



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the August 16, 2018 Planning Board Meeting
Date: 8/15/2018 rev 8/16/2018

II. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review

1. ~~The application of **Foundry Place, LLC, Owner**, for property located at **Deer Street** ("**Lot 2**") [requested to postpone to September]~~
2. The application of **Dorothy Kiersted and Theresa Sessions, Owners**, for property located at **50 Lovell Street**.
3. The application of **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, and **Ed Pac, LLC, Owner**, for property located at **152 Court Street**.
4. The application of **Salema Realty Trust, Owner**, for property located at **199 Constitution Avenue**.

Planning Department Recommendation

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

III. PUBLIC HEARINGS – OLD BUSINESS

- A. 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 July 19, 2018 Planning Board Meeting).

Description

A previous iteration of this project had gone before the Conservation Commission and the Planning Board in May, at which time the Commission had recommended the denial of the conditional use permit. When the application was presented to the Planning Board, the Board ultimately decided to postpone the application in order to allow the applicant the opportunity to re-submit a revised plan to the Conservation Commission that addressed the concerns raised by the Commission members and staff.

The new application proposes a single family home using and extending the existing driveway entrance to the site, the house has been sited on a ledge outcrop with a reduced footprint. The applicant has made an effort to minimize impacts on this site where there is a vernal pool wetland area above the site and an emergent wetland below the site. Nearly the entire upland site area is 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 site is unique in that it has not previously been developed for a house and it is nearly entirely within wetland buffer areas. However the applicant has provided a plan which works very closely with the existing conditions to reduce impacts and is a reasonable site design given the constraints of the site.
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 worked to select the best location for the house and driveway to reduce impacts to the wetlands as much as possible.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed application has installed a box culvert in the area of water passage during rain events and has sited the house on a ledge outcrop which is somewhat apart from the wetland buffer vegetation. A small septic system is proposed along with a porous parking area. The house size has been reduced and parking is provided under the home. The site should not create impacts to the wetland 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. This application works to reduce the amount of clearing necessary to site the house. There are still a lot of trees on the site with the proposed development. It is clear that only the trees necessary to achieve the construction goals have been removed.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. Given the number of iterations the Commission has seen it is clearly a challenging site. Staff believes this is the proposal with the least adverse impact to the adjacent wetland areas.

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

This is an undeveloped site and the applicant has made an effort to keep as many of the natural features of the site intact as possible

The Conservation Commission reviewed this application at the August 8, 2018 meeting and voted unanimously to recommend approval with stipulations.

Planning Department Recommendation

Vote to grant the wetland conditional use permit as presented with the following stipulations:

- 1. The woodchips for the driveway shall be made from the trees that are cut down on the site.*
- 2. The box culvert maintenance details shall be added to the maintenance plan.*
- 3. There will be no sand or salt used on the driveway in the winter as part of snow removal.*
- 4. The Martine Cottage Road legal team shall work with the City to develop language for the record to recognize the natural resource constraints of the wetland and vernal pools on the property.*
- 5. Placards shall be put on the property to mark the no-cut area.*

IV. PUBLIC HEARINGS – ZONING AMENDMENTS

It is recommended that Items III A & B under Public Hearings – Zoning Amendments be considered together and voted on as one item.

A motion is required to modify the agenda to consider these items together.

- A. Proposed amendments to the Zoning Ordinance to implement a Highway Noise Overlay Ordinance. The proposed amendments include inserting new sections 10.613.60 and 10.670 – Highway Noise Overlay Ordinance, consisting of proposed ordinance text and tables; and making conforming amendments to other sections of the Zoning Ordinance, including Article 15.

Description

A presentation will be made at the meeting.

- B. Proposed amendment to the Zoning Map to add a Highway Noise Overlay District as shown on the document “Highway Noise Overlay District” Map dated 7/17/2018.

Description

A presentation will be made at the meeting.

Planning Department Recommendation

Vote to recommend that the City Council approve the proposed amendments to Articles 6 and 15 and to the Zoning Map.

- C. Proposed Amendments to Article 12 of the Zoning Ordinance – Signs. The proposed amendments include deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated June 21, 2018.

Description

A presentation will be made at the meeting.

Planning Department Recommendation

Vote to recommend that the City Council approve the proposed amendments to Article 12.

V. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Foundry Place, LLC, Owner**, for property located at **Deer Street (“Lot 2”)**, requesting Site Plan Review approval for the creation of a community space meeting the requirements of Article 5A of the Zoning Ordinance with related landscaping, utilities, easements, and other site improvements. Said property is shown on Assessor Map 125 as Lot 17-1 and lies within the CD5 and Downtown Overlay (DOD) District.

Description

This application is submitted in connection with site plan approvals for Lots 3 (165 Deer St, Map 125, Lot 17) and 6 (181 Hill St, Map 138, Lot 62), which awarded the Applicant incentive bonuses for height and density based upon the development of Lot 2 as community space.

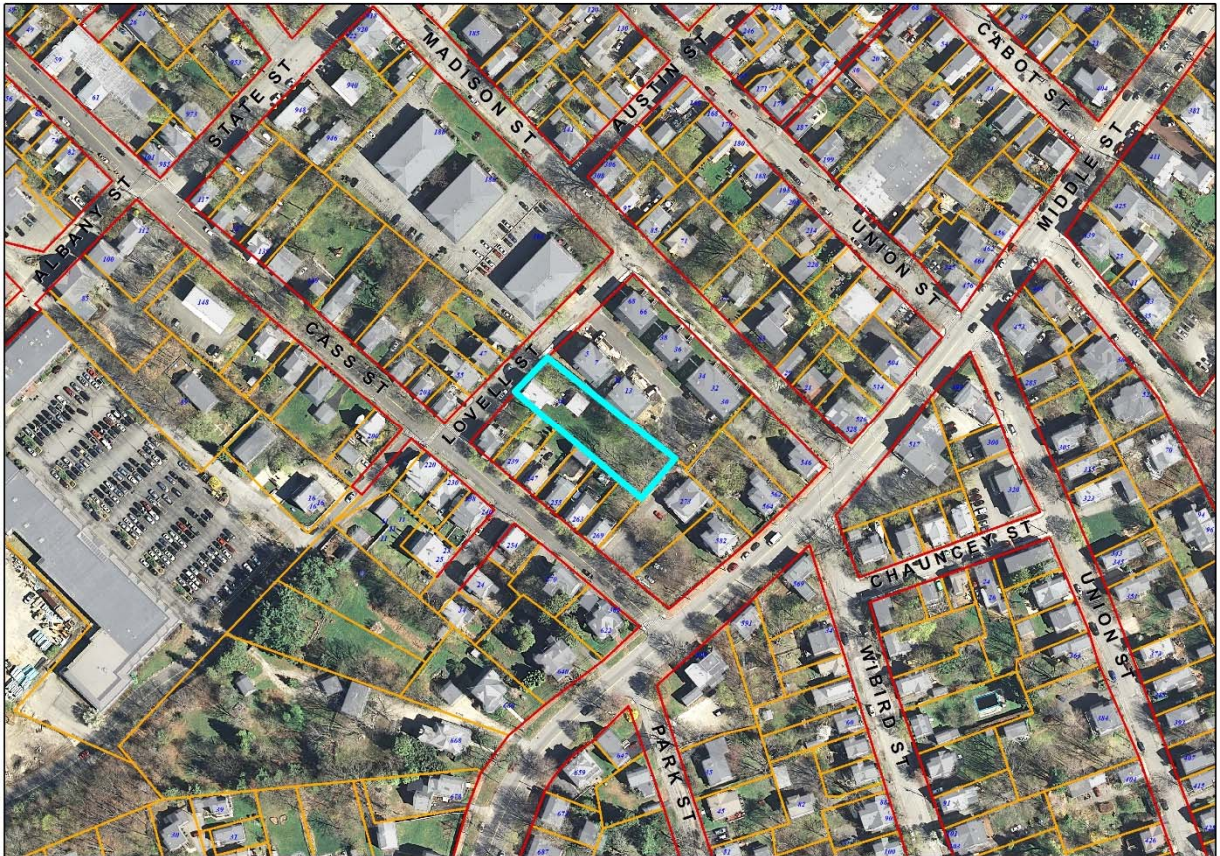
The applicant has requested to postpone this application to the September meeting in order to work out some of the details of the requested approval with the City.

Planning Department Recommendation

Vote to postpone this application to the September 20, 2018 meeting.

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. The application of **Dorothy Kiersted and Theresa Sessions, Owners**, for property located at **50 Lovell Street**, requesting Site Plan Review approval to demolish the rear deck on the existing house and the existing garage; to retain the existing building as a single family residence with a footprint of 1,001 s.f. and Gross Floor Area 3,095; to construct a three story, two unit residence with a footprint of 1,660 and Gross Floor Area of 4,634 s.f.; to construct a three story single residence with a footprint of 1,165 and Gross Floor Area of 3,360; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 147 as Lot 2 and lies within the General Residential C (GRC) District.



Description

The project proposes to demolish an existing garage and deck on the property and to construct a two-unit residence and an additional single-family residence to the rear of the property.

The following waiver is requested by the applicant:

Section 8.1.2 – Underground utilities – All new and relocated wires, conduits, and cables shall be located underground.

Technical Advisory Committee Review

The TAC reviewed this application on July 31, 2018 and voted to recommend approval with the following stipulations:

1. Revise Plan Sheet C3 to label existing sewer elevations. (and field verify).
2. Revise Sheet C4 to provide proper invert and ensure new 8" pipe matches crown of existing pipe.
3. Update Sheet C4 to show State and City required brick invert.
4. Update Sheet C4 to show 8x4 tapping saddle for water main connection.
5. Update gas service detail (Detail H, Sheet D2) to show 36" of cover.
6. Update sewer details (Detail E, Sheet D2 and Detail P, Sheet D3) to show that all proposed manholes in the street shall have hinged covers that meet City Standards.
7. Update Driveway section detail to remove the impermeable barrier.
8. Engineer to address Underwood Engineer's comments per their 7/25 email:
9. LCB Detail ok but please specify perforated and base sump dimensions in detail, fix sump elevations on plans or delete.
10. Cover appears to be only 1.6' not 1.8' please re-check and provide 1.8' min. cover.
11. Re-check grading, contours missing, flat spots, delete 15 contour or fix spots to correlate.
12. Pedestrian Walkways to be revised to show walkways between front door, rear decks and parking area for Units 1-3.
13. A note shall be added to the Site Plan and condominium documents with a reference to the Operations and Maintenance Plan indicating that the property owner(s) are responsible for Stormwater Maintenance.
14. Sheet C4, Note 30 shall be revised to remove the language "In city streets".
15. Applicant to provide water utility access easement to Portsmouth DPW for access to water meters, valves and pipes with a reference to the easement on the site plan.
16. Applicant to update plan with a note that "parking is prohibited outside of designated parking areas on the plan".

On August 7, 2018 the applicant submitted revised plans addressing the items above to the satisfaction of DPW and the Planning Department.

Planning Department Recommendation

1. *Vote to find that a waiver 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:*

- 1) *Section 8.1 2) Underground utilities – All new and relocated wires, conduits, and cables shall be located underground.*

[Note: An affirmative vote of six members of the Planning Board is required to grant a waiver.]

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

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

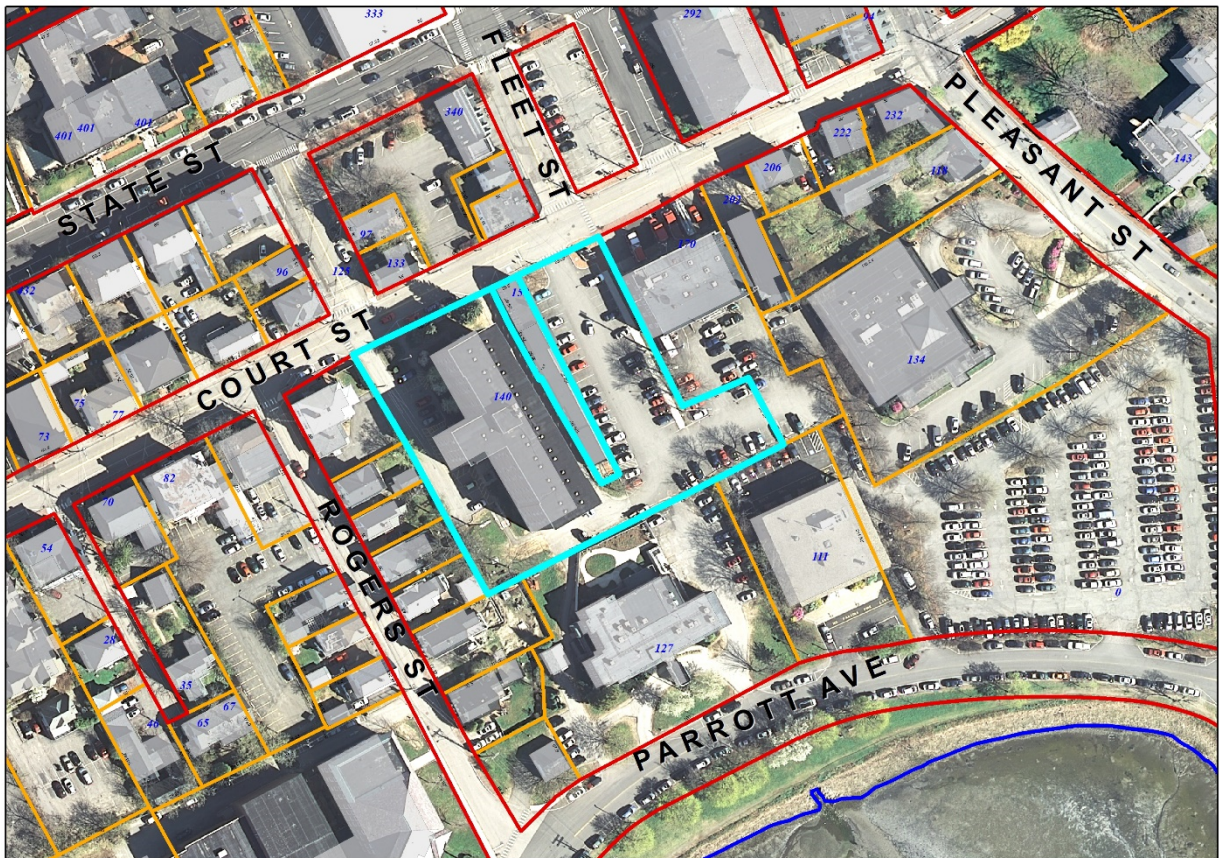
- 1) *The provision of an Access easement to the City for access to water meters, valves and pipes shall be reviewed and approved by the Planning and Legal Department and approved by City Council.*
- 2) *The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

Conditions Subsequent:

- 3) *A third party inspection shall be required on water main, sewer and drainage system construction and repairs.*
- 4) *Applicant shall apply for any required stormwater, sewer, and water connection permits from the City.*

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. The application of **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, and **Ed Pac, LLC, Owner**, for property located at **152 Court Street**, requesting Site Plan Review approval to demolish a portion of the existing building on 152 Court Street and to construct a 4-story, 64 unit workforce housing building with a footprint of $12,361 \pm$ s.f. and Gross Floor Area of $58,975 \pm$ s.f.;, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 116 as Lots 37 & 38 and lie within the Character District 4 (CD4) and the Historic District.



Description

The applicant proposes to develop the site with a 64-unit workforce housing mixed-use development. Variances were granted by the Zoning Board of Adjustment on May 15, 2018 to allow a front lot buildout of 12.5% where 50% is required, to allow a 10' ground floor ceiling height where 12' is required, to allow a structure with five stories where three and a short fourth stories are permitted, to allow 9'x18' parking spaces where 8.5'x19' spaces are required, a 22' wide maneuvering aisle where 24' is required; and to allow no entrance on the front building façade where an entrance is required every 50 feet.

Technical Advisory Committee Review

The TAC reviewed this application on August 7, 2018 and voted to recommend approval with the following stipulations:

The following stipulations shall be completed prior to Planning Board Review:

1. Applicant to provide Hydraulic Analysis and update plans and easements for consideration of dual 15" drain pipes for review and approval by DPW prior to Planning Board review.
2. Plans to show relocation of the street lighting photocell to a location approved by DPW.
3. The applicant agrees to work with city staff in good faith in advance of the planning board hearing to evaluate and develop a mutually acceptable sidewalk configuration on and across 127 Parrott Ave. to and from the Portsmouth Housing Authority property and Parrott Avenue. In doing so the parties agree to work with careful and due consideration of any adverse impacts to the abutting trees and parking spaces on 127 Parrott Avenue and, if feasible, provide such sidewalk without the need for additional property or easements from the State.
4. Plans to be updated to show power conduit supply for existing signal controller box.
5. Plans to be updated to include standard notation for radio strength testing as required by the Fire Dept.

The following stipulations to be completed prior to issuance of a building permit:

6. Applicant to provide update to drainage easement on 127 Parrott Avenue property including Portsmouth Housing Authority as a benefitting party to be reviewed and approved by both the 127 Parrott Avenue property owner and the Legal Department prior to issuance of a Building Permit. The Drainage Easement update shall clarify the intent of the Stormwater O&M Plan as the responsibility of the 160 Court Street property owner, Portsmouth Housing Authority.
7. Plans to show relocation of the emergency signal head to a location approved by the Fire Department and addition of the required Emergency Signal sign.
8. Applicant to coordinate with Homeland Security for relocation of the emergency siren.

On August 9, 2018 the applicant submitted revised plans addressing items 1-2, 4-5 above to the satisfaction of the Planning Department. Items 3, 6-8 are incorporated into the recommended stipulations below.

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)

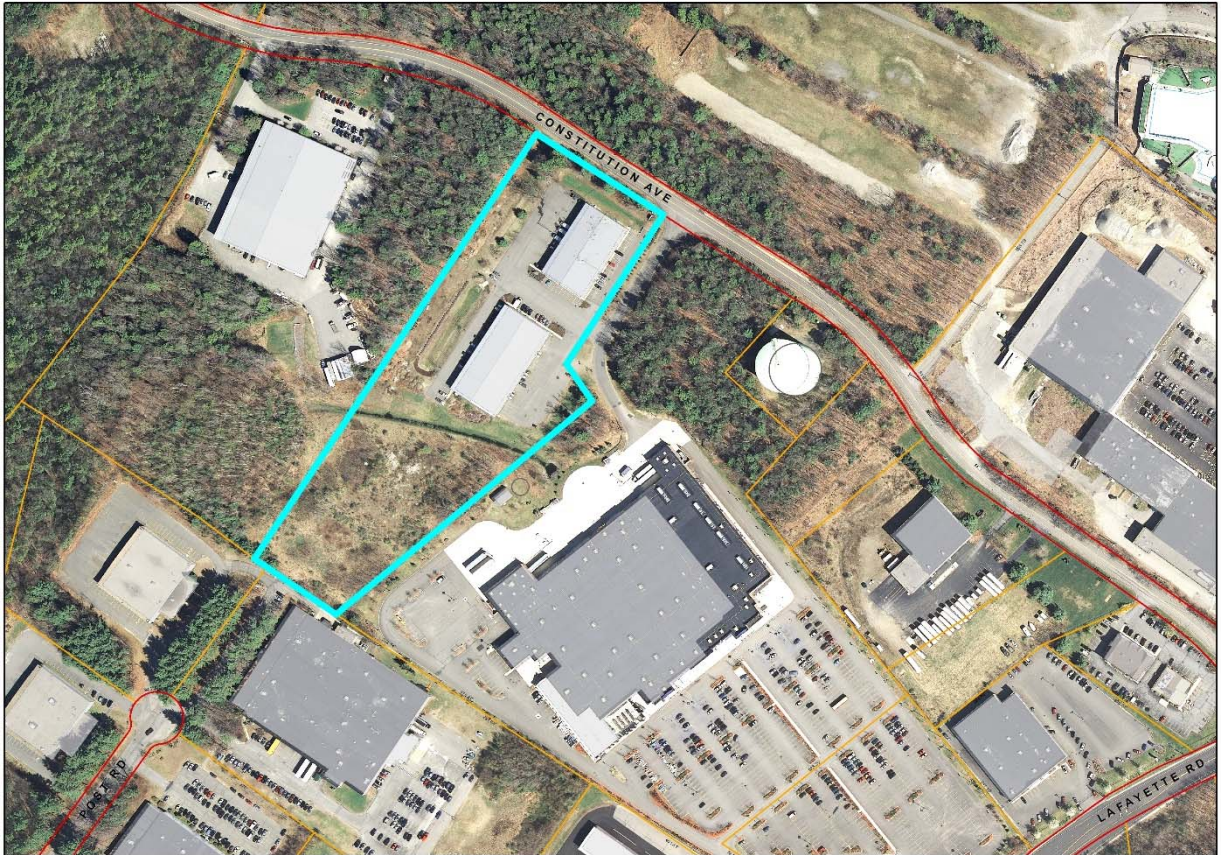
- 1. Applicant shall provide update to drainage easement on 127 Parrott Avenue property including Portsmouth Housing Authority as a benefitting party to be reviewed and approved by both the 127 Parrott Avenue property owner and the Legal Department. The Drainage Easement update shall clarify the intent of the Stormwater O&M Plan as the responsibility of the 160 Court Street property owner, Portsmouth Housing Authority.*
- 2. Plans to show relocation of the emergency signal head to a location approved by the Fire Department and addition of the required Emergency Signal sign.*
- 3. Applicant shall coordinate with Homeland Security for relocation of the emergency siren.*
- 4. Plans shall be updated to include notes regarding conditions subsequent listed below.*
- 5. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 6. Any easement deeds and plans involving the City shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.*
- 7. The Site Plans and any easement deeds and plans to or from the City shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

Conditions Subsequent

- 8. Prior to construction, the terminal drain manhole located across Rogers Street shall be evaluated by the project engineer to verify if the structure can accommodate two 15" pipes or whether the structure will need to be replaced.*
- 9. Applicant shall apply for a stormwater connection permit and excavation permit prior to construction. Limits of restoration (road, sidewalk, curb, etc) will be determined at the time of permit issuance.*
- 10. Applicant shall continue to work with City staff and property owner at 127 Parrott Avenue in good faith to evaluate and develop a mutually acceptable publicly accessible pedestrian connection on and across 127 Parrott Avenue to and from the Portsmouth Housing Authority property and Parrott Avenue.*

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The application of **Salema Realty Trust, Owner**, for property located at **199 Constitution Avenue**, requesting Site Plan Review approval for the construction of a 2-story industrial building, with a footprint of 12,800 s.f. and a Gross Floor Area of 12,800 s.f., with 24 parking spaces and proposed stormtech infiltration system, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 285 as Lot 16-301 and lies within the Industrial (I) District.



Description

The applicant proposes to develop a third industrial building on the rear portion of the lot where two existing two-story industrial buildings are currently developed. The site work will include but is not limited to site grading, erosion control measures, utility connections and a stormwater management system.

Technical Advisory Committee Review

The TAC reviewed this application on July 31, 2018 and voted to recommend approval with the following stipulations:

1. Update details to show Sewer Manhole with a solid brick invert.

2. Engineer to verify if NHDES Alteration of Design Permit requires additional 10% design precipitation rates over the Extreme Precipitation Table rates and update Stormwater Management Drainage Calculations and Design, as applicable.
3. Applicant to provide water utility access easement for water line shutoffs and routine maintenance/leak detection and note easement on the plan.
4. Further review and approvals will be required when use of the building is determined and may include an Industrial Discharge Permit or if use is subject to Fats, Oil, and Grease (FOG) program (ie: grease trap) for the wastewater.
5. Engineer to consider the need for the 1000 gallon pump station tank and revise as applicable.
6. Plans to be updated showing a City approved detail for force main connection to SMH Detail to be provided by City.
7. Condition of existing Sewer Manhole and sewer pipe to Constitution Avenue shall be determined and plans updated as applicable.
8. The angle of the existing pipe entering SMH looks to be problematic and shall be corrected, as applicable.
9. Provide a statement that list and described "green" building components and systems (Per Section 2.5.3.1A).
10. Names, addresses and telephone numbers of all professionals involved in the site plan design should be provided on Title Sheet.
11. Applicant to provide completed Site Plan Application checklist noting the location (Sheet/Note) of each required item.
12. The Department of Public Works shall review and approve the drainage/stormwater design prior to Planning Board review.
13. The sprinkler utility room and exterior access shall be shown on the plans.
14. Trees shall be removed from the easement area on the Landscape plans.

On August 7, 2018 the applicant submitted revised plans addressing items 1-8 and 10-14 above to the satisfaction of the DWP and Planning Department. For item 9, the Planning Department has requested that the applicant provide the statement of "green" building components and systems (Per Section 2.5.3.1A) prior to the Planning Board meeting.

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 utility access easement shall be reviewed and approved by the Planning and Legal Department and approved by City Council.*
2. *Plans shall note that the sewer utility corridor must be kept free of woody growth and shall be mowed yearly.*
3. *Plans shall be updated to include notes regarding conditions subsequent listed below.*
4. *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.*

Conditions Subsequent

5. *If the future use requires an Industrial Discharge Permit or is subject to the Fats, Oil, and Grease (FOG) program (ie: grease trap) for the wastewater, appropriate documentation and permitting shall be provided to the DPW.*
6. *The force main connection detail shall be updated to match the required detail provided by DPW.*
7. *Applicant shall apply for a sewer connection permit at which time the sewer line shall be videoed and inspected and the adequacy of the pump station tank shall be confirmed by DPW. Additional work by applicant may be required at that time.*
8. *Stormwater infiltration areas shall be inspected and approved by DPW during construction and a soil scientist shall be onsite at that time to review and approve soils and construction methods.*