic District Commission approved the plans at their August 2, 2017 meeting with stipulations.

Technical Advisory Committee Review

The TAC reviewed this application on January 30, 2018 and voted to recommend approval with the following stipulations, to be completed prior to Planning Board approval:

1. Update Detail H, Sheet D2 to reflect the Pinehall 4"x8" standard.
2. Revise L-3 Landscape Plan to include detail specifications for granite banding in the sidewalk.
3. Show brick sidewalk on Deer Street and Bridge Street to be constructed as part of this site plan approval.
4. Revise note on snow removal and clarifications in the easement agreement on responsibilities. Reference to snow storage being removed off-site will not be stored on City property.
5. Sewer pipe connections shall be revised to show 8" pipes with the exception of the grease trap which will be adjusted to a slope of 0.01 ft./ft.
6. Water meter locations shall be relocated to the sprinkler room, which will be a heated space.
7. Add a note that the elevator sump is to be watertight.
8. Remove 6" CI gas line from plan as it is out of service.
9. The Tideflex valve shall be relocated to the outlet of DMH1 and an inside pipe friction mounted valve shall be specified.
10. Proposed grade marks shall be removed from the pavement on Deer and Bridge St.
11. The detail for handholes in the City sidewalk shall be updated as specified.
12. The detail for the thrust block behind hydrant shall be updated as specified.
13. The drawing should reflect grease trap structures capable of H2O loading.
14. On Sheet C5, show the approximate location of the power for the traffic signal cabinet to 2' off the curb line directly next to the gas line.
15. Architectural plans shall be reviewed and approved by the Fire Department prior to Planning Board review for regulations regarding remoteness measurements for the lower level mercantile space. Please provide verification that this has occurred.
16. A third party inspection shall be required on all constructed improvements exterior to the building.
17. Additional details on solid waste management and proposed plan for future tenants shall be provided prior to Planning Board review.
18. Approval of this project shall be subject to the successful blockage of all groundwater from entering the drainage system. Any additional drainage/dewatering shall require amended approval.
19. Final electrical design, including sidewalk clearance where electrical conduit enters the building, shall be reviewed with Eversource and confirmed with the Planning Department prior to the issuance of a building permit.
20. The contractor shall provide shop drawings for all materials in the ROW for approval by the City prior to construction.
21. The drainage study shall require further review and approval by DPW prior to Planning Board review.
22. The Silva Cell detail shall be updated and approved by DPW prior to issuance of a building permit and shall require a third party inspector during construction.
23. An agreement shall be reached regarding fair share contributions proposed as part of Site Plan Technical Advisory Review prior to Planning Board review.

On March 7, 2018, the applicant submitted revised plans addressing items 1-15, & 17 above to the satisfaction of the Planning Department. Items 16, 18-20, 22 & 23 have been incorporated into the recommended stipulations below. Item 21 is addressed under the Staff Review section below.

Regarding item 23, the TAC initially recommended that the applicant provide fair share contributions for additional off-site improvements as follows: 1) half the estimated costs of the pavement and overlay of portions of Deer Street and Bridge Street (\$47,812), including a 25% contingency; 2) a fair share allocation of the Russell St Roundabout (\$17,000); 3) a fair share allocation to the cost of the Downtown Circulation Study updates (\$7,000); and a fair share allocation of the water main replacement on Deer St (\$52,000). The traffic mitigation recommended contributions were based on a study by TEC, the City's traffic consultant for the nearby Deer Street Associates (DSA) lots (see attached summary). TAC modified the related mitigation amounts accordingly for the 46-64 Maplewood Avenue property. The water main replacement estimate was done by DPW staff. These documents are attached to this memo.

Subsequent to the TAC meeting, the applicant met with City staff and requested that the overall contribution for off-site improvements be reduced to \$65,398. After review and discussion with DPW, the Planning Department has revised the recommended contribution for the Russell Street intersection, but recommends that the Planning Board require the remaining fair share contributions as originally recommended by TAC. The total recommended contribution as revised is \$111,812.

Planning Board Review

The Planning Board reviewed this application at the February 15, 2018 meeting and voted as follows: 1) to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration; 2) to postpone Site Plan approval, pending technical review of a revised and updated drainage study by City Staff, that reflects rainfall data based on the latest extreme precipitation tables from the Northeast Regional Climate Center (Cornell Study).

Staff Review

On March 7, 2018 the applicant submitted a revised Drainage Study for review and approval by DPW. After reviewing the drainage study and revised plans, staff provided the following comments to be addressed by the applicant:

1. Cover sheet should reference Jim Tow for water and sewer contacts.
2. Why is OCS #2 shown spatially where the communication vault exists?
3. The easement for 238 Deer Street electric service should be part of approval.
4. Both the fire and domestic water lines will have gate valves, not a curb stop.
5. The Applicant is showing a new CB3 in Deer St. This structure is in direct conflict with the Gas Main. We are not sure why this structure exists.
6. The Drainage Analysis Report is not complete as it does not include the analysis sheets for the post development condition.
7. Sheet C5-Note 6 shall be revised to indicate that grease trap inspections shall occur not less than two times per year.
8. Long term stormwater maintenance shall be documented on the recorded plan. It shall be noted who is responsible and what the references are.

9. A sewer discharge permit is required and should be sent to the City Engineer for review and signature.

On April 11, 2018 the applicant submitted revised plans and an updated Drainage Study that addressed items 1-2, 4-6, and 8 above. Items 3, 7 & 9 have been included in the recommended stipulations below.

Planning Department Recommendation

Vote to grant Site Plan Review approval with the following stipulations:

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

1. *Final electrical design, including sidewalk clearance where electrical conduit enters the building, shall be reviewed and approved by Eversource and confirmed with the Planning Department.*
2. *The applicant shall meet with DPW and Planning to confirm applicant's responsibilities for any required easements for electric service at 238 Deer St.*
3. *The following note shall be added to the site plan: "Foundation to be designed to be water tight at the basement level. Foundation design/construction shall minimize groundwater effects by using appropriate backfill and other methods under and around the foundation and, if necessary, by raising the elevation of the basement/foundation. A qualified geotechnical engineer shall evaluate the groundwater condition during excavation to determine any recommended adjustments. Any proposed permanent discharges into the City's stormwater system shall be quantified and shall result in no net increase in rate or volume of flow from existing conditions and shall require review and approval by DPW and a stormwater discharge permit as well as a site plan amendment."*
4. *The Silva Cell detail shall be approved by DPW.*
5. *Sheet C5-Note 6 shall be revised to indicate that grease trap inspections shall occur not less than two times per year.*
6. *The applicant shall provide fair share contributions for additional off-site improvements as follows: 1) half the estimated costs of the pavement and overlay of portions of Deer Street and Bridge Street (\$47,812); 2) a fair share allocation of the Russell Street intersection improvements (\$5,000); 3) a fair share allocation to the cost of the Downtown Circulation Study (\$7,000); and a fair share allocation of the water main replacement on Deer Street (\$52,000).*
7. *The easement deed for the pedestrian easements shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.*
8. *The required licenses for permanent improvements in the City right-of-way shall be reviewed and approved by the Planning and Legal Departments and approved by City Council.*
9. *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of site improvements within the public rights-of-way and on site.*
10. *The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

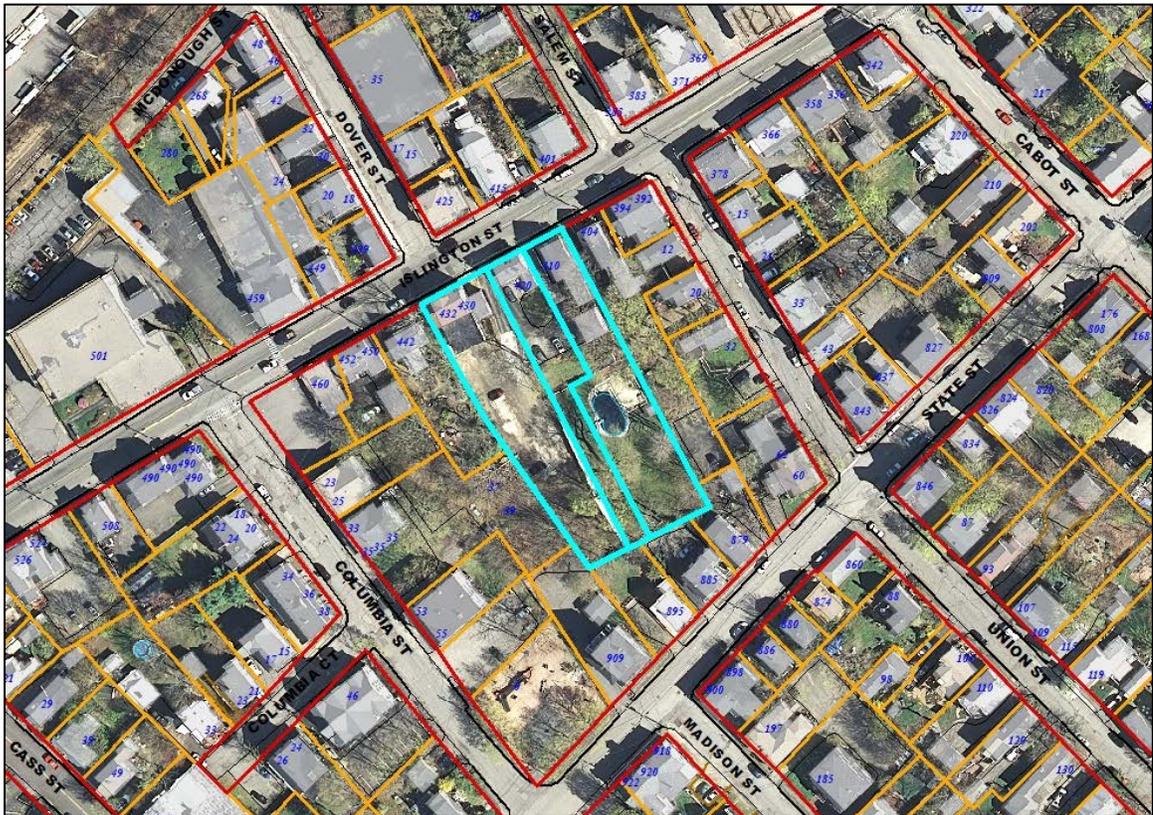
11. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.

Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy)

- 1. The contractor shall provide shop drawings for all improvements in the ROW for approval by DPW prior to construction.*
- 2. A sewer discharge permit is required and should be sent to the City Engineer for review and signature.*
- 3. A third party inspection shall be required on all constructed improvements exterior to the building.*

III. PUBLIC HEARINGS – OLD BUSINESS (cont.)

- C. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review approval to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-L2 (CD4-L2) and the Historic District. (This application was postponed at the March 15, 2018 Planning Board Meeting).



Description

The applicant proposes to remodel three existing buildings into 4 units and to construct three (3) duplex buildings and a single-family dwelling for 11 proposed units, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. The Planning Board initially considered this application at the February 15, 2018 meeting, but voted to postpone to the March meeting due to outstanding questions regarding the drainage analysis.

Historic District Review

The Historic District Commission issued a Certificate of Approval at their January 3, 2018 meeting with stipulations.

Technical Advisory Committee Review

The TAC reviewed this application on January 30, 2018 and voted to recommend approval with the following stipulations, to be completed prior to Planning Board approval:

1. The plans shall reflect that the underground utilities coming from the pole in front of 404 Islington Street shall be run under the sidewalk, a minimum of 3.5' back from the face of the curb and sidewalk shall be repaved after installation.
2. Building numbers shall be included in the table on Sheet D6 outlining Gross Floor Area and building footprints.
3. Update Sheet C1 reference to C2 for Zoning requirements.
4. Plans shall indicate that water, sewer and drain lines are "private".
5. Size of Islington water main shall be specified for purposes of tie in. Add note to test pit the main to verify size.
6. Fire hydrant detail should not have a drain hole or any reference to plugging a drain hole, the crushed stone shall be removed from the detail, and detail shall include a thrust block behind the hydrant.
7. Detail S, Sheet C4 note to be revised to reflect the actual location of the project. A note shall be added that specifies the water main is to be bagged for protection and needs brass wedges in the joints for continuity per City standards.
8. Sewer manholes shall show solid brick shelves with watertight boot connections and must meet NH DES and City standards.
9. Add note that third party inspection shall be required on water main, sewer and drainage system construction and repairs to City streets.
10. References to doghouse drain manholes shall be removed from the plans.
11. The landscape plan shall be updated to reflect the method for protecting the existing shade trees intended to be preserved.
12. The snow removal note shall be updated to clarify that it will not be stored on City property.
13. A note shall be added to outline solid waste removal plans.
14. A revised drainage study shall be reviewed and approved by DPW prior to Planning Board review.
15. A revised vehicle turning template with suggested design changes incorporated shall be reviewed and approved by the Planning Department and DPW prior to Planning Board review.
16. The plans shall note that the three new duplexes shall have 13D sprinkler systems.
17. The sewer shall be replaced and manhole updated in the area along State Street fronting the proposed development as a condition of Site Plan Review approval. Plans shall note that improvements shall be done in coordination with DPW.
18. Draft water access easement shall be submitted prior to Planning Board review.

On February 6, 2018 and March 6, 2018 the applicant submitted revised plans addressing items 1-9, 11-13, and 16 above to the satisfaction of the Planning Department.

Planning Board Review

The Planning Board reviewed this application at the February 15, 2018 meeting and voted to postpone to the March and then April meeting to give the applicant an opportunity to submit a revised and updated drainage study for technical review and approval by City staff.

Staff Review

The applicant submitted revised plans and an updated Drainage Study on March 6, 2018 and subsequently met with DPW and Planning staff to discuss outstanding issues and comments on the Drainage Study. On April 6, 2018, the applicant submitted revised plans and an updated drainage study. The following comments were provided by staff on April 9, 2018 after a review of the latest revisions:

- The required revisions/corrections to the drainage report summary that were discussed at the staff meeting with the engineer were not made.
- Reference tables for the “Extreme Precipitation Rates” were not included in the report (the SCS charts were not removed).
- Infiltration credit (as discussed at the meeting) was not removed from the Hydrocad analysis/model.
- The design changes for the filtration basin discussed at the meeting were not made (i.e. lining the system, etc.)
- The proposed sediment fore bay is not acceptable.
- Doghouse manhole not allowed on drainage connection in State Street
- State St. pavement will need to be reclaimed and paved (curb to curb) in area where new sewer pipe is to be installed.
- Reservoir Course of the proposed pervious pavement must be minimum of 10 inches thick.

The applicant provided further drainage design revisions subsequent to the comments received on April 9th in response to the comments above, but also made changes to the plans that had not been discussed with City staff. These changes will require further review and approval from City staff. ~~The applicant has requested that the Planning Board postpone the application to the April 26, 2018 meeting to allow for continued discussions with DPW regarding modifications to the plans. Given the time required for review and the Board’s concerns expressed at the February meeting, staff does not feel comfortable recommending approval until the drainage study and revised plans have been reviewed and all outstanding related issues identified by staff have been addressed by the applicant.~~

[NOTE: Updated plans submitted by the applicant have been included in the Planning Board’s meeting packet this week as well as at the March meeting. Board members should retain all of these plans for the May meeting. Any addenda or revisions to these materials will be forwarded with the May meeting packet.]

Planning Department Recommendation

Vote to postpone this application to the April 26, 2018 Planning Board meeting. The applicant has requested a postponement to the April 26, 2018 Planning Board Meeting in order to provide for additional time for the revised plans and drainage study to be reviewed and approved by DPW. Staff will provide an update on the status of revised plans and approvals at that time.

III. PUBLIC HEARINGS – OLD BUSINESS (cont.)

- D. The application of the **Woodlands Homeowner’s Association, Owner, and the City of Portsmouth, Applicant**, for property located on **Hoover Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for drainage improvements along Hoover Drive, Taft Road, Grant Avenue and FW Hartford Drive, including the replacement of a headwall to accommodate a second 24” culvert, with 300 ± s.f. of impact to the wetland and 600 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 269 as Lot 7 and lies within the Single Residence B (SRB) District. (This application was postponed at the March 22, 2018 Planning Board Meeting).



Description

This is a City road improvement project to reduce recurring drainage issues along Hoover Drive where it turns into F.W. Hartford Drive. These improvements will reduce flooding impacts in this area and improve conveyance of stormwater from the roadway.

Conservation Commission Review

1. *The land is reasonably suited to the use activity or alteration.* The wetland area is a man-made drainage ditch which provides a path for stormwater from the roadway. This project this is the most appropriate location to better size the stormwater infrastructure.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Using the existing stormwater flow path and infrastructure is the most appropriate location for this project.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* This is a drainage improvement project. While there are wetlands which have formed due to the supply of road runoff this project this is an area where stormwater has been conveyed since the construction of this roadway. This project is proposed to reduce wetland impacts as it will limit siltation and erosion from existing runoff patterns.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project has limited the impact to the area of the culvert outlet but will have a 300 foot temporary wetland impact to construct the new culvert outlet and headwall.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The construction is the minimum necessary to improve the drainage in this area.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* Any disturbed areas will be reseeded upon project completion.

The Commission reviewed this application at the March 14, 2018 meeting and voted unanimously to recommend approval of the Conditional Use Permit with no stipulations.

Planning Department Recommendation

Vote to grant approval of the conditional use permit.

III. PUBLIC HEARINGS – OLD BUSINESS (cont.)

- E. The application of **175 Gosport Road, LLC, Owner, and Michael Clark, Applicant,** for property located at **175 Gosport Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 224 as Lot 1 and lies within the Single Residence A (SRA) District.



Description

This application is to construct a new parking area, patio expansion, deck expansion, removal of existing driveway area in the 100 foot inland wetland buffer with an associated swale. In addition, this application proposes a replacement retaining wall with materials changed from timber to stone, a replacement dock and pier and an area grading at the termination of a stormwater swale in the 100 foot tidal buffer zone. There are also impacts shown within the 250' state shoreland buffer which are not part of this application.

Conservation Commission Review

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* The proposed parking area located within the 100 foot inland wetland buffer zone is sloped away from the freshwater wetland area. The grading plan clearly shows the water making its way off this area into a constructed swale to help move the stormwater away from the parking area providing treatment of this water before it reaches the tidal buffer zone. From a stormwater standpoint this is a reasonable approach for the expanded parking area. There is no information provided about the freshwater wetland. Given the loss of buffer function from a habitat standpoint it would be helpful if there were some buffer plantings proposed to offset the size of the new parking area within the buffer.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* With regard to the replacement of the dock and retaining wall these are existing features being replaced. Regarding the parking it is not clear if there are other places where the additional parking can be provided without impact to the inland wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The grading proposed for the parking area has been designed to reduce stormwater impacts to the freshwater wetland and the addition of the swale will also reduce impacts to the tidal wetland areas. The loss of buffer area near the freshwater wetland could be offset with additional buffer plantings.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The location where the expanded parking is proposed is within an area that is currently paved. While there will be some new pavement there is currently an area of pavement existing and additional pavement will be removed from the area just outside of the 100' inland wetland buffer to create this new parking area.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicants has taken steps to reduce the impact in the buffer. The design of the parking area and associated swale will help reduce the stormwater impacts from the new project. The applicant should consider additional wetland buffer plantings bordering the freshwater wetland and pond area to enhance the buffer function of this area.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* There is no information provided about how the area near the freshwater wetland will be replanted. It would be helpful if there were are planting plan for this area showing the existing vegetation and any proposed plantings.

The applicant has requested to postpone to the May 17, 2018 Planning Board meeting.

Planning Department Recommendation

Vote to postpone this application to the May 17, 2018 Planning Board meeting.

III. PUBLIC HEARINGS – OLD BUSINESS (cont.)

G. The application of **Seacoast Development Group, LLC, Owner**, for property located along **Rockingham Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots as follows:

1. Proposed lot #1 having an area of 38,466 ± s.f. (0.883 acres) and 119.76' of continuous street frontage on Rockingham Avenue.
2. Proposed lot #2 having an area of 15,874 ± s.f. (0.364 acres) and 128.56' of continuous street frontage on Rockingham Avenue.
3. Proposed lot #3 having an area of 19,044 ± s.f. (0.437 acres) and 305.34' of continuous street frontage on Rockingham Avenue.

Said property is shown on Assessors Map 235 as Lot 2 and is located in the Single Residence B (SRB) District where the minimum lot area is 15,000 s.f. and minimum continuous street frontage is 100'.



Technical Advisory Committee Review

The TAC reviewed this application on February 27, 2018 and voted to recommend approval with the following stipulations:

1. A note shall be added that future homes should be constructed with sound deafening materials to insulate them from highway noise.

2. The 6" water line shall be updated or removed to match City requirements and individual water services shall be provided for all lots.
3. A drainage easement and no-build restriction within the 100' wetland buffer shall be provided on proposed Lot 1 for future City stormwater management infrastructure (to be built by the City). The easement location shall be coordinated with the Planning Department and DPW prior to Planning Board review.
4. All utility trenches on Rockingham Avenue shall be guaranteed against settling for a period of 2 years from the date of the final utility trench.
5. The proposed underground electric and communications lines shall be located on the lots and outside of the proposed drainage easement area.
6. Documentation shall be provided that deed restrictions have been updated to outline that individual homeowners shall be required to maintain the drainage swale behind the houses for perpetuity.
7. Sewer laterals shall be 6" in diameter.
8. Removal of the existing foundation shall require a wetland conditional use approval. The foundation shall remain on the plan unless the applicant intends to apply for a wetlands conditional use permit prior to subdivision approval.

On March 27, 2018 the applicant submitted revised plans addressing the items above to the satisfaction of the Planning Department.

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. *The drainage easement shall be reviewed and approved by Planning, DPW, and Legal Departments and accepted by City Council.*
4. *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
5. *The final plat and all easement deeds and plans shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
6. *All utility trenches on Rockingham Avenue shall be guaranteed against settling for a period of 2 years from the date of the final utility trench.*

IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Eric and Jean Spear, Owners, and Megan Tehan and Brendan Cooney, Applicants**, for property located at **49-57 Mt. Vernon Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot A having an area of 8,949 ± s.f. and 93' of continuous street frontage on Mt. Vernon Street.
2. Proposed lot B having an area of 3,647 ± s.f. and 45.5' of continuous street frontage on Mt. Vernon Street.

Said property is shown on Assessors Map 111 as Lot 31 and is located in the General Residence B (GRB) District where the minimum lot area is 5,000 s.f. and minimum continuous street frontage is 80'.



Technical Advisory Committee Review

The TAC reviewed this application on April 3, 2018 and voted to recommend approval with the following stipulations:

1. Variances granted by the Board of Adjustment on February 27, 2018 shall be itemized on the Subdivision Plan.
2. The work "Parcel" shall be changed to "Lot" on the Subdivision Plan.

On April 10, 2018 the applicant submitted revised plans addressing the items above to the satisfaction of the Planning Department.

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 shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

V. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

The Subdivision Rules and Regulations and Site Plan Review Regulations provide two options for “pre-application review” as authorized by RSA 676:4,II: “preliminary conceptual consultation” and “design review”. For many projects, preliminary conceptual consultation is at the option of the applicant. However, in September 2016 the Subdivision Regulations were amended to require preliminary conceptual consultation for any application that includes the subdivision of more than 5 acres of land or the creation of more than 5 lots. The Site Plan Review Regulations were similarly amended to require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the statute as follows:

[Preliminary conceptual consultation ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.]

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application.

In *The Planning Board in New Hampshire: A Handbook for Local Officials*, the NH Office of Energy and Planning stresses the importance of limiting the discussion to concepts: *New Hampshire statutes place great emphasis on the obligation of the planning board to provide notice to the abutters and the public of any substantive discussions on specific development proposals. Neither the applicant nor the planning board may go beyond the general and conceptual limits and begin discussing the design or engineering details of a proposal until the abutters and general public have been notified. This must occur either prior to the design review phase of the pre-application review or when a completed application has been filed.*

Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage.

- A. The application of **R.K. Portsmouth, LLC, Owner**, for property located at **100 Arthur F. Brady Drive**, requesting Preliminary Conceptual Consultation review to subdivide one lot into two lots, with one existing building on each lot.

Description

The proposal shows the subdivision of more than 5 acres of land.



VI. OTHER BUSINESS

- A. Request of J&M Family Properties, LLC, for property located at 802 Lafayette Road, for a one year extension of Site Plan Review approval which was granted by the Planning Board on April 20, 2017.

Description

This project originally received site plan review approval from the Planning Board on April 20, 2017. Site Plan approval expires within 1 year, unless a building permit is obtained. The Planning Board may, for good cause, extend such period by as much as 1 year if requested and acted upon prior to the expiration date. Upon review of a request for an extension, the Planning Board may approve, amend or deny a previously approved application. However, the Planning Board may not deny a request for extension without a public hearing. This is not required to be a public hearing nor has it been advertised and noticed as such, however the Planning Board may, at the owner's

expense, advertise and conduct a public hearing at a future meeting date. The Planning Board may also refer this extension request to the Technical Advisory Committee for a recommendation.

Per the Site Plan Review regulations Section 2.14 (5), a time extension shall be granted if determined that no change has taken place that would materially affect the currently approved site plan in regard to:

- (a) Traffic flow, volume, or congestion;
- (b) Pedestrian safety;
- (c) Drainage;
- (d) Water availability;
- (e) Sewer capacity;
- (f) Design standards;
- (g) Landscape elements; and
- (h) Zoning compliance.

The approved plans and the letter of decision will be uploaded to the Planning Department web page.

Planning Department Recommendation

Vote to determine that no change has taken place that would materially affect the current site plan approval and approve a 1-year extension of the Site Plan Approval to expire on April 20, 2019.

B. Rockingham County Planning Commission – Planning Board Representative.

Jody Record currently serves as the Planning Board's representative to the Rockingham Planning Commission and has requested that the Planning Board consider recommending another Board member to take her place. Any change in Commission representation would need approval by the City Council.

MEETING RECONVENED TO THURSDAY, APRIL 26, 2018 AT 7:00 PM