



CITY OF PORTSMOUTH  
PLANNING DEPARTMENT

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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 May 16, 2019 Planning Board Meetings  
**Date:** 05/13/19

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**II. DETERMINATIONS OF COMPLETENESS**

**A. SUBDIVISION REVIEW**

1. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting a two-lot subdivision.
2. The application of **Boston & Maine Corporation (Lot 4) and Iron Horse Properties, LLC, (Lot 4-2) Owners** for properties located on **Bartlett Street** requesting a Lot Line Relocation.

Planning Department Recommendation

*Vote to determine that the applications are complete according to the Subdivision Rules and Regulations contingent on the granting of any required waivers under Section IV of the agenda and to accept the applications for consideration.*

**B. SITE PLAN REVIEW**

1. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting Site Plan Review approval to construct a 4-story office building.

Planning Department Recommendation

*Vote to determine that the application is complete according to the Site Plan Review Regulations contingent on the granting of any required waivers under Section IV of the agenda and to accept the application for consideration.*



### III. PUBLIC HEARINGS – OLD BUSINESS

- A. The application of **Wentworth-Gardner & Tobias Lear Houses Association, Owner**, and **Stephen M. Foster, Applicant**, for property located at **49 Hunking Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where a minimum of three are required to operate an inn. Said property is shown on Assessor Map 103 as Lot 39 and lies within the General Residence B (GRB) and Historic Districts.



#### Description

The applicant is seeking to preserve and rehabilitate the historic Tobias Lear House, add a small rear addition, and to subsequently operate a portion of it as an inn. In April 2019, the Zoning Board of Adjustment granted variances to allow an inn in a district where the use is not allowed, to allow a 5.7' right side yard where 10' is required and to allow a nonconforming structure or building to be expanded, reconstructed or enlarged without conforming to the requirements of the ordinance.

The off-street parking standards in the City's Zoning Ordinance for an inn requires 1.25 parking spaces per guest room, 1 space per 100 square feet of lounge/restaurant area, and 1 space per 25 square feet of conference/banquet facilities. The application proposes a 2-room inn. The parlor room area and a new kitchen addition on the first floor will be available for use by the inn guests. There are no lounge/restaurant or conference/banquet facilities proposed.

Therefore, the proposed inn requires 3 parking spaces where no spaces are provided on site. The applicant has provided a narrative that explains that there will be 3 parking spaces on a nearby property along Mechanic Street (owned by the Wentworth Gardner House) that will be made available for inn guests.

Per Section 10.1112.14 of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum parking spaces required by the off-street parking standards. An application for a conditional use permit for off-street parking must include a parking demand analysis.

Per Section 10.1112.142, an application for a conditional use permit shall identify permanent measures to reduce parking demand including but not limited to proximity to public transit and shared parking on a separate lot. The applicant has noted that the property is within walking distance of the Parrott Avenue parking lot and the Hanover Parking Garage. The property is also within a ½ mile of a COAST public transit route. In order to take credit for the provision of parking on a separate lot, the application must meet the requirements of 10.1112.62, which indicates that a shared parking arrangement must be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

Technical Advisory Committee Review

Section 10.1112.141 of the Zoning Ordinance requires that the applicant shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee. This application was reviewed by the TAC at the April 9, 2019 TAC Work Session. TAC did not have any comments on this request.

Planning Department Recommendation

- 1) *Vote to accept the findings of the applicant's parking demand analysis and to find that the provision of 3 off-street parking spaces provided on an abutting lot will be adequate and appropriate for the proposed use of the property.*
- 2) *Vote to grant a conditional use permit pursuant to Section 10.112.14 of the Portsmouth Zoning Ordinance to permit no parking spaces on the lot where 3 off-street parking spaces are required with the following stipulation:*
  - 2.1) *The shared parking arrangement to provide 3 parking spaces on the property of the Wentworth Gardner House shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.*

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

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- B.** The application of **Frank Veneroso, Owner and Applicant**, for property located at **53 Austin Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide twelve on-site parking spaces where a minimum of seventeen are required to operate an inn. Said property is shown as Assessor Map 127 as Lot 26 and lies with the General Residence C (GRC) District. *(This application was postponed at the April 25, 2019 Planning Board meeting)*

Description

The applicant is seeking to convert a property to an inn use where a multi-story single family house and three detached single family rental units currently exist. At the last meeting of the Planning Board, Board members questioned the need for a Conditional Use Permit after the applicant clarified the number of rooms that were proposed for the inn as 8 guest rooms and 1 single-family residence for the caretakers of the inn. The application was postponed to provide Planning Department staff an opportunity to verify the parking requirements for the proposed use.

The off-street parking standards in the City's Zoning Ordinance for an inn requires 1.25 parking spaces per guest room, 1 space per 100 square feet of lounge/restaurant area, and 1 space per 25 square feet of conference/banquet facilities. The application proposes an 8-room inn with 1 caretaker's residence. The living areas in the main house will be available for use by the inn guests, but there are no facilities proposed that would meet the definition of lounge/restaurant or conference/banquet facilities.

Therefore, 8 rooms and 1 caretaker's residence will require 11.3 or 12 parking spaces and 12 spaces are provided on-site.

- 8 rooms x 1.25 spaces per room = 10
- 1 caretaker's residence (@ 1.3 spaces for dwelling units over 750 sq.ft.) = 1.3 or 2 spaces

The applicant has requested to withdraw the application as it has been determined the conditional use permit it is not required.

Planning Department Recommendation

*Vote to accept the withdrawal of the application.*





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

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- C. The application of the **City of Portsmouth School Department, Owner**, for the property located at **32 Van Buren Avenue (Dondero Elementary School)** requesting to amend a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for playground renovations. The amendment includes addition of a performance area with stage and benches and an accessible recreation access route/boardwalk with 309 +/- s.f. of wetland buffer disturbance. Said property is shown on Assessor Map 250 as Lot 106 and lies within the Municipal (M) District. *(This application was postponed at the April 25, 2019 Planning Board meeting)*



#### Description

This application is to construct a performance stage and boardwalk behind Dondero School as part of a multi-phase project to improve the grounds of the school property for use by students and members of the public.

#### 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.* This project proposes to expand the outdoor playground features at the Dondero School and add a boardwalk through a forested wetland area. The locations of the stage in a lawn area and the low impact nature of the boardwalk are reasonable for this location.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The school site is almost completely within the wetland buffer so utilizing the existing lawn and designing a low impact trail system is the best alternative for the proposed use.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed stage is designed to be on sonotubes with fairly small footprint and limited ground disturbance. The roof is impervious but will runoff onto a lawn area where stormwater will be able to infiltrate. The boardwalk system will allow water to flow through and has a fairly small footprint. There should be minimal impact to the wetland system from this project.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The stage design will require some lawn area to be removed. The boardwalk will have a small impact on vegetation where the posts are set and also where the vegetation is located under the boardwalk. However, some of the vegetation will be able to grow under the boardwalk area with minimal disturbance.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this proposal will result in a fairly small impact to a lawn area and a natural area. Overall it will provide access to the wetlands for students and a better outdoor experience at the school.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal includes new plantings to replace some of the lawn area.

The Conservation Commission reviewed this application at the April 10, 2019 meeting and voted unanimously to recommend approval as presented.

Planning Department Recommendation

*Vote to grant the Conditional Use Permit as presented.*



#### IV. PUBLIC HEARINGS – NEW BUSINESS

***It is recommended that Items IV.A, IV.B and IV.C be discussed together and voted on separately.***

***A motion is required to consider these items together***

- A. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting Preliminary and Final Subdivision approval for a two lot subdivision as follows: the subject lot to be divided so that Lot 1 becomes 58,583 s.f. with 840 ft. of street frontage and Lot 2 becomes 42,778 s.f. with 610 ft. of street frontage Said property is shown on Assessor Map 124 as Lot 8 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts.
- B. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue**, in the North End Incentive Overlay District, requesting a Conditional Use Permit in accordance with Section 10.5A46.23 of the Zoning Ordinance to allow the additional 3,351 s.f. of Community Space provided by this project to be credited to the applicant for use in another development in the same Incentive Overlay District.
- C. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting Site Plan Review approval to construct a 4-story office building with a footprint of 20,117 s.f. and gross floor area of 73,700 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts.

##### **Description**

The proposed project will subdivide the existing 2.33 acre parcel into two proposed properties. The proposed parcel to the west will be 1-acre and will consist of a proposed new 4-story, 73,700 SF commercial/office building. The proposed parcel to the east will be 1.3 acres and will consist of an existing one-story office building.

##### **Historic District Commission Review**

The Historic District Commission approved the proposal for a new free standing structure (construct a 4-story mixed-use building) as presented at their May 1, 2019 meeting.

##### **Technical Advisory Committee Review**

The TAC reviewed this application at the April 30, 2019 meeting and voted to recommend approval of the Subdivision as presented. The TAC also recommended approval of the Site Plan with the following stipulations:

Stipulations to be addressed prior to submission to the Planning Board:

1. Applicant shall work with DPW to finalize the location and design of the lighting conduit layout.

- a. Lighting locations shall be reviewed for consistency throughout the Plan set.
2. A detail shall be added for the north end light foundation system.
3. The plans shall be updated to show that Drain Man Hole (DMH) 1098 shall be replaced and the backflow device shall be accessible from inside of that structure.
4. A note shall be added to the Site Plan and the Landscaping Plan that all trees planted are to be installed under the supervision of City of Portsmouth DPW using City standard installation methods.
5. The applicant shall participate in a meeting with the Planning and DPW Departments prior to coordinate the following TAC recommendations:
  - a. Applicant shall overlay and/or provide final pavement and striping for Vaughn and Raynes as part of this project per DPW specifications.
  - b. Applicant shall provide fair share contributions for sewer improvements, Russell St intersection improvements, and the Maplewood Avenue Complete Street improvement project (in particular the Deer and Maplewood intersection)
  - c. Plans shall be reviewed and updated for consistency with the Maplewood Avenue Complete Streets Project Plans. Raised planters proposed on City property shall be changed to tree grates with a tree guard.
6. Sheet C-102.3 shall be revised to show a minimum 16' width wherever there is a two-way driveway aisle for the underground parking.
7. Plans shall include details on the screening of the existing and proposed transformer and dumpster areas.
8. Per requirements of Section 10.5A46.10 (footnote 4) of the City's Zoning Ordinance, the sidewalk on Raynes Avenue, Vaughan Street, and Maplewood Avenue shall be a minimum of 10-feet wide plus an additional two feet for each additional story of building height above three stories.
9. The Incentives to Development Standards dimensional requirements shall be added to the table on Sheet C-102.
10. Water lines shall be sleeved from outside the foundation wall to the water room.
11. Basement level egress locations shall be revised per the comments of the Fire Department.
12. Actual locations of utility lines to the site to be approved by the City of Portsmouth DPW.
13. The Landscape Plan shall be updated as follows
  - a. The tree species (all 3) should be indicated on the plans (consistent with the Maplewood Ave Complete Streets Project, see 5c above). Tree species selection shall be reviewed and approved by the City Arborist.
  - b. The material for the landscape planter and seat walls shall be granite
  - c. A detail showing the color and material specifications for the sidewalk and pedestrian alley pavers shall be provided.
  - d. The concrete unit pavers edging the proposed driveway to the underground parking shall be shown on the plan.

Recommended stipulations of Planning Board approval to be completed prior to issuance of a building permit:

14. The applicant shall provide updated plans to the City indicating sewer lateral locations prior to the City's planned sewer upgrades in spring 2019.
15. Actual locations of utility lines to the site shall be approved by the City of Portsmouth DPW prior to construction.

16. Final water service size and location shall be coordinated with the Building Drawings and DPW prior to construction.
17. The applicant shall enter into a Prospective Development Incentive Agreement (PDIA) with the Planning Department per the requirements of Section 10.5A46.23(3).
18. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
19. A temporary support of excavation (SOE) plan shall be prepared by the applicant's contractor to confirm any temporary encumbrances of the City's right-of-way.
20. The proposed loading zone shall be reviewed by the Parking & Traffic Safety Committee for recommendation to City Council.

TAC also recommended approval of the waiver from Section 9.3(6) of the Site Plan Review Regulations regarding the dumpster location.

On May 7, 2019 the applicant submitted revised plans addressing stipulations 3, 4, 6-10, and 13 above to the satisfaction of the Planning Department. Staff will provide an updated recommendation regarding the fair share contributions noted in item 5 at the Planning Board meeting. The remaining stipulations have been included in the recommended conditions of approval below.

**Planning Department Recommendation**

**Subdivision**

1. *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
  - 1.1) *Lot numbers as determined by the Assessor shall be added to the final plat.*
  - 1.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
  - 1.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
  - 1.4) *The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

**Conditional Use Permit for Community Space**

2. *Vote to grant the Conditional Use Permit with the following stipulation:*
  - 2.1) *The applicant shall enter into a Prospective Development Incentive Agreement (PDIA) with the City per the requirements of Section 10.5A46.23(3).*

**Site Plan Review**

3. *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 Subdivision Regulations, and to waive the following regulations:*
  - a) *Section 9.3(6) - requiring dumpster or other waste container pads to be a minimum of 20 feet from any property line or yard.*

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

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

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

- 4.1) *Applicant shall work with DPW to finalize the location and design of the lighting conduit layout.*
- 4.2) *Applicant shall provide fair share contributions to the City as follows:*
  - a) *Sewer infrastructure improvements on Raynes Avenue and Vaughan Street*
  - b) *Russell Street / Market Street Intersection Improvements*
  - c) *Deer and Maplewood Avenue Intersection Improvements to Traffic Signal*
- 4.3) *Plans shall be reviewed and updated for consistency with the Maplewood Avenue Complete Streets Project Preliminary Engineering Plans subject to final approval by the Planning Director.*
- 4.4) *Sheet C-102.3 shall be updated to note that the arrows shown on the plan shall be painted on the pavement surface to help guide motorists in the proper direction.*

- 4.5) *Plans shall include details on the screening of the existing and proposed transformer and dumpster areas.*
- 4.6) *Basement level egress locations shall be reviewed and approved by the Fire Department.*
- 4.7) *Tree species selection shall be reviewed and approved by the City Arborist.*
- 4.8) *Raised planters proposed to be located on City property shall be changed to tree grates and tree guards or other treatment that is flush to the sidewalk and protects the street trees subject to final approval by the DPW Director and City Arborist.*
- 4.9) *The applicant shall provide updated plans to the City indicating sewer lateral locations prior to the City's planned sewer upgrades in spring 2019.*
- 4.10) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City.*
- 4.11) *A temporary support of excavation (SOE) plan shall be prepared by the applicant's contractor to confirm any temporary encumbrances of the City's right-of-way.*
- 4.12) *The site plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 4.13) *Easements deeding permanent public access to the community space areas and any other required public easements shall be approved and accepted by the City Council prior to being recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department*

*To be completed subsequent to the issuance of a building permit*

- 4.14) *Applicant shall complete final paving and pavement striping of Vaughn Street and Raynes Avenue per DPW requirements.*
- 4.15) *Locations of existing and proposed utility lines to the site shall be approved by the City of Portsmouth DPW prior to construction.*
- 4.16) *Final water service size and location shall be coordinated with the Building Drawings and DPW prior to construction.*
- 4.17) *The proposed loading zone shall be reviewed by the Parking & Traffic Safety Committee for recommendation to City Council.*





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

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- D. The application of **Great Rhythm Brewing Company, LLC, Applicant** and **Clipper Traders, LLC** for property located at **105 Bartlett Street** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an Outdoor Dining or Drinking Area as an accessory use. Said property is shown on Assessor Map 157 as Lot 1 and lies within the Character District 4-W (CD4-W) District.



##### Description

Great Rhythm Brewing Company, LLC is requesting a Conditional Use Permit for an outdoor dining or drinking area as an accessory use to its currently permitted principle use, which is the operation of a brewery and tasting room. Great Rhythm Brewing Company, LLC is located at 105 Bartlett Street in Portsmouth, NH. This property is in Character District CD4-W where this accessory use requires a Conditional Use Permit from the Planning Board.

The applicant has requested to postpone to the June Planning Board meeting.

##### Planning Department Recommendation

*Vote to postpone the application to the June 20, 2019 Planning Board meeting.*



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

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- E. The application of **Boston & Maine Corporation (Lot 4) and Iron Horse Properties, LLC, (Lot 4-2) Owners** for properties located off **Bartlett Street** and **Maplewood Ave** requesting a Lot Line Relocation to transfer 72,337 ± s.f. from Lot 4 to Lot 4-2. Said properties are shown on Assessor Map 164 as Lots 4 and 4-2 and lie within the Character District 4-LI (CD4-LI), Office Research (OR) and the Transportation Corridor (TC) Districts.

Description

The subject properties were two lots included in a subdivision for 105 Bartlett Street that received subdivision approval from the Planning Board in November 2018 to consolidate and subdivide five lots and a portion of another into 5 new lots, a right-of-way, and the remainder of one lot. The newly configured lots (Map Lots 164-1, 164-2, 164-3, 157-1, and 157-2, and 164-4-2) are owned variously by Clipper Traders LLC, Portsmouth Lumber and Hardware LLC, and Iron Horse Properties LLC. The remainder of Map Lot 164-4 is still owned by the Boston & Maine Corporation (the railroad). The current Lot Line Relocation application proposes to transfer 72,337± s.f. from the existing railroad property (Map 164 Lot 4) to the property currently owner by Iron Horse Properties LLC (Map 164 Lot 4-2), increasing Lot 4-2 from 4.073 ± acres to 5.734 ± acres and decreasing Lot 4 from 4.7± acres to 3.0± acres.

Planning Department Recommendation

*1. Vote to grant Preliminary and Final Subdivision Approval (Lot Line Revision) with the following stipulations:*

- 1.1) Lot numbers as determined by the Assessor shall be added to the final plat.*
- 1.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 1.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 1.4) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*





## V. ZONING AMENDMENTS - PUBLIC HEARINGS – NEW BUSINESS

- A. The request of Revisit McIntyre, a New Hampshire nonprofit corporation, to amend the zoning for the property located at 62 Daniel Street, Map 106, Lot 8 (current Federal Building) from Character District 4 and Character District 5 (CD4 and CD5) to a Natural Resource Protection (NRP) District or Municipal (M) District or combination of both.



### Description

On April 5, 2019, Revisit McIntyre submitted a letter to the City Council requesting that the property located at 162 Daniel Street (McIntyre Federal Building) be re-zone to Natural Resource Protection District or Municipal or a combination of both.

At the April 15, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation. One of the principle legislative functions of the Planning Board is to make recommendations on the adoption of amendments to the zoning ordinance. This role plays out in two ways. Many zoning amendments are generated by the Board itself which, in Portsmouth, also involves a public hearing process. If the proposed amendment comes either from a citizen petition or a referral by the City Council, then the Board has the responsibility to review and make a recommendation and to take the proposal through a public hearing process. All zoning amendments also require three readings in front of City Council, which includes a public hearing. These would occur after the Planning Board has completed its process and made a recommendation to the City Council.

*Municipal District*

The stated purpose of the Municipal District is as follows (emphasis added):

“To recognize areas that are in municipal ownership for governmental, civic, service, educational or recreational use.”

Lots and buildings in the Municipal district are exempt from all dimensional and intensity regulations (e.g. building coverage, height, setbacks, etc.) and land uses on these properties are not subject to the City’s off-street parking requirements.

This property is not owned by the City therefore it is not eligible to be re-zoned to Municipal.

*Natural Resource Protection*

The stated purpose of the Natural Resource Protection District is as follows (emphasis added):

“To recognize areas that are in governmental or nonprofit ownership and are dedicated to protection and enhancement of the City’s natural resources and ecology.”

Land uses permitted in the Natural Resource Protection District include tree farms and related forestry activities, wildlife refuge, public parks and playgrounds, public nature trails, and uses expressly recognized in a conservation easement by which the City of Portsmouth has acquired conservation rights.

Lots and buildings in the NRP district are required to have a 70’ front, side, and rear building setback from lot lines, have a maximum building height of 35’ and a minimum open space coverage of 95% (95% of the lot must be open space).

The NRP district, as described in the purpose and the list of allowed uses is intended for properties that are in current use as a park or natural resource area and/or have already been protected through a conservation easement. This property does not currently fit any of those descriptions and therefore would not be eligible for re-zoning to Natural Resource Protection District.

Planning Department Recommendation

*Vote not to recommend approval to the City Council for this zoning amendment.*

## **V. ZONING AMENDMENTS - PUBLIC HEARINGS – NEW BUSINESS (cont.)**

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- B. Petition by residents and homeowners of Chase Drive, Cutts Avenue, Forest Street, and Brigham Lane to reconsider the December 2017 decision to re-zone three properties located along Chase Drive and Cutts Avenue from Single Residence B (SRB) to Gateway Neighborhood Mixed Use Center (G2) and to re-zone the properties back to Single Residence B.



### Description

On March 31, 2019, residents and homeowners of Chase Drive, Cutts Avenue, Forest Street, and Brigham Lane submitted a letter to the City Council requesting that properties along Chase Drive and Cutts Avenue be re-zoned from Gateway Neighborhood Mixed Use Center (G2) to Single Residence B (SRB). The intent of this request is to reverse a City Council decision in December 2017 to re-zone these properties along with 35 other properties city-wide to a new zoning district – Gateway Neighborhood Mixed Use Center.

At the April 15, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation. One of the principle legislative functions of the Planning Board is to make recommendations on the adoption of amendments to the zoning ordinance. This role plays out in two ways. Many zoning amendments are generated by the Board itself which, in Portsmouth, also involves a public hearing process. If the proposed amendment comes either from a citizen petition or a referral by the City Council, then the Board has the responsibility to review and make a recommendation and to take the proposal through a public hearing process. All zoning amendments also require three readings in front of City Council, which includes a public hearing. These would occur after the Planning Board has completed its process and made a recommendation to the City Council.

The petitioners have requested that the public hearing on this item be postponed to the June Planning Board meeting.

Planning Department Recommendation

*Vote to postpone consideration of this re-zoning petition to the June 20, 2019 Planning Board meeting.*

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## VI. CITY COUNCIL REFERRAL – PUBLIC HEARING

- A. Purchase of property identified as Assessor Map 232, Lot 3 located off Lois Street.

Description

The City has entered into a purchase and sale agreement to acquire a 2.8 acre parcel located at the end of Lois Street subject to certain conditions including approval of the City Council. The property has value to the City in regards to stormwater management opportunities, the potential to create a turnaround at the end of Lois Street and public utility line reasons. On May 8, 2019 the Conservation Commission voted to authorize the expenditure of \$30,000 from the Conservation Fund to support the acquisition and requested that the City place the property within the Conservation Ordinance.

Planning Department Recommendation

*Vote to recommend to City Council the acquisition of the property identified as Map 232, Lot 3 located off Lois Street.*

- B. Purchase of 3.11 Acre property in Greenland, NH in Sanitary Protection Area of the Greenland Well.

Description

The City's Water Division has negotiated the purchase of a 3.11 acre parcel of undeveloped land that is located within the sanitary protective area (SPA) of the Greenland Well. The SPA is defined by the NHDES as the area within a 400 ft. radius from the well that should be maintained in natural conditions and under the control of the water system for the purpose of protecting the source water quality. The parcel was subdivided in 2003 and approved by the Town of Greenland as a buildable lot. If a house was built on this lot, water quality of the Greenland Well would be threatened by potential septic system contamination of failure, impervious runoff loading, and land use activities such as vehicle maintenance and lawn treatments.

Planning Department Recommendation

*Vote to recommend to City Council the acquisition of the property identified as Map U-3, Lot 8A located off Post Road, Greenland, NH.*





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## VII. OTHER BUSINESS

- A. The application of **Eversource Energy** for property located at **280 Gosling Road** for the construction of a concrete transformer pad with a 5,440 s.f. ± footprint with related drainage and associated site improvements. Said property is shown on Assessor Map 214 as Lot 2 and lies within the Waterfront Industrial (WI) District. This application originally received site plan review approval from the Planning Board at their February 2003 meeting with the stipulation that if this transformer pad was not installed within two years, it would come back to the Board for additional review prior to completion.

Description

For discussion only.