



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 July 18, 2019 Planning Board Meeting
Date: 07/12/19 (revised 07/17/19)

II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of **Noele Clews, Owner** and **Ambit Engineering, Inc., Applicant** for property located at **799 South Street** requesting Preliminary and Final Subdivision approval.

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 **Michael De La Cruz, Owner** for property located at **63 Congress Street** requesting Site Plan approval.
2. The application of **2219 Lafayette Road, LLC, Owner** and **MSC a division of TFMoran, Inc., Applicant** for property located at **2219 Lafayette Road** requesting Site Plan approval.

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 III of the agenda and to accept the applications for consideration.

III. PUBLIC HEARINGS – NEW BUSINESS

1. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of 367 parking spaces where a maximum of 336 are allowed by Section 10.1112.51 of the Zoning Ordinance. Said property is shown on Assessor Map 287 as Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District.
2. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting Amended Site Plan Review approval to construct two (2) three-story multi-family buildings and associated site improvements, grading, utilities, stormwater management and landscape improvements. Said property is shown on Assessor Map 287 as Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District.

Description

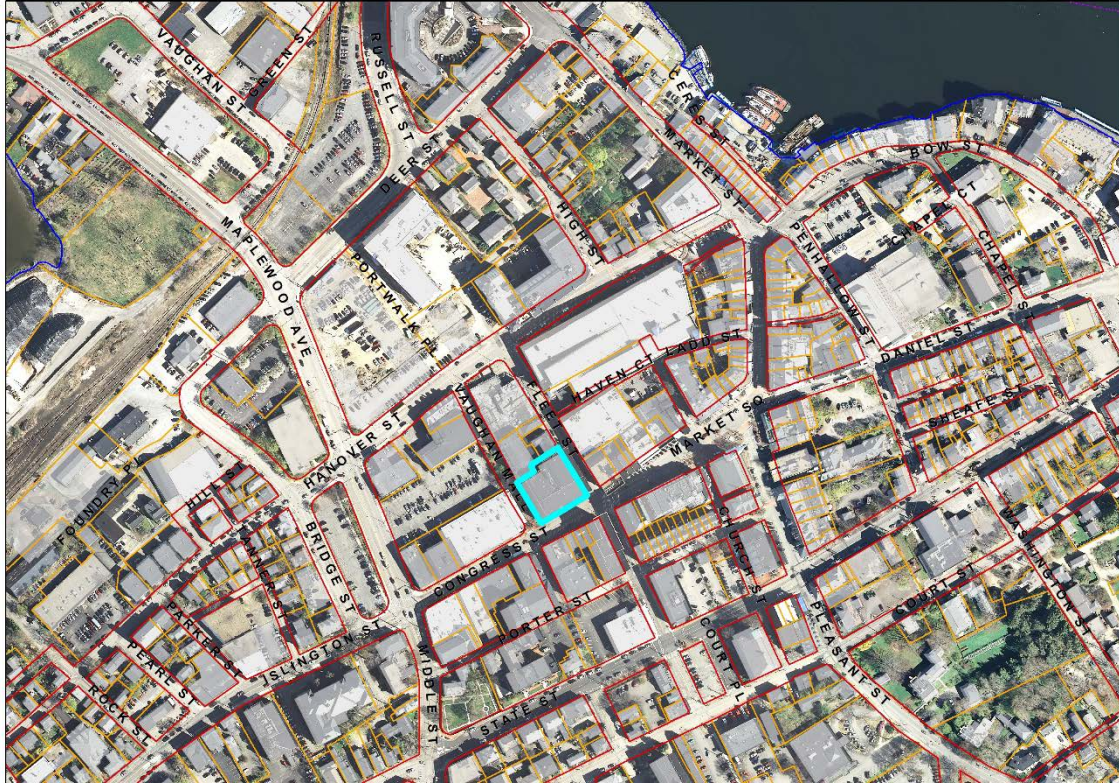
The applicant has requested to postpone to the August Planning Board meeting.

Planning Department Recommendation

Vote to postpone the applications to the August 15, 2019 Planning Board meeting.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

3. The application of **Michael De La Cruz, Owner** for property located at **63 Congress Street** requesting Site Plan Review approval to convert an existing basement and driveway into a small residential parking garage with a gross floor area of approximately 15,000 square feet. Said property is shown on Assessor Map 117 as Lot 5 and lies within the Character District 5 (CD5) District.



Description

The applicant proposes to convert the existing 15,000 SF basement of the Ben Franklin Block Building to a residential parking garage providing 26 spaces to support the residential redevelopment of the building. The application notes that the spaces will be assigned to individual unit owners/renters and that the tandem spaces shown will be sold/leased to the same tenant.

The Zoning Board of Adjustment at their July 17, 2018 meeting granted a variance to allow a 12' +/- wide maneuvering aisle where 14' is required.

Technical Advisory Committee Review

The TAC reviewed this application at the July 2, 2019 meeting and voted to recommend approval with the following stipulations:

1. Update reference to zoning requirements on the Site Plan, property is located in the CD5 District and dimensional requirements should be updated.

2. Parking requirements and spaces provided should be included on the site plan and any variances listed.
3. Reference to the so-called “jockey spaces” should be removed from the narrative.
4. Indicate in narrative that the fresh air events, new wall opening and the potential generator will require Historic District Commission review and approval.
5. Reduce the number of storage bins shown on the site plan along the access way Vaughan Mall and make sure there is a clear egress path maintained in that location.
6. The circulation plan should confirm the width of the unobstructed travel lane in those locations where a column is located in the driveway.
7. Show lot line in common with 154 Fleet.
8. Add notes to plans that the driveway connection in Fleet St ROW must be built to DPW standards.

On July 9, 2019 the applicant submitted revised plans addressing the stipulations above to the satisfaction of the Planning Department.

Waivers

As the proposed improvements are interior, staff recommends waiving the requirement for site plan recording (Section 2.13.1)

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:*

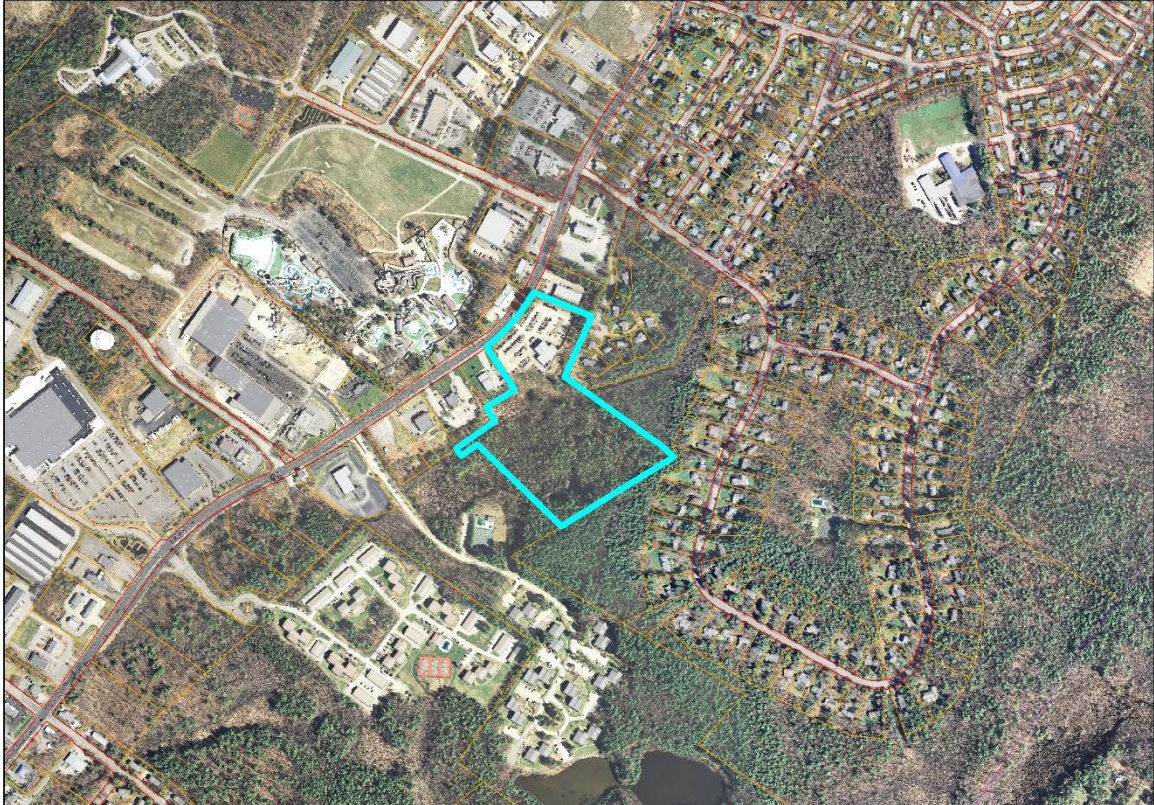
a) *Section 2.13.1 – Recording of Site Plans*

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

2) *Vote to grant Site Plan Review approval of the application as presented.*

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

4. The application of **2219 Lafayette Road, LLC, Owner** and **MSC a division of TFMoran, Inc., Applicant** for property located at **2219 Lafayette Road** requesting Site Plan approval for the construction of a 6,830 square foot addition to an existing car dealership and related changes to the parking and display areas with associated landscaping, drainage, and other site improvements. Said property is shown on Assessor Map 272 as Lot 1 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) and the Single Residence A (SRA) Districts.



Description

The proposed project consists of four additions to the existing car dealership building and associated changes to the parking area and traffic islands to better accommodate new traffic flow on the site. The Zoning Board of Adjustment, at the May 28, 2019 meeting granted variances to allow parking between a principal building and a street and to allow 8.5' x 18' parking spaces whereas 8.5' x 19' is required.

Technical Advisory Committee Review

The TAC reviewed this application at the July 2, 2019 meeting and voted to recommend approval with the following stipulations:

1. Owner telephone number and signature should be added to Sheet C-01 with other required Owner information (Section 2.5.3.1D).
2. Utility contact info should be added to Sheet C-07 (Section 2.5.3.1H).

3. Application Checklist lists Note 20 on Sheet C-03 as the required note per Section 2.5.4.2E. The Notes and Checklist should be updated to correct this to Note 21.
4. Application Checklist notes that the required landscaping notes (Section 2.13.4) are on Sheet C-05, Site Note 1 & 2. Checklist should be updated as these notes are listed on Sheet C-08.
5. Open Space coverage and calculation should be provided on Sheet C-05 and noted in the Site Plan Application Checklist. See Article 15 for Open Space definition.
6. Truck movement template should use PFD Tower 5 specifically.
7. Landscape plans call for planting of Canadian Hemlock. Please confirm this is available and resistant to Woolly Adelgid infestation or select an alternate species.
8. Highlight or otherwise show that the note regarding the cleanup of the stormwater area applies to the whole project. Also revise the wording to 'shall' from the currently stated 'should'.
9. Add language on the plans that the stormwater areas shall be maintained twice a year (e.g July and November). This includes trash pickup and mowing of all vegetation.
10. Existing and proposed water lines shall not be located under buildings unless other options are discussed and approved by DPW and the Building Inspection Department.
11. If applicant determines the existing water line is 8" or larger, then a hydrant shall be installed on site. Plans show a 12x6 tee for hydrant, need to determine pipe size and fix note to use a tapping sleeve and valve system.
12. Add note to plans that the fire department must be notified during the water pipe construction that the fire suppression system is off.

On July 9, 2019 the applicant submitted revised plans addressing items 1 through 9, 11 and 12 above to the satisfaction of City staff. A stipulation addressing item 10 has been added to the recommendation below.

Planning Department Recommendation

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

Conditions precedent (to be completed prior to issuance of a building permit)

1.1) The domestic water line note shall be updated to indicate that the water meter will need to be located just inside an outside wall in a conditioned space.

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

1.3) The proposed easement plans and deeds shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.

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

Conditions subsequent (to be completed prior to completion of the project)

1.5) After construction, the Engineer of Record shall submit a written report to the City (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed according to the approved plans and specifications and will meet the design performance.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

5. The application of **Noele Clews, Owner** and **Ambit Engineering, Inc., Applicant** for property located at **799 South Street** requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 76,889 s.f. and 395' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 9,004 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 58,885 s.f. and 95' of continuous street frontage; and proposed Lot 3 with an area of 9,000 s.f. and 100' of continuous street frontage. Said property is located on Assessor Map 132 as Lot 24 and lies within the General Residence A (GRA) District.



Description

The applicant proposes to subdivide the subject property from one lot into three lots with a shared driveway for proposed Lots 2 and 3 and an individual driveway for proposed lot 1. The Zoning Board of Adjustment at their March 26, 2019 meeting granted a variance to allow 95' +/- continuous street frontage where 100' is required for proposed lot 2.

Technical Advisory Committee Review

The TAC reviewed this application at the July 2, 2019 meeting and voted to recommend approval with the following stipulations:

To be completed prior to review by Planning Board:

1. Change the grass paver to use a surface that is readily apparent as a drivable surface for the Fire Truck access. Add note to plans that this area will be maintained year-round to allow fire truck access as necessary.

2. The sight distances in both directions at each driveway should be verified on a profile plan of the roadway to be reviewed and confirmed by Eric Eby, the City's Transportation and Parking Engineer
3. Update plans to be consistent regarding the number of mature trees proposed to be removed for this project. Every effort should be made to preserve existing mature trees.
4. Relocate the utility pole on the plan to the spot approved by the City.
5. Add note to plans that construction of utilities and driveways shall impact the sidewalk for no more than 1 week. Safe access shall be restored each night.
6. The sidewalk in front of the property up to the nearest adjacent driveways shall be replaced with concrete meeting the City's specifications. This work shall take no more than 1 week to full restoration. All sidewalk construction shall meet ADA standards.
7. Update turning template for fire truck to show cars parked in proposed parking spaces.
8. The plans shall note that the removal of the existing and construction of the proposed driveways shall be done in a sequence that will maintain driveway access to existing residences at all times.

To be included as stipulations of Planning Board approval:

1. An easement shall be provided to benefit the City wherever the sidewalk crosses private property including a 2' paralleling the sidewalk to allow for snow storage.

On July 9, 2019 the applicant submitted revised plans addressing items 1 & 3-8 above to the satisfaction of the Planning Department.

On July 16, 2019 staff received feedback from the City's Transportation Engineer that the current design does not address TAC condition of approval #2 regarding sight distances and the applicant had been informed of this. The applicant's engineers have indicated that they disagree with the determination by the City's Transportation Engineer. Staff is therefore recommending that the Planning Board request a third party review by a qualified traffic engineer of the proposed driveway locations and report back at the next Planning Board meeting. This expense shall be borne by the applicant.

Planning Department Recommendation

Vote to require a third party review, at the applicant's expense, by a qualified engineer of the proposed driveway locations and the sight distance analysis completed by the applicant and to postpone the application to the August 15, 2019 Planning Board meeting.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

6. The application of **Kenneth Young, Owner** and **Charles Hoyt Designs, Applicant** for property located at **346 Colonial Drive** requesting Conditional Use Permit approval in accordance with Section 10.814 of the Zoning Ordinance for the addition of a 515 sq. ft. Attached Accessory Dwelling Unit above a proposed garage addition. Said property is shown on Assessor Map 260 as Lot 136 and lies within the Single Residence B (SRB) District.



Description

The applicant has requested to withdraw the application

Planning Department Recommendation

Vote to accept withdrawal of the application.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

7. The application of **Jay and Audra Mayski, Owners** of property located at **210 FW Hartford Drive** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance to relocate an 8' by 12' shed into the wetland buffer adjacent to the house. The shed will be constructed on blocks over stone with a stone drip edge to help infiltrate storm water. Said property is shown on Assessor Map 270 as Lot 32 and lies within the Single Residence B (SRB) District.



Description

This project proposes to relocate an existing shed 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 proposal is to move the shed close to the structure where there is very little vegetation currently. The shed is proposed to be located 88 feet from the edge of wetland which is suitable for this 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 chosen the most suitable site on the lot.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The shed will be placed on blocks on crushed stone to allow infiltration of water. The proposed project should not create any impacts to the site given this configuration.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The site where the shed is proposed is an exposed dirt area with little to no vegetation.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given the shed is proposed to be placed on stone to allow infiltration of stormwater there should be no new impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is not proposing any changes to vegetation.

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

Planning Department Staff Review

The applicant has indicated that, when the shed was constructed originally, it was unintentionally located partially on the abutting neighbor's property. The current application is to rectify this issue. Staff is recommending that the original location of the shed be restored to its prior condition.

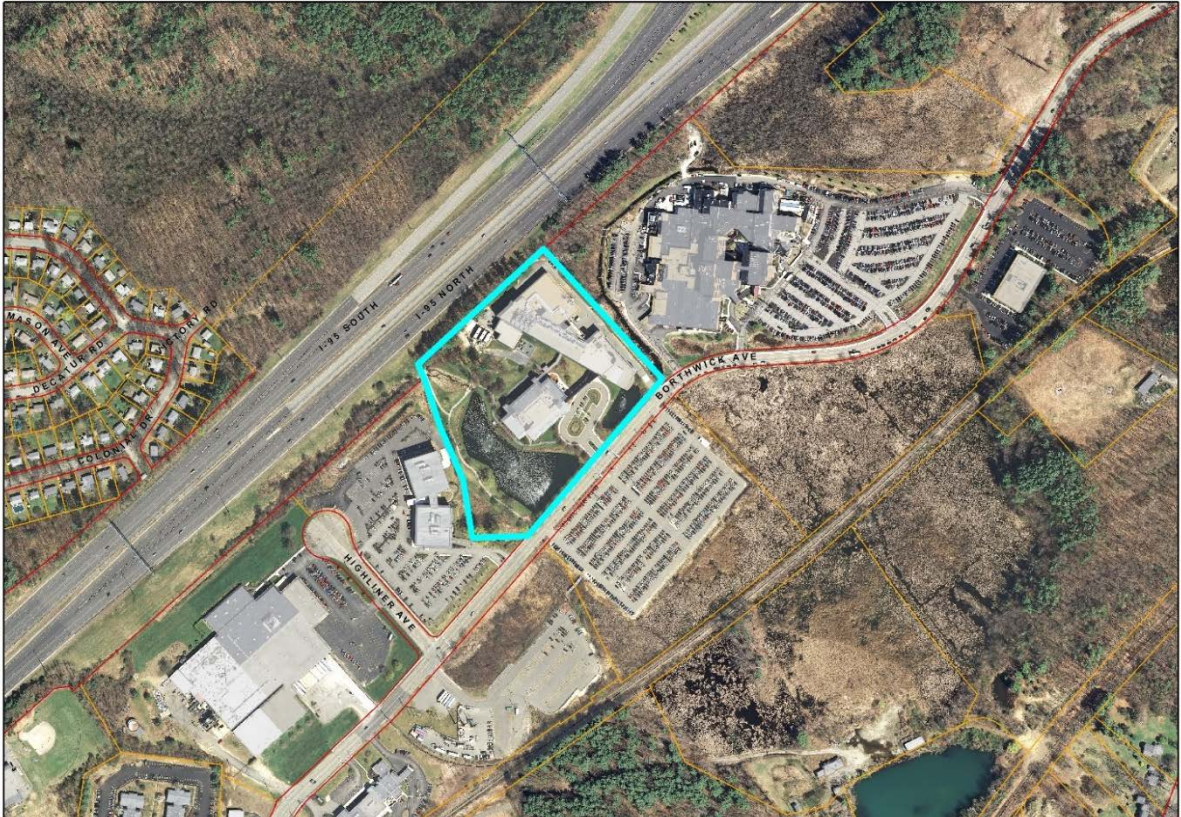
Planning Department Recommendation

1) *Vote to grant the wetland conditional use permit with the following stipulation:*

- 1.1) *The applicant shall remove any sand or other fill material which was brought in when the shed was originally placed and seed the area with grass or other suitable plantings to restore the area to a vegetated condition. Given a portion of this work will need to be done on the adjacent property the applicant shall work with the City's Environmental Planner to coordinate the planting with the adjacent property owner.*

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

8. The application of **Liberty Mutual Insurance, Owner**, and **Altus Engineering, Inc., Applicant** for property located at **225 Borthwick Avenue** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance. The applicant is proposing improvements to an existing parking lot including regrading, re-striping and improvements for accessibility all within the footprint of the existing paved area. The project proposes an impact of 16,900 square feet in the inland wetland buffer zone. Said property is shown on Assessor Map 240 as Lot 1 and lies within the Office Research (OR) District.



Description

This is an application to renovate an existing parking lot to reduce pavement slope and convert visitor parking to handicap parking. This is no proposed impact to any vegetation on the site.

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 lot renovation will require some grading and earthwork in the buffer but all work is within the footprint of the existing parking lot. As long as erosion controls are installed as shown on the plan this is a reasonable use for the buffer.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The project goal is to renovate an existing parking area. Given this is the area to be renovated there is no other suitable location.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed work should not impact the wetlands as long as erosion control measures are in place.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no proposed impact to any existing vegetation with this project.
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 create new impacts to the wetland buffer.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* No additional plantings are proposed with this project

The Conservation Commission reviewed this application at the July 10, 2019 meeting and voted unanimously to recommend approval with the following stipulation:

- 1) That silt bags be installed in the two existing catch basins during construction.

Planning Department Recommendation

1. *Vote to grant the wetland conditional use permit with the following stipulation:*

1.2) Silt bags shall be installed along the two existing catch basins during construction.

IV. OTHER BUSINESS

- A. Request for Design Review for property located at **200 Chase Drive**, submitted by **Altus Engineering, Inc.** on behalf of **The Bethel Assembly of God**, Owner.



This item is a request for Design Review under the Site Plan Review Regulations. Under the State statute (RSA 676:4,II), the Design Review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is not mandatory and is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this pre-application phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

The process as outline in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and,

if so, vote to accept the request and schedule a public hearing. Completion of the design review process also has the effect of vesting the project to the current zoning.

Planning Department Recommendation

Vote to accept the request for Design Review and schedule a public hearing for the August 15, 2019 meeting.

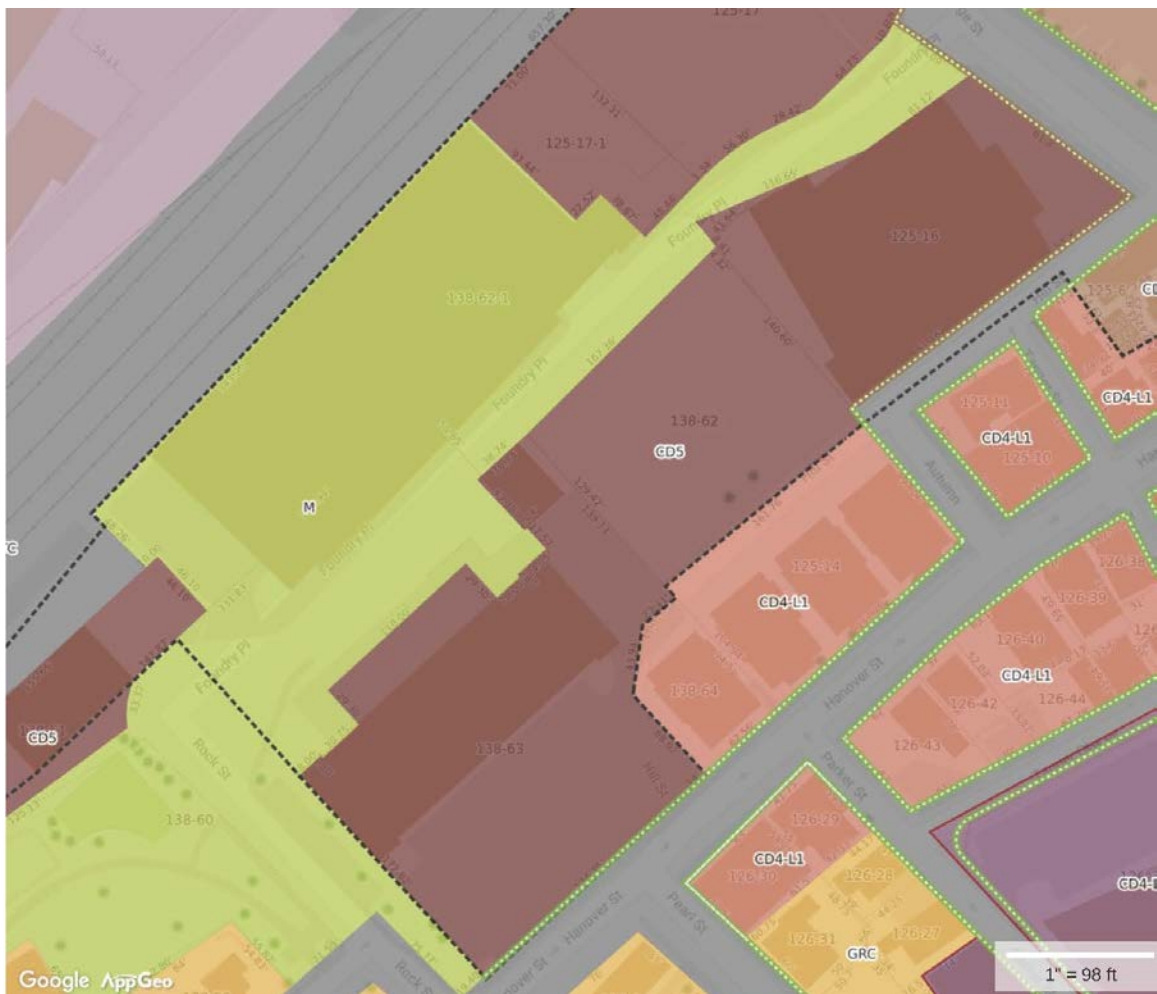
IV. OTHER BUSINESS (Cont.)

- B. Proposed Zoning Amendments to remove a portion of 361 Hanover Street from the Downtown Overlay District and designate a height area properties along Foundry Place.**

Description

The owner of 361 Hanover Street (current Heinemann Property) has submitted a request supporting zoning amendments related to the property. These zoning amendments would modify the Downtown Overlay District boundary to be consistent with the North End Incentive Overlay District boundary and would also add a height area to properties along the recently completed Foundry Place. The amendment to the Downtown Overlay District boundary would remove the portion of the property that fronts on Hanover Street from the DOD, but keep the portion of the property that fronts on Foundry Place in the DOD. This would be consistent with the properties that abut on either side. The height area amendment would extend the height area that currently applies to properties that front on Bridge and Deer Street to properties that front on Foundry Place.

The Planning Department is in support of these amendments.



Planning Department Recommendation

Vote to schedule a public hearing on the proposed zoning amendments for the August meeting.

C. Guiding Parking Principles discussion.

Description

Planning Board members have been provided a copy of the Guiding Parking Principles and recommended revisions. This discussion will be an opportunity for Board members to provide input on the proposed revisions as well as any additional revisions to be incorporated into feedback to the City Council.