



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the June 20, 2019 Planning Board Meeting
Date: 06/13/19

II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of **Kapelos Karen E Revocable Trust of 1995 & Kapelos Karen Trustee, Owner**, and **Raymond Bisson, Applicant**, for property located at **88 & 100 Cardinal Lane** requesting a Lot Line Revision between two lots.

Planning Department Recommendation

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

B. SITE PLAN REVIEW

1. The application of **The Wentworth Gardner & Tobias Lear Houses Association, Owner**, and **Stephen Foster, Applicant**, for property located at **49 Hunking Street** requesting Site Plan approval.
2. The application of **Lonza Biologics, Owner**, and **Tighe & Bond, Applicant**, for property located at **101 International Drive** requesting Site Plan Review approval.

Planning Department Recommendation

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

III. ZONING AMENDMENTS - PUBLIC HEARINGS – OLD BUSINESS

- A. 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 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. Should the Council decide to proceed with consideration of a zoning amendment, this process would 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.

Planning Department Comments

These properties were re-zoned in 2017 (after an extensive public process) based on recommendations of the Master Plan (adopted in 2017) and the Housing Policy Committee. This area around I-95's Exit 7 was specifically identified in the Housing Policy Committee report, an excerpt of which is provided below. Prior to 2017, the area to the west of I-95 along Kearsarge Way was zoned General Business (GB) and the area to the east fronting along Market Street and I-95 was zoned Single Residence B (SRB).

Excerpt from Portsmouth Housing Policy Committee Report to City Council, November 16, 2016:

The current SRB single family residential zoning along this busy corridor is not appropriate along such a busy corridor, nor is the isolated General Business district, largely along undeveloped paper streets. Allowing for multi-family housing in this area would serve as a transition between Market Street and the surrounding single family residential area. This is also an opportunity to continue to strengthen the bicycle and pedestrian network along Market Street and create more housing options proximate to the downtown.

Zoning Recommendations

- *Rezone to new higher-density residential*
- *Allow mixed-use*
- *Incentivize affordable housing with density bonuses (include affordable housing covenants wherever appropriate)*
- *Reduce parking requirements given proximity to downtown*

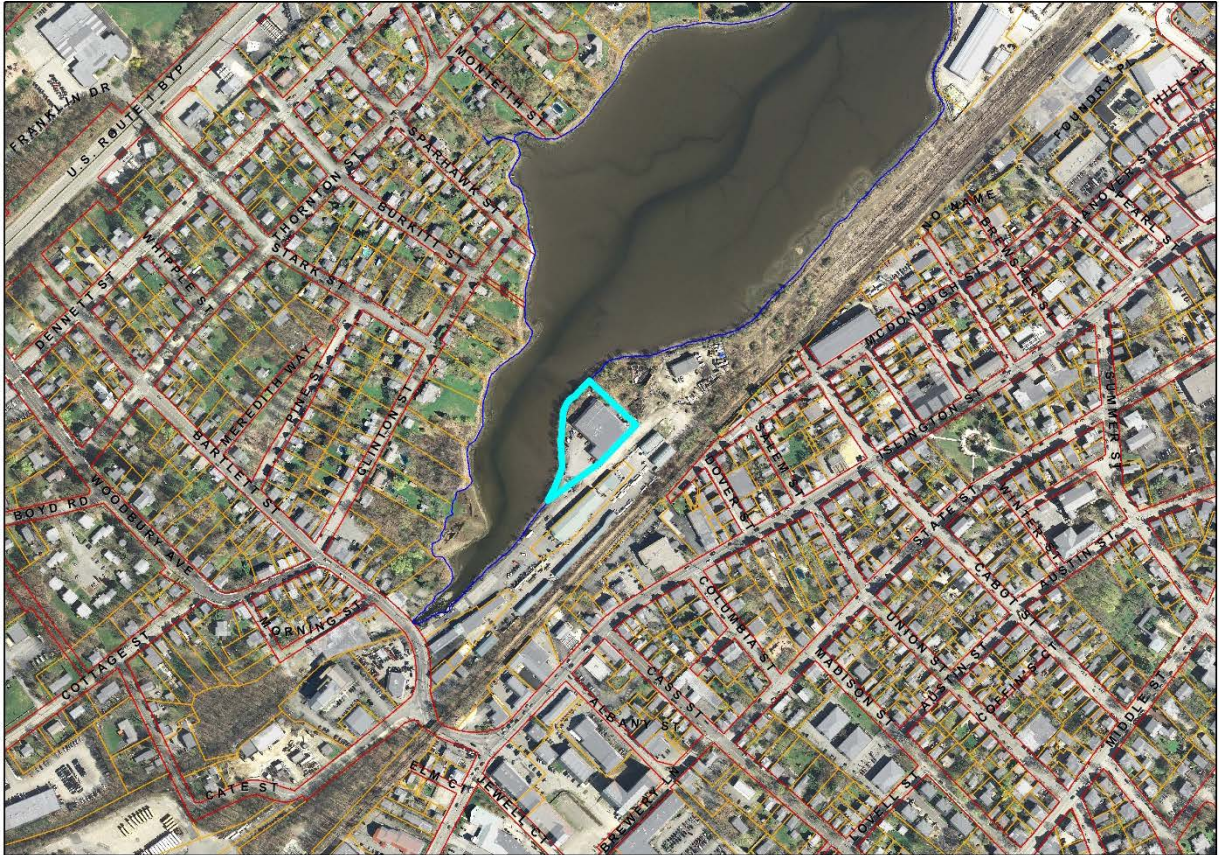


Planning Department Recommendation

Vote to recommend that the City Council not approve this re-zoning request.

IV. PUBLIC HEARINGS – OLD BUSINESS

- A. 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.

In 2016, Great Rhythm Brewing Company was granted zoning relief by the Zoning Board of Adjustment to operate a tasting room in conjunction with a brewery. At that time, a request to approve an outdoor tasting area as part of that project was denied by the Zoning Board. When the property was re-zoned to Character District CD4-W, the outdoor dining area was added as a permitted accessory use in this district subject to the granting of a conditional use permit by the Planning Board.

The proposed outdoor area would be directly connected and serviced by the current tasting room area at the brewery. As the proposed outdoor seating area is located in the wetland buffer, any substantial clearing of vegetation, creation of impervious surfaces, or other ground disturbance would require a Wetland Conditional Use Permit. The applicant has not indicated they will be doing any alterations or improvements to the proposed outdoor seating area. In addition, the applicant will need to apply for any applicable City Health Department permitting for operation of an outdoor dining area. Approval by the Planning Board of the Conditional Use Permit for the outdoor dining area would be for the use alone, any other land use or inspection approvals required would be subject to a separate permitting process.

Section 10.243 of the Zoning Ordinance outlines the general approval criteria that the Board must consider in the determination for granting a Conditional Use Permit for this accessory use.

Conditional Use Permit Criteria	Planning Department Comments
<i>10.243.21 - The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.</i>	The applicant notes that no further development or change of use of the property or building at 105 Bartlett Street is proposed. The use of the outdoor area adjacent to the current tasting room is a natural extension of the existing use and is surrounded by commercial operations.
<i>10.243.22 - All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.</i>	The applicant notes that the proposed outdoor area is directly adjacent to the current tasting room at the brewery. There are accessible bathroom and other facilities within the tasting room that are compliant with local, state and federal law.
<i>10.243.23 - The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.</i>	The applicant notes that the principal use of the property is not changing. The site improvements and infrastructure, including ingress, egress and parking for the site have already been deemed adequate for the existing brewery use. There are no additional parking requirements for an outdoor dining area. Addition of a small seasonal outdoor dining area should not have a significant impact on the traffic generated for this use.

Conditional Use Permit Criteria	Planning Department Comments
<p><i>10.243.24 - The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.</i></p>	<p>The principal use of the property is not changing and the addition of a small seasonal outdoor dining area only should not have a significant impact on traffic and noise levels. The use will not create any vibrations, dust, and fumes and the limited hours of operation are not proposed to alter and the Planning Board may condition the approval to the current hours of operation. Current hours of operation are 12pm to 8pm Wednesday through Saturday and Sunday 12pm to 6pm. The direct abutting neighbors of the property are Ricci Lumber, Ace Hardware, and a Doggy Daycare, which are commercial uses. However, as Great Rhythm is located adjacent to the North Mill Pond noise inherently travels across the water to the residential areas across the pond. Presently, the building has two (2) bay doors that open from the tasting room to the North Mill Pond. Any noise generated from the addition of the small outdoor dining area should not be any greater than the noise generated from the existing tasting room when the doors are open.</p>
<p><i>10.243.25 - The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.</i></p>	<p>The applicant indicates that no new permanent structures, clearing of vegetation, ground alteration or addition of any new impervious surface areas are proposed with the new outdoor dining area. The area of the proposed use was previously disturbed and contains mostly grass/weeds. Thus, as proposed, there should be no significant adverse impact to natural resources or wildlife habitat around the North Mill Pond associated with the proposed use.</p>
<p><i>10.243.26 - The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.</i></p>	<p>This is a small extension to an existing principal use. There should be no significant impact on property values of adjacent properties.</p>
<p><i>10.243.30 - Where specific standard or criteria are set forth in this Ordinance for the particular use permitted by conditional use permit, those standards and criteria shall apply in lieu of general standards in Section 10.243.20.</i></p>	<p>There are no specific standards and criteria set forth in the Ordinance that would apply beyond the general criteria set forth by Section 10.243.20.</p>

Per Section 10.244 of the Zoning Ordinance, the Planning Board may grant a conditional use permit subject to appropriate conditions of approval including but not limited to:

- Increased front, side, or rear yard / setback requirements

- Additional landscaping / screening
- Modifications to exterior features of buildings or structures
- Limitations on the size of buildings or structures
- Increased parking and loading requirements
- Modifications to number, size, lighting of signage
- Other performance standards related to the specific use

Given the current business operates during limited days and hours, it would be appropriate for the Planning Board to consider a condition limiting the outdoor dining area to the existing hours of operation. If the business wanted to change the hours of operation in the future, this condition would require them to apply for an amended conditional use permit to expand or alter their hours of operation for the outdoor dining area.

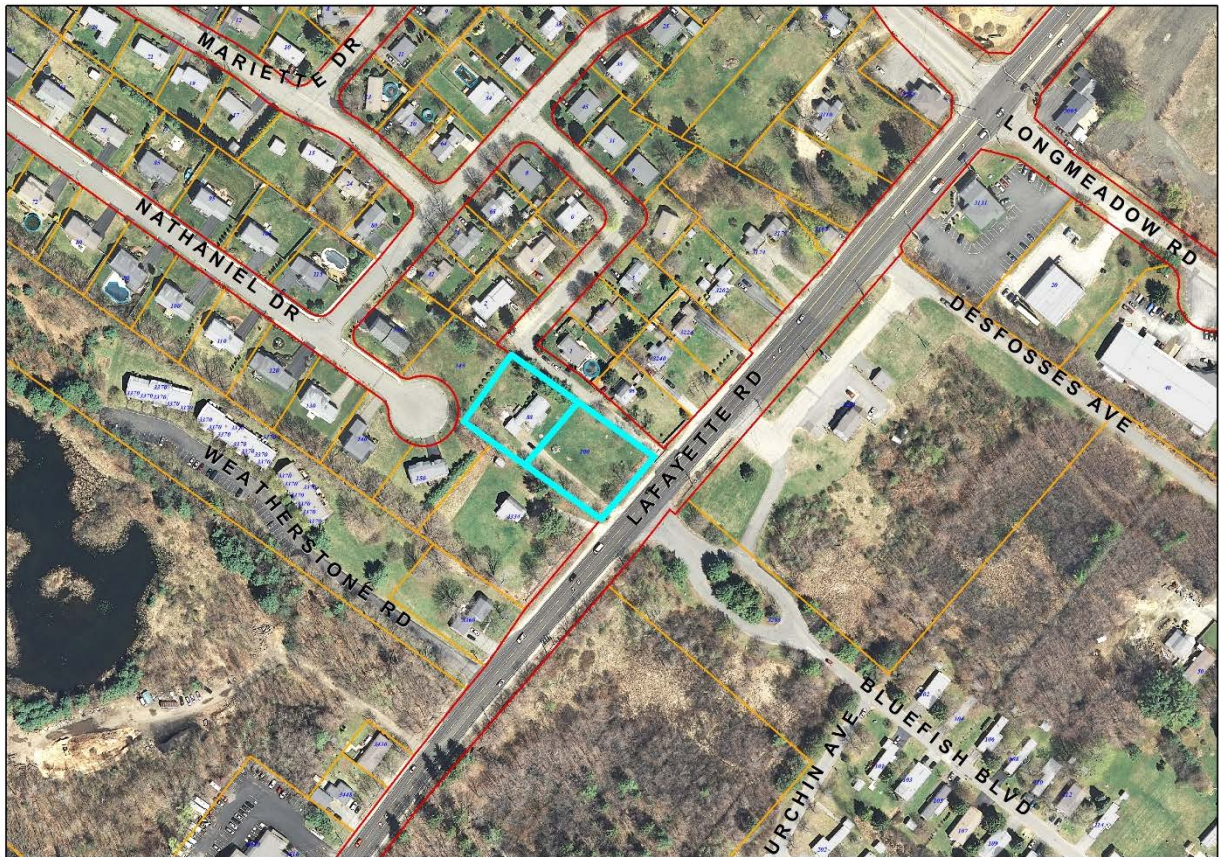
While the applicant has indicated that they do not plan to add any structures, site alterations, removal of vegetation, ground disturbance, or addition of new impervious surface as part of this proposal (any of which would require a Wetland Conditional Use Permit), given the increased activity in the wetland buffer area, it would be appropriate for the Planning Board to refer this to the Conservation Commission for an advisory review.

Planning Department Recommendation

- 1) *Vote to find that the proposal meets the conditional use permit criteria as listed in Section 10.243.20 of the Zoning Ordinance.*
- 2) *Vote to approve the conditional use permit as presented with the following conditions:*
 - 2.1) *The hours of operation for the outdoor dining area shall be limited to Wednesday through Saturday 12pm to 8pm and Sunday 12pm to 6pm.*
 - 2.2) *No outdoor music or amplification shall be allowed or used in the approved outdoor area.*
 - 2.3) *The outdoor area shall be delineated by a temporary removable fence or other barrier approved by the Planning Department.*
 - 2.4) *The existing vegetated buffer along the waterfront shall remain in place.*
 - 2.5) *Prior to issuance of a Change of Use / Building Permit. The proposal shall be reviewed by the Conservation Commission to make recommendations on any additional protections for the wetland buffer area related to this use. The conditional use permit shall be subject to any additional recommendations of the Conservation Commission related to protection of the wetland buffer area.*

V. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Kapelos Karen E Revocable Trust of 1995 & Kapelos Karen Trustee, Owner**, and **Raymond Bisson, Applicant**, for property located at **88 & 100 Cardinal Lane** requesting Preliminary and Final Subdivision approval (Lot Line Revision) between two lots as follows: Lot 247 as shown on Assessor Map 292 decreasing in area from 22,448 s.f. to 16,682 s.f. with 125' of continuous street frontage on Cardinal Lane and 140' of street frontage on Lafayette Road; and Lot 164 as shown on Assessor Map 292 increasing in area from 18,845 s.f. to 24,610 s.f. with 175' of continuous street frontage on Cardinal Lane. Said properties are located in the Single-Residence B (SRB) District where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100'.



Description

The property was originally subdivided from one lot into two in April 2017. The property owner is requesting a lot line revision with the current application to allow for more area on Lot 164 to connect the proposed driveway on Cardinal Lane to the existing garage and to abandon the existing driveway on Lafayette Road.

Technical Advisory Committee Review

The TAC reviewed this application at the June 4, 2019 meeting and voted to recommend approval of the Subdivision as presented.

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.*

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. The application of **The Wentworth Gardner & Tobias Lear Houses Association, Owner,** and **Stephen Foster, Applicant,** for property located at **49 Hunking Street** requesting Site Plan approval for a 162 s.f. addition with related utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 103 as Lot 39 and lies within the General Residence B (GRB) and Historic Overlay 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. A Conditional Use Permit for parking was granted by the Board at the May 16, 2019 meeting to permit no parking spaces on the lot where 3 off-street parking spaces are required, with a stipulation.

Technical Advisory Committee Review

The TAC reviewed this application at the June 4, 2019 meeting and voted to recommend approval of the Site Plan as presented.

Planning Department Recommendation

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

1.1) The site plan (Sheet C2) shall be updated to include metes and bounds for the lot.

1.2) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded, as deemed appropriate by the Planning Department.

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. The application of **Lonza Biologics, Owner**, and **Tighe & Bond, Applicant**, for property located at **101 International Drive** requesting Site Plan Review approval to construct a building addition with a footprint of 500 s.f. and gross floor area of 500 s.f.; replacement of an existing 1,500-gallon nitrogen tank to a new 6,000-gallon nitrogen tank and upgrade of an existing concrete pad; installation of two (2) new generators with 3,312-gallon diesel fuel above ground storage tanks (AST), a transformer pad, switchgear housed in an enclosure, automatic transfer switch in an enclosure and associated retaining wall. Said property is shown on Assessor Map 305 as Lot 6 and lies within the Airport Business and Commercial (ABC) Districts.



Description

The applicant requests Site Plan approval for proposed exterior improvements along Goose Bay Drive in the rear of the existing facility, including a 500 s.f. single-story building addition, replacement of a 1,500-gallon nitrogen tank and two new generators with above-ground storage tanks and related site improvements.

PDA has indicated that the building addition and nitrogen tank replacement can be approved administratively but the generator additions and related improvements will require Site Review approval.

Technical Advisory Committee Review

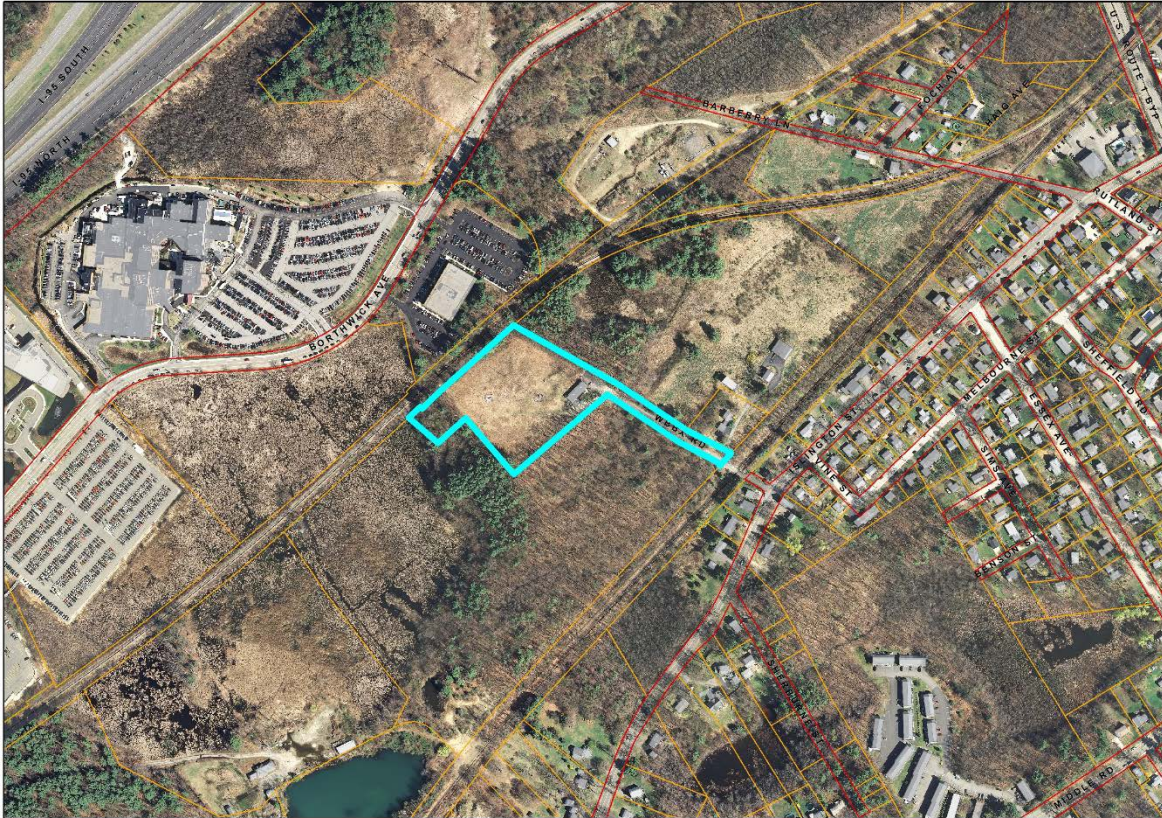
The TAC reviewed this application at the June 4, 2019 meeting and voted to recommend approval of the Site Plan as presented.

Planning Department Recommendation

Vote to recommend Site Plan Review approval to the Pease Development Authority (PDA) of the application as presented.

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The application of **Borthwick Forest, LLC, Owner**, for property located on **Borthwick Avenue and Islington Street**, requesting Amended Site Plan Review approval for the conversion of a ground level parking garage to office space and associated parking lot expansion and related stormwater management improvements. Said property is shown on Assessor Map 241 as Lot 25 and Lot 26 and lies within the Office Research (OR) District.



Description

The applicant requests Amended Site Plan review for the potential future expansion of the previously approved parking lot to accommodate future parking as the ground level parking garage is now proposed to be used as an additional level of office space, which increases the minimum number of required parking spaces for the site. The additional required parking spaces are proposed as future reserve parking spaces, including the construction of two (2) rain gardens for the treatment and detention of the stormwater runoff for the proposed additional impervious area.

Technical Advisory Committee Review

The TAC reviewed this application at the June 4, 2019 meeting and voted to recommend approval of the Subdivision with the following stipulations:

Stipulations to be addressed prior to Planning Board review:

- 1) A trip generation memo using the traffic generation for medical office use shall be submitted to the City's Transportation and Parking Engineer, Eric Eby, to determine if a revision of the previous traffic study is required
- 2) Fire truck turning templates shall be submitted to the City's Deputy Fire Chief, Patrick Howe, for review and approval. Any additional modifications required for the design parking lot and accessways shall be reviewed and approved by the Deputy Fire Chief and the Transportation and Parking Engineer.
- 3) The entrance to the bike lane from the cul-de-sac shall be adjusted to avoid conflict with the proposed driveway.

Stipulations to be included in Planning Board approval:

- 1) Prior to construction of the reserve parking area, the plans shall be submitted to the Conservation Commission for review
- 2) Prior to construction, the stormwater maintenance plan, revised to incorporate the proposed rain gardens, shall include a schedule for annual inspection and maintenance of the proposed rain gardens to be continued in perpetuity. An amended site plan including a note referencing the stormwater maintenance plan and annual inspection and maintenance schedule shall be recorded at the Rockingham County Registry of Deeds.

On June 11, 2019 the applicant submitted revised plans addressing Planning Board review stipulations #1-3 above to the satisfaction of the Planning Department. In addition, stipulation #2 of those to be included in Planning Board approval has also been satisfied. The remaining stipulation has been included in the recommended conditions of approval below.

Planning Department Recommendation

1. *Vote to grant Amended Site Plan Review Approval with the following stipulations:*
 - 1.1) *Prior to construction of the reserve parking area in the future, the plans shall be submitted to the Conservation Commission for review.*
 - 1.2) *The required note referencing the stormwater maintenance plan and annual inspection and maintenance schedule shall be included on the recordable plan sheet.*
 - 1.3) *The Stormwater Maintenance Plan shall be updated to revise Section 1.3.3 to note that any updates to the plan (and deed) will require further review and approval as required by the Site Plan Review Regulations.*
 - 1.4) *The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded, as deemed appropriate by the Planning Department.*

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- E. The application of **ADL Portsmouth Residence Trust, Owner** and **MSC a division of TFMoran, Applicant** for property located at **325 Little Harbor Road** requesting a Conditional Use Permit for the conversion of an existing accessory structure (formerly caretaker's home) into a Detached Accessory Dwelling Unit with a gross floor area of 2,435 s.f. Said property is shown on Assessor Map 205 as Lot 2 and lies within the Rural (R) District.



Description

The applicant requests a conditional use permit to create a detached accessory dwelling unit (DADU) in the former caretaker's house for a school that previously occupied the island. The property contains one principal dwelling, a carriage house, barn and the proposed detached accessory dwelling unit.

Because the resulting unit will be a detached accessory dwelling unit (DADU), the provisions of Sec. 10.814.50 apply.

Section 10.521 Dimensional Standards

	Required	Provided / Proposed
Min. lot area (sf)	5 ac	12.48 ac
Lot area / dw unit (sf)*	5 ac	12.48 ac
Street frontage (ft)	N/A	N/A
Lot depth (ft)	N/A	N/A

Primary front yard (ft)	50	N/A
Right side yard (ft)	20	>20
Left side yard (ft)	20	>20
Rear yard (ft)	40	N/A
Height (ft)	35	24
Bldg coverage (%) max.	5%	2%
Open Space (%) min.	75%	98%
Parking (#)	3	ok

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

In addition to the dimensional requirements of Section 10.521 above, the Ordinance requires that a DADU comply with the following standards (Section 10.814.30 and 10.814.50).

Required Standard	Planning Department Comments
The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership.	The applicant has indicated compliance with this requirement, verification will be required as a condition of approval.
Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling. The owner shall provide documentation that one of the units is his or her principal place of residence.	The applicant has indicated the property will be owned by a trust. One of the units must be occupied by a beneficiary of that trust. Verification will be required for compliance with this standard in order for a certificate of use to be issued.
Neither the principal dwelling nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.	The applicants have indicated they intend to comply with this requirement.
Where municipal sewer service is not provided the septic system shall meet NH state requirements for the combined system for total occupancy of the premises.	Verification will be required in order for a certificate of use to be issued.
In a General Residence District, the combination of the principal dwelling unit and the DADU shall comply with minimum lot area per dwelling unit specified for the district. In a Single Residence District, a lot with a DADU shall comply with the minimum lot area for the district, but need not comply with the minimum lot area per dwelling unit.	N/A

Required Standard	Planning Department Comments
The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the max GFA shall be 1,000 s.f. if the lot area is 2 acres or more.	The proposed DADU is 3-bedrooms and 2,435 +/- SF. The applicant is requesting a modification for these requirements.
The DADU shall be clearly subordinate to the principle dwelling unit in scale, height and appearance.	The applicant is requesting a modification for the DADU to remain at its current 24.2' height.
The DADU shall be separated from the single-family dwelling by at least 20 feet.	The proposed DADU will be 136' from the principal dwelling.
The front wall of the DADU shall be set back at least 10 feet further from the front lot line than the existing front wall of the single-family dwelling.	N/A
No portion of the DADU shall be located in any required front yard regardless of the location of the single-family dwelling.	N/A

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

Required Findings	Planning Department Comments
1. Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.	The DADU will be re-sided similar to the existing buildings on the lot. All other renovations are intended to be interior.
2. The site plan provides adequate open space, landscaping and off-street parking for both the ADU and the primary dwelling.	Both the primary dwelling and the DADU will have access to usable open space and the existing landscaping on the property will not be altered. Adequate parking is provided in the existing garage/driveway.
3. The ADU will maintain a compatible relationship to adjacent properties in terms of location, design and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.	The DADU will be an existing building locate on an island and will not affect adjacent properties.
4. The ADU will not result in excessive noise, traffic or parking congestion.	The DADU will be in an existing building and is unlikely to result in excessive noise, traffic or parking congestion.

Request for Modifications

The applicant requests modifications pursuant to Section 10.814.70 of the Zoning Ordinance as it pertains to:

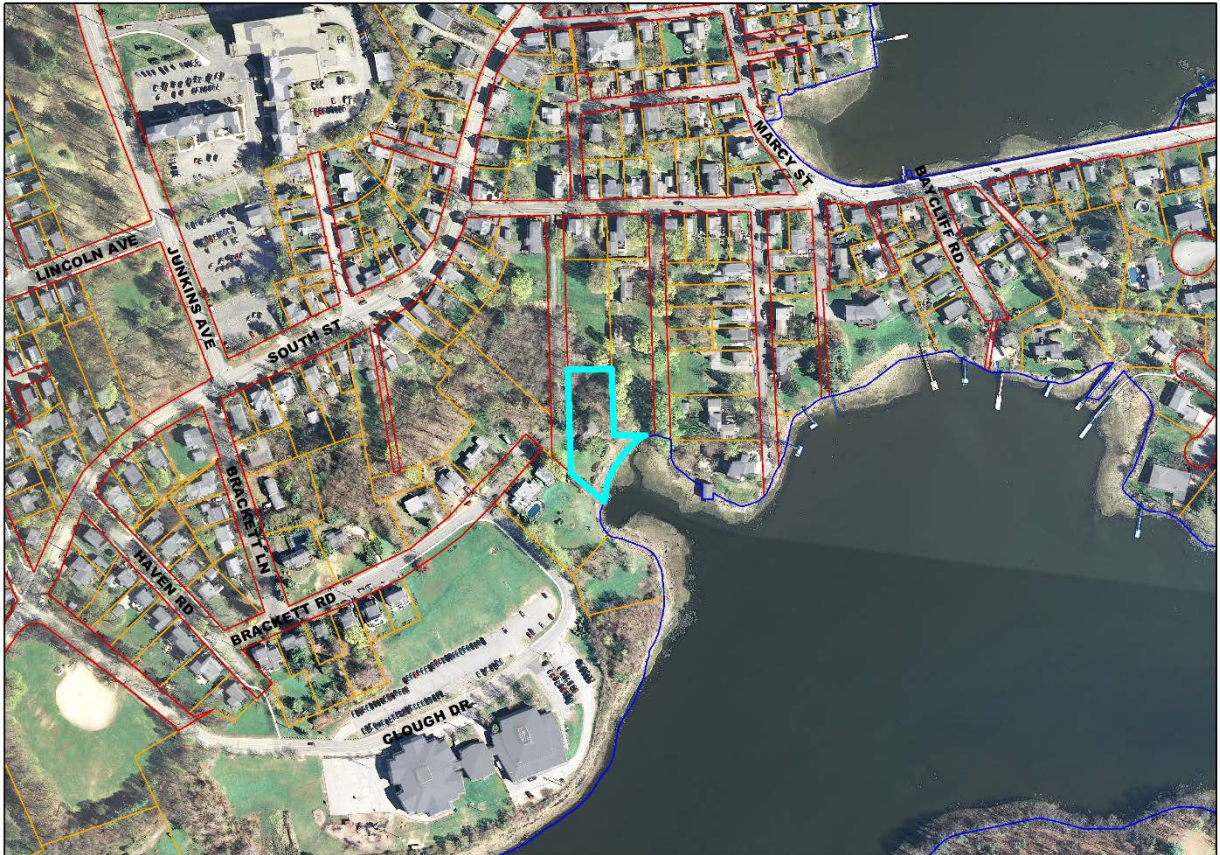
- 1) Section 10.814.52 of the Zoning Ordinance – for approval of a DADU with 3 bedrooms and 2,435+/- s.f. of gross floor area where 2 bedrooms and 1,000 s.f. is the maximum allowed.
- 2) Section 10.814.532 of the Zoning Ordinance – for a building height of 24.2' where the maximum allowed must be less than the building height of the principal single-family dwelling.

Planning Department Recommendation

- 1) *Vote to grant a modification from the following sections:*
 - 1.1) *Section 10.814.52 of the Zoning Ordinance – for approval of a DADU with 3 bedrooms and 2,435+/- s.f. of gross floor area where 2 bedrooms and 1,000 s.f. is the maximum allowed.*
 - 1.2) *Section 10.814.532 of the Zoning Ordinance – for a building height of 24.2' where the maximum allowed must be less than the building height of the principal single-family dwelling.*
- 2) *Vote to find that the application satisfies the remaining requirements of 10.814.50.*
- 3) *Vote to grant the conditional use permit as presented, with the following stipulations:*
 - 3.1) *In accordance with Sec. 10.814.90 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.*

V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- F. The application of **Daniel Cook and Shea Cook, Owners**, for property located at **150 Brackett Road** requesting an amendment to the Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the location of stairs from the deck which was the subject of a prior approval. The new stairs will create a new impact of 35 square feet in the tidal wetland buffer zone. Said property is shown on Assessor Map 207 as Lot 72 and lies within the Single Residence B (SRB) District.



Description

This is an amended application where the location of the stairs was changed. This application is to amend the location of the stairs on the plan provided.

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 change of stair location does not amount to any significant change in impact. The new location is in a lawn area just off the proposed deck.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* There is an elevated deck and stairs need to be built to access the deck. The proposed location is as good as the prior location. There was simply a miscommunication with the contractor and designer about the location.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The new stair location will not cause any change in impact from the prior approved location.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is only a small portion of lawn proposed for removal with the new stair location.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this proposal should not change the impact to the wetland buffer.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* This is a minor change the project site plan. No additional plantings are proposed

The Conservation Commission reviewed this application at the June 12, 2019 meeting and voted unanimously to recommend approval as presented. The Commission was happy to see there was crushed stone under the deck and thought that this location was preferred over the previously approved location as it is in a lawn and avoids a wooded area.

<u>Planning Department Recommendation</u>
<i>Vote to grant the wetland conditional use permit as presented.</i>