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## MEMORANDUM

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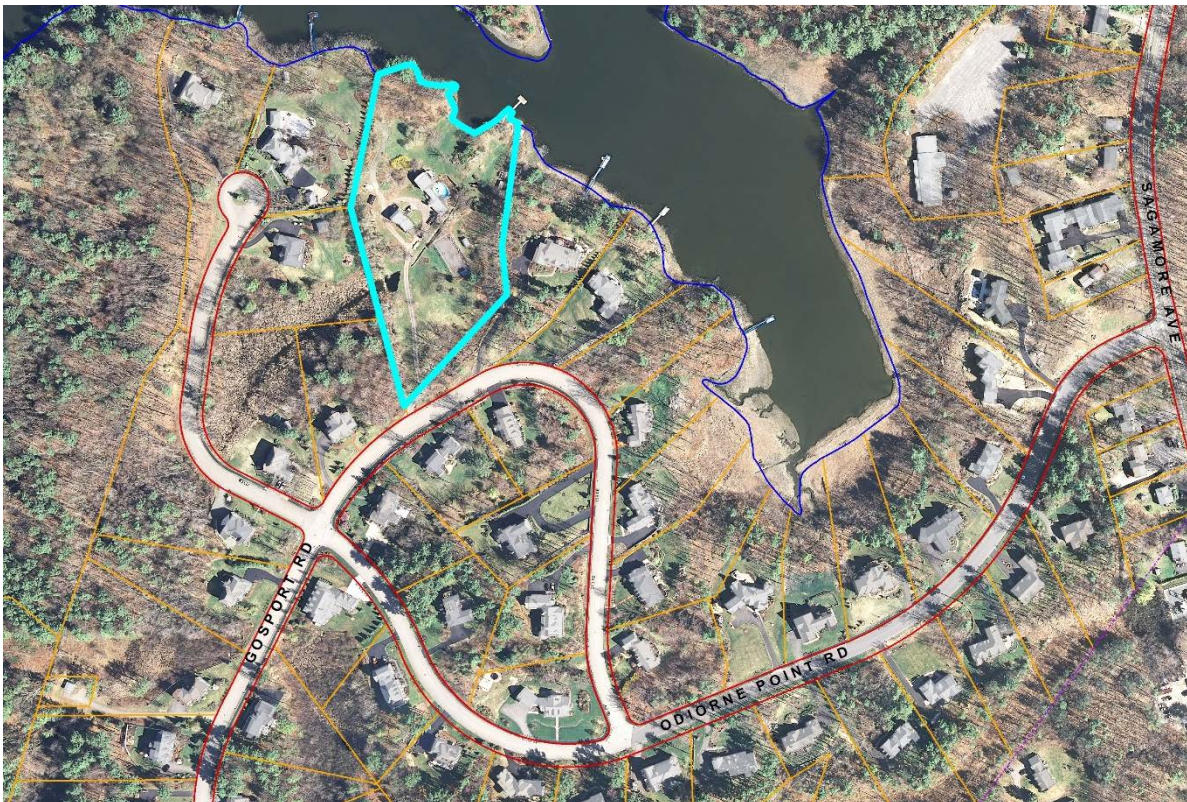
**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner 1  
**Subject:** Staff Recommendations for the June 21, 2018 Planning Board Meeting  
**Date:** 6/15/2018

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### II. PUBLIC HEARINGS – OLD BUSINESS

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- A. 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  $\pm$  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. (This application was postponed at the May 17 Planning Board Meeting).



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 and installation of a new pervious paver parking area.

Conservation Commission Review

This application came before the Conservation Commission on April 18, 2018 and was postponed to the June 13, 2018 meeting. The applicant provided new plans which show changes in response to comments by the Conservation Commission and a design change shifting the location of the pool house area which is outside of the inland and tidal 100' buffer zones. While the parking area was on the previous plan it was not shown as having pervious pavers. The application also changes the configuration of the dock to reduce the size and distance from shore.

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 is located within the 100 foot inland wetland buffer zone and is sloped away from the freshwater wetland area. The grading plan clearly shows the water making its way off this area across porous pavement and 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. The application has been updated to include pervious pavers for the parking area which will help reduce the amount of stormwater flowing to the swale. The applicant has also revised the application to include buffer plantings along the border of the freshwater wetland area, plantings in the bioswale and plantings along the backside of the existing retaining wall structure. The plans no longer call for replacement of the waterfront retaining wall.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The dock replacement is an allowed use according to Article 10 section 10.1016.10 *Permitted Uses* where number (3) states: "*The construction of piers or docks, provided that all required local state and federal approvals have been granted.*" The applicant is applying for a state wetland permit concurrent with their wetland conditional use application. Given the location of the existing dock it appears as if the proposed dock crosses the extended property line of the abutting property. This will be an important component of the review of the state wetland permit application. This applicant has shown reductions to this area which are believed to address concerns that relate to the State Wetland permit. 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. However, the use of pervious pavers, buffer plantings and a lengthy treatment area for stormwater runoff from the proposed parking area should offset the impact from the new imperious surfaces.

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 has been offset with additional buffer plantings and pervious pavers.
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 a portion of that pavement is replacing existing pavement to create this new parking area. The change to pervious pavers further reduces the impacts from new impervious surfaces in this area.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has taken steps to reduce the impact in the buffer. The design of the parking area with pervious pavers and associated swale will help reduce the stormwater impacts from the new project. Since the original application was submitted the applicant has proposed additional wetland buffer plantings bordering the freshwater wetland and pond area in the stormwater swale and along the shoreline behind the existing retaining wall.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has provided an area near the freshwater wetland which will be planted with additional buffer vegetation, an area of planting in the proposed bioswale and plantings along the shoreline all locations where lawn is currently located.

The Conservation Commission reviewed this application at the June 13, 2018 meeting and voted unanimously to recommend approval as presented. No stipulations were recommended, however the Commission was told by the applicant that they were working with Piscataqua Landscaping to develop an organic landscaping plan for the property.

#### Planning Staff Review

The application shows an impact of 4,258 square feet of impact in the inland wetland buffer. Of this impact some is proposed in areas of existing structure and pavement. The applicant has provided an effective means of treating stormwater from this inland wetland work and has provided porous pavers and additional buffer plantings to enhance the freshwater wetland area.

#### Planning Department Recommendation

*Vote to grant the wetland conditional use permit as presented.*

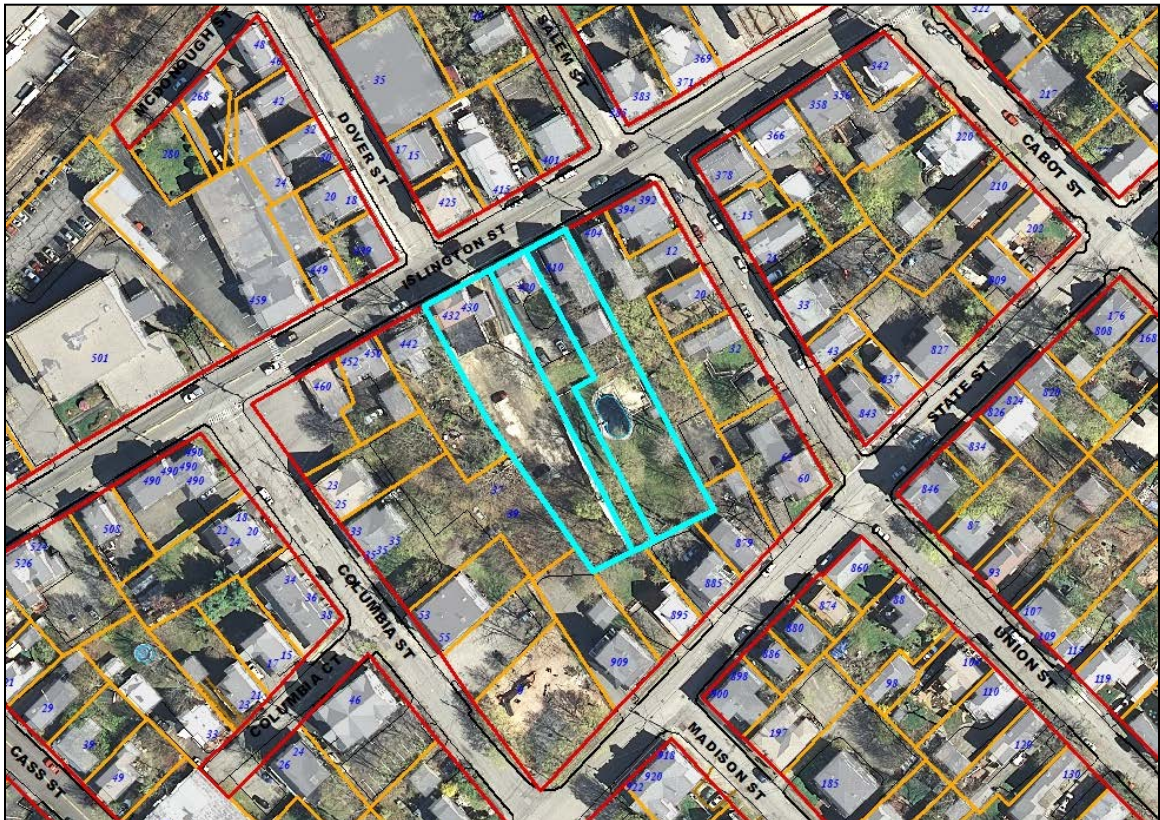




## II. PUBLIC HEARINGS – OLD BUSINESS (Cont.)

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- B. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review 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-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the April 26, 2018 and May 17, 2018 Planning Board Meetings).



### 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 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 stipulations to be resolved prior to Planning Board approval.

Planning Board Review

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

Staff Review

Since the April meeting the applicant has been working with staff to update the drainage design and entered into a third party agreement for peer review. The applicant provided updated plans and met with Phil Corbett (P.E., CMA Engineers), Planning and DPW staff in May to discuss comments received. Phil Corbett, the third party reviewer, has confirmed that all of his recommendations have been satisfied and staff is in agreement. Copies of the peer review letters have been provided in the Planning Board's packets.

Planning Department Recommendation

*Vote to grant Site Plan Approval with the following stipulations:*

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

1. *The water maintenance access easement to the City shall be reviewed and approved by the Planning and Legal Department and approved by City Council.*
2. *The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
3. *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):*

4. *A third party inspection shall be required on water main, sewer and drainage system construction and repairs to City streets.*
5. *The sewer shall be replaced and manhole updated in the area along State Street fronting the proposed development. Improvements shall be done in coordination with DPW.*

## II. PUBLIC HEARINGS – OLD BUSINESS (Cont.)

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- C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,840  $\pm$  s.f. single family home with associated garage, septic system and driveway, with 14,022  $\pm$  s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District. (This application was postponed at the May 17, 2018 Planning Board Meetings).

Description

The applicant has requested to postpone to the July 19, 2018 Planning Board meeting and is in the process of working with the Conservation Commission to revise the plans as originally presented.

Planning Department Recommendation

*Vote to postpone this application to the July 19, 2018 Planning Board meeting.*





### III. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Peter G. Morin Trust, Owner**, for property located at **49 Pickering Street**, and **Hunking Holdings, LLC, Owner**, for property located at **170 Mechanic Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) as follows:

1. Proposed lot #1 increasing from 2,296 ± s.f. to 2,777 ± s.f., with no change in street frontage.
2. Proposed lot #2 decreasing from 9,161 ± s.f. to 8,680± s.f., with no change in street frontage.

Said properties are shown on Assessor Map 102 as Lots 6 & 7 and are located in the General Residence B (GRB) District.



#### Description

The application proposes to convey a 481 sq. ft. area from 170 Mechanic St. to 49 Pickering St. At the May 22, 2018 meeting, the Board of Adjustment granted a variance from Section 10.521 to allow a 7.9'± rear yard where 25' is required.

Planning Department Recommendation

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

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 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.*

### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- B.** The application of **393 New Castle Avenue, LLC, Owner**, for property located at **390 New Castle Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to convert an existing 1,260 s.f. gravel driveway and parking area to porous pavement, with 1,395  $\pm$  s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 207 as Lot 6 and lies within the Single Residence B (SRB) District.



#### Description

This application is to convert an existing gravel parking area to a porous pavement parking area.

#### 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 is located within the 100 foot tidal buffer zone and is currently gravel. The replacement of the gravel with porous pavement is appropriate in this area as it is currently a parking area.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* This is a very small lot and

the proposal is simply a conversion from gravel to porous pavement. There is no area on the lot further from the wetland resource.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The change from gravel to porous pavement represents an improvement in reducing runoff from the exiting parking area. If the silt soxx is install as shown on the plan any temporary impacts from this project should be addressed.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no change in vegetation proposed on the site.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed change to porous pavement represents a reduction in adverse impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The proposed area is an existing parking area. The application in a previous application has provided a buffer planting area where lawn currently existed.

The Conservation Commission reviewed this application at the June 13, 2018 meeting and voted unanimously to recommend approval. There was some concern expressed by members that the road runoff from New Castle Avenue will cause the porous pavement to clog faster than normal. The Commission requested that the owner work with the paving contractor to contour the paving so the drainage is sloped to the northeast to try to limit the amount of runoff from the roadway. Additionally they addressed this concern with the recommendation for the following stipulations:

- 1) That no de-icer be applied to the new porous driveway
- 2) That the porous driveway surface be vacuumed twice per year
- 3) That the northeast corner of the driveway be constructed at a lower elevation to prevent road runoff from getting over the entire porous parking.

Planning Department Recommendation

*Vote to grant the wetland conditional use permit as presented with the following stipulations that shall be added to the notes on the final plan set:*

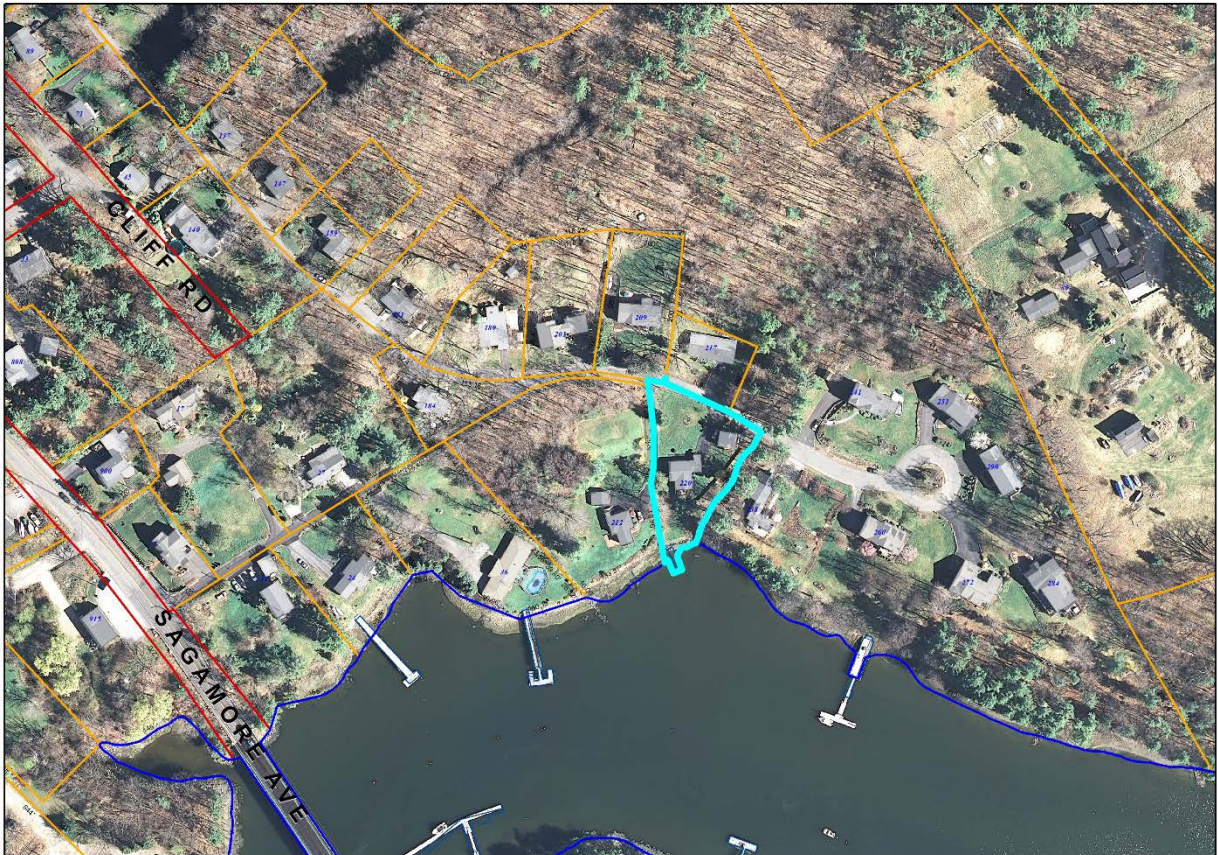
1. *That no de-icer be applied to the new porous driveway*
2. *That the porous driveway surface be vacuumed twice per year*
3. *That the northeast corner of the driveway be constructed at a lower elevation to prevent road runoff from getting over the entire porous parking.*



### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- C. The application of **Jon and Joan Dickinson, Owners**, for property located at **220 Walker Bungalow Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to demolish the existing home and detached garage, construct a new 1,968 s.f. single family residence with attached 756 s.f. garage, a new septic system and the relocation of the driveway, with 8,990 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 21 and lies within the Single Residence B (SRB) District.



#### Description

This application is to remove and replace an existing house, garage, driveway, septic system and install a rain garden all completely within the 100 foot wetland buffer.

#### 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 project is completely within the 100' wetland buffer. While the previous home was existing the replacement home has increased in footprint area by nearly 50%. While the applicant has demonstrated a reduction in impervious surface the increase in the size of the home within the buffer has not been clearly justified.



2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* There is a very small area on the lot outside of the wetland buffer. However, it does not appear as if there was any effort to locate the home further back from the wetland. It appears as if there is room on the lot to locate home further from the edge of the tidal wetland.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given that this application is completely located within the wetland buffer it appears as if there are additional steps the applicant could take to reduce the footprint of the home and garage and move it further from the edge of the tidal wetland. The size of the home and the inability to use the septic area and raingarden as functional buffer area for enhanced buffer planting leaves very little room on the site for improvement to provide a functional buffer. The applicant did provide a buffer planting area of between 10-15 feet along the frontage of the site. This will help to offset some of the impacts in the buffer on this project.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* It appears as if the areas outside of the developed area will remain lawn and of the four trees shown on the plan three do not appear on the proposed development plan.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* There are clearly alternatives for this property that would represent less impacting alternatives. These include reductions to the footprint area to the home and garage, moving the house further back from the edge of tidal wetland and including buffer plantings to enhance the buffer function on the property.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* There a buffer planting plan provided in an area adjacent to the water which will help restore some buffer function to that area.

The Commission reviewed this application as a work session at the June 13, 2018 meeting and voted unanimously to postpone their decision on the application to the July meeting.

Planning Department Staff Review

Staff recommended that the applicant consider treating this application as a work session in order to get feedback from the Conservation Commission, with the intention of providing an amended plan at a future meeting to include a home more consistent with or smaller footprint than the existing home. In addition, a reduction in the size of the garage should be considered along with additional wetland buffer plantings beyond just the strip provided in the first 10-15 feet along the shore.

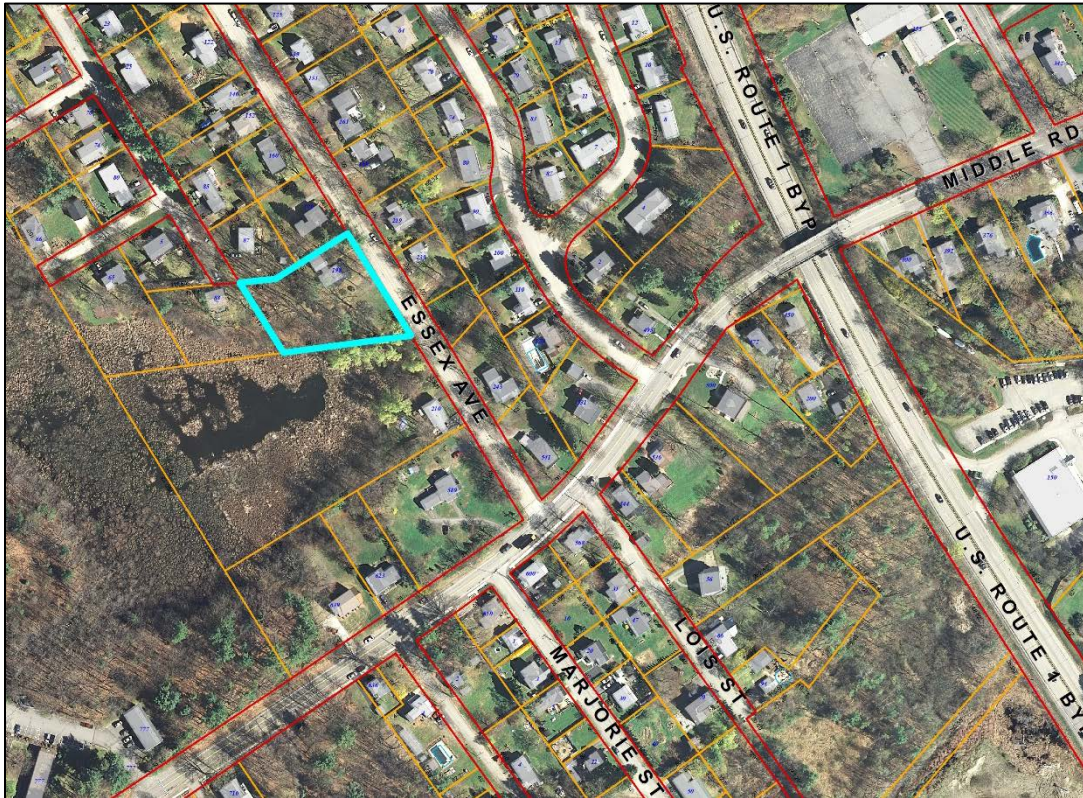
Planning Department Recommendation:

*Vote to postpone this application to the July 19, 2018 meeting.*

### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- D. The application of **Robert and Whitney Westhelle, Owners**, for property located at **198 Essex Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216  $\pm$  s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District.



#### Description

This application is to install a garden shed on the property located completely within the wetland buffer.

#### 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 shed is proposed to be located in an area that is partially lawn and given its small size of 216 square feet with no foundation the area is reasonably suited to the proposal.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* This is a very small lot and

the proposal is simply a conversion from gravel to porous pavement. There is very little area outside of the wetland buffer on this lot.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed shed should not create any adverse impacts to adjacent properties.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There will need to be lawn and some brush cleared to install the shed.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed shed if constructed on blocks and constructed where lawn and brush exist can be constructed to not have any greater impacts than the existing lawn.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has stated they are interested in removing invasive species and planting native vegetation. However, no specific locations have been shown on the plan.

At the June 13, 2018 meeting, the Conservation Commission voted to postpone this application to the July meeting because the application was not present.

Planning Department Recommendation:

*Vote to postpone this application to the July 19, 2018 meeting.*



### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- E. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000 s.f. footprint; Proposed Building #2: 150,000 s.f. footprint; Proposed Building #3 with a 62,000 s.f. footprint; and two 4-story parking garages, with 55,555± s.f. of impact to the wetland, 66,852 ± s.f. of impact to the wetland buffer and a 1,000 l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 as Lots 1 & 2 and lies within the Pease Airport Business Commercial (ABC) district.



#### Description

This application is to expand the Lonza Biologics project to an adjacent property on the Pease Development Authority. This is a Conditional Use Permit application specific to the Pease Development Authority regulations. As such the Wetland Regulations from the Pease Zoning Ordinance must be complied with.

#### Conservation Commission Review

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.* This is a very large development proposed on an area that formerly housing for the Pease Airforce Base. Since the removal of the base housing several wetland areas have formed in the disturbed area on this site. The proposal is to fill some of these wetland areas for construction of the expanded facility to daylight Hodgson Brook which currently is in a pipe under the property.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use.* This site is adjacent to the existing Lonza facility and is the most feasible location for the size of expansion that is being proposed.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* While direct wetland impacts are proposed for this project the overall benefit from creation of a stream channel will result in a better functioning wetland system than what exists today.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is mostly scrub shrub habitat on the site. This will be removed and a new stream channel will be constructed with this proposal. Much of the open space will be replaced with the proposed development.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has presented this project as a development proposal which includes a loss of existing wetlands and creation of new stream channel. If the project is successful the overall impact of the project should result in an enhancement to wetlands and habitat on the site and overall for the Hodgson Brook system.

The Conservation Commission reviewed this application at the June 13, 2018 meeting and voted unanimously to recommend approval.

Planning Department Staff Review

Staff recommended approval of the conditional use permit as presented which includes proposed monitoring of the stream channel and further recommends that the applicant return to the Conservation Commission one year from the date of project completion to report on the outcome of the of project and the results of the monitoring of the wetlands and the stream channel.

This project is currently pending Site Plan and Subdivision Review as well. Staff recommends postponing the review of the Conditional Use Permit application in order to consider all land use applications related to this project at the same time.

Planning Department Recommendation:

*Vote to postpone this application so that it can be considered at the same time as the applications for Subdivision and Site Plan Review.*



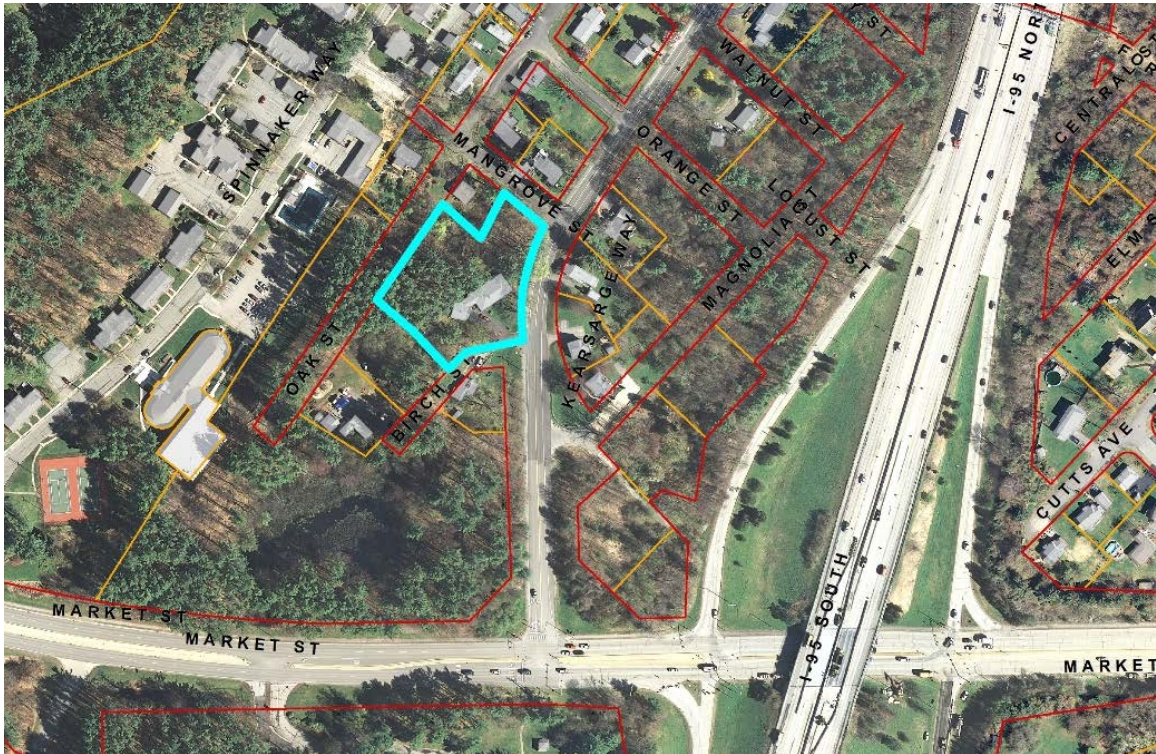
### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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F. The application of **Richard P. Fusegni, Owner**, for property located at **201 Kearsarge Way**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 7,834  $\pm$  s.f. (0.1799 acres) and 97' of continuous street frontage on Mangrove Street and 75' of continuous street frontage on Kearsarge Way; and
2. Proposed lot #2 having an area of 47,062  $\pm$  s.f. (1.0804 acres) and 131' of continuous street frontage on Kearsarge Way;

Said property is shown on Assessors Map 218 as Lot 5 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'.



#### Description

The applicant previously received Planning Board approval for a 3-lot subdivision at the June 2016 meeting with the existing house proposed to be demolished. That approval has since expired and the current application has reduced the proposal to a 2-lot subdivision with the existing house remaining.

Technical Advisory Committee Review

The TAC reviewed this application on June 5, 2018 and voted to recommend approval with the following stipulations:

1. Subdivision Application Checklist shall be updated to provide location of items marked as N/A that are applicable to the subdivision plan.
2. Provide internal drop sewer service connection to sewer manhole.
3. Sewer service lateral shall be 6" diameter.

On June 12, 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.*



### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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**G.** The application of **Jon and Diana Guilbert, Owners**, for property located at **15 Thornton Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 9,074 s.f. (0.2083 acres) and 144.17' of continuous street frontage on Thornton Street; and
2. Proposed lot #2 having an area of 7,762 s.f. (0.1782 acres) and 101.50' of continuous street frontage on Thornton Street;

Said property is shown on Assessors Map 160 as Lot 1 and is located in the General Residence A (GRA) district where the minimum lot area is 7,500 s.f. and minimum continuous street frontage is 100'.



#### Technical Advisory Committee Review

The TAC reviewed this application on June 5, 2018 and voted to recommend approval with the following stipulations:

1. The driveway for proposed lot 1 shall be moved to be 30 ft. from the intersection with Dennett Street.
2. A sewer easement over lot 2 shall be provided to service lot 1.

3. A Planning Board waiver shall be required for Section VI.2.B Lot Sizes as Lot 2 does not comply with the 10% extra width requirement.
4. Proposed lots shall be clearly labeled on the plan set.
5. Add variance approval date to plan.
6. Setback lines on Subdivision Plan are difficult to decipher, suggest showing proposed utilities and contours on a separate plan sheet and clearly label the setback lines for both lots.
7. Dimensional requirements listed on Subdivision Plan should show required and proposed dimensions for both lots.
8. Proposed water service for new home shall be located adjacent to proposed sewer connection (10' separation).
9. Basement shall have no open sanitary sewer connections.
10. There shall be no discharge onto City property of sump pump water, if groundwater is encountered, a stormwater pipe will need to be constructed connecting to the nearest stormwater pipe.

On June 12, 2018 the applicant submitted revised plans addressing the items above to the satisfaction of the Planning Department.

The following waiver is requested by the applicant:

Section VI.2.B – Lot Sizes – Corner lots shall have at least 10% extra width to permit appropriate building setback from the orientation to both streets.

Planning Department Recommendation:

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 VI.2.B - Lot Sizes – Corner lots shall have at least 10% extra width to permit appropriate building setback from the orientation to both streets.*
2. *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.*



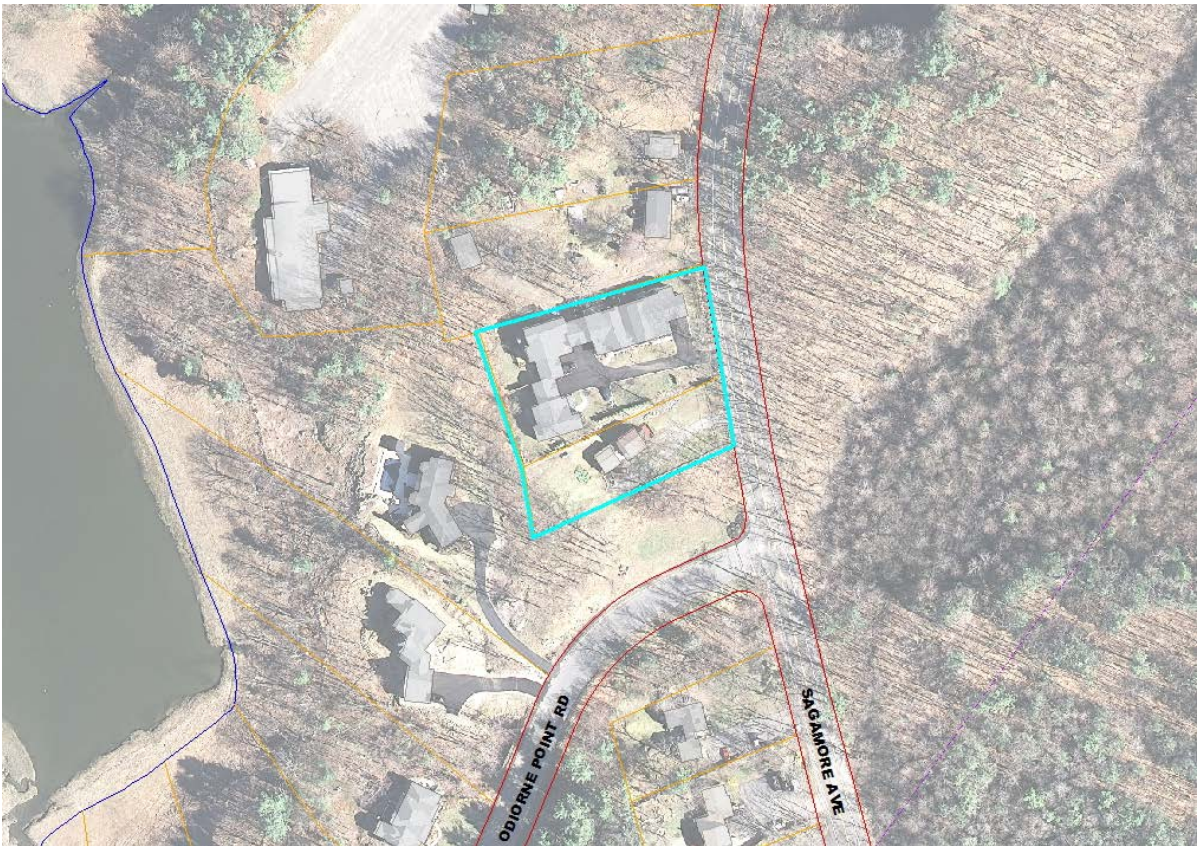
### III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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H. The application of **Westwind Townhomes of Portsmouth, Owner**, for property located at **1177 Sagamore Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 33,378 s.f. (0.7663 acres) and 121.75' of continuous street frontage on Sagamore Avenue; and
2. Proposed lot #2 having an area of 22,628 s.f. (0.5194 acres) and 102' of continuous street frontage on Sagamore Avenue;

Said property is shown on Assessors Map 224 as Lot 13 and is located in the Mixed Residential Office (MRO) district where the minimum lot area is 7,500 s.f. and minimum continuous street frontage is 100'.



#### Description

This property was previously created through a voluntary merger by the applicant, and the applicant, citing legal requirements for condominiums, is now requesting to subdivide it into two lots again and then plans to re-merge the lots again after the condominium legalities are finalized. The subdivision conflicts with the prior site plan approval for the new residential units because the sewer connections are designed for one lot, not two.



Technical Advisory Committee Review

The TAC reviewed this application on June 5, 2018 and voted (with some hesitation due to the lack of clarity on the legal reasons for this proposal) to recommend approval with the following stipulations:

1. Modify existing manhole on side of Sagamore Avenue as necessary to lower grade for sidewalk (no higher than 6" above existing roadway) and provide additional pipe inlet in shelf for Lot 2.
2. Applicant shall work with the City to enter into a binding agreement to ensure no sewer connection or Certificate of Occupancy shall be issued until after the lots have been re-merged.

Planning Department Recommendation:

*The Planning and Legal Departments are scheduled to meet with the applicant and his attorney before the Planning Board. An update and recommended action will be provided at the meeting.*

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## IV. CITY COUNCIL REFERRALS

### A. Proposed Lease – Portsmouth Historical Society

#### Description

At its meeting on June 4, 2018, the City Council voted to refer a proposed a lease between the City and the Portsmouth Historical Society to the Planning Board.

As you likely are aware, the City of Portsmouth currently leases the former Portsmouth Public Library building at 10-30 Middle Street to the Portsmouth Historical Society (PHS). The PHS operates the Discover Portsmouth Center in the building and sub-leases space to two tenants. The current lease in place was entered into on April 26, 2011 and has a 25-year term, with an option for a 10-year renewal (for a total of 35 years). The current lease expires in 2036 (2046 with the renewal).

PHS Representatives have requested the City consider entering into a new lease with the organization with a 50-year term. The new lease term would run from 2018 to 2068. In requesting the new lease and term, PHS has cited its desire to continue the building's use as the "Discover Portsmouth" center and continue its current programming at this key downtown location. In addition, the PHS plans additional significant improvements to the facility that will result in further historically-sensitive improvements benefiting the program it offers the public, including accessibility and other building upgrades. PHS has indicated the new lease term requested will facilitate planning and fundraising (specifically, work with potential donors interested in gifts for the long-term).

No other Lease terms have been requested to change, however in the Lease document in your packet, there are adjustments which update certain whereas clauses, update the renewal terms to reflect the nature of a long term lease, and other minor changes.

The result of the Planning Board's comments action on this referral will be reported back to the City Council July 9<sup>th</sup>.