



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 August 15, 2019 Planning Board Meeting
Date: 08/09/19

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.
2. The application of **Haven Properties, LLC, Owner** and **Jeff Demers, Applicant** for property located at **187 McDonough Street** requesting Preliminary and Final Subdivision approval.

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

B. SITE PLAN REVIEW

1. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting Amended 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. PUBLIC HEARINGS – OLD BUSINESS

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

A motion is required to consider these items together



- A. The application of **Arbor View & The Pines, LLC, Owner**, for property located at **145 Lang Road** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance for 500 square feet of impact in the inland wetland buffer zone to replace an existing 18" corrugated metal pipe with a 15" HDPE culvert pipe. Said property is shown on Assessor Map 287 as Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District.
- B. 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.
- C. 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 project proposes to construct two (2) additional three-story multi-family buildings and associated parking and site improvements to the development. The Zoning Board of Adjustment granted the following variances on November 20, 2018 to allow the construction of the two new apartment buildings:

- 1) to allow a lot area per dwelling unit of 8,321 +/- s.f. where 10,000 s.f. is required; and
- 2) to allow building lengths of 225 feet and 170 feet for a multi-family dwelling where 160 feet is the maximum allowed.

Wetland Conditional Use Permit

Conservation Commission Review

This project proposes to replace a damaged 18" corrugated metal pipe with a new 15" HDPE culvert pipe.

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 is essentially an in-kind replacement of a culvert pipe. There will be ground disturbance to remove and replace the culvert but the replacement is reasonable given the need for the project.
- 2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given the existing footprint is being utilized the proposed location is the best alternative.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project should not create any impacts as long as erosion control measures are in place during construction and until the site is stabilized.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* This is a temporary impact project and no impact should occur to the natural and vegetative state beyond the temporary disturbance.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given this is an in-kind replacement 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.* This is an in-kind replacement and the site will be restored to the current condition.

The Conservation Commission reviewed this application at the June 12, 2019 meeting and voted unanimously to recommend approval with the following **stipulations**:

1. That adequate erosion control is put in place during and following construction until the site is stabilized.
2. That the owner monitor the outfall location one year after the new culvert is installed and provide results to the Planning Department to insure there is no erosion occurring at the new pipe outlet.
3. The owner shall remove the debris pile near the new pipe and stabilize the site.
4. Snow shall not be plowed on unpaved areas in the buffer.

Conditional Use Permit – Parking

The existing apartment complex was constructed in the 1980's prior to the City's current parking requirements. There are currently 329 existing parking stalls on the site that service 145 units. The current Zoning regulations allow for 1.3 parking stalls per unit for multi-family buildings and 1 visitor stall per 5 units. The minimum required number of stalls for the new 186-unit complex would be 280 stalls, with an allowable 20% increase for a maximum of 336 parking spaces.

The project proposes to construct a total of 38 new parking spaces to service the 41 new units for a total of 367 parking spaces on site. This is an average of 1.77 spaces per unit plus 1 visitor stall per 5 units.

The parking demand analysis provided by the applicant indicates that the current parking lot is being utilized close to capacity at peak demand.

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 exceed the maximum parking spaces allowed 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 provision of rideshare, microtransit services or bikeshare stations servicing the property, proximity to public transit and shared parking on a separate lot. The applicant has noted that there is a bus stop on Lafayette Road, approximately 0.4 miles away, there will be bike racks installed on the property and there are no restrictions on the property for teleworking.

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 July 2, 2019 TAC meeting. TAC recommended the owner consider a policy of limiting to two cars per two-bedroom apartment to better manage parking demand.

Site Plan Review

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. The existing speed bump at the location of the proposed driveway should be relocated away from the intersection.
2. Adjust existing parking spaces next to the proposed driveways to maintain a minimum of 20 feet between the last parking space and each driveway to ensure adequate sight lines.
3. Use tapping sleeve connections for fire service connections to existing main.
4. Outfall pipe size shall be maintained as it currently exists.
5. Do not run pump station electricity under permeable paver section.
6. Update the drainage report to include revisions.

To be included as stipulations of Planning Board approval:

1. Pump station design shall be reviewed and approved by the Department of Public Works.
2. A status report on the maintenance of the permeable pavers shall be provided to the Planning Department annually to confirm cleaning actually occurs.
3. City will require a blanket easement across entire property for water valve access and leak detection.

On August 6, 2019 the applicant submitted revised plans addressing stipulations 1-6 above to the satisfaction of the Planning Department. The remaining stipulations have been included in the recommended conditions of approval below.

Planning Department Recommendation

Wetland Conditional Use Permit

- 1) *Vote to grant the wetland conditional use permit with the following stipulations:*
 - 1.1) *Adequate erosion control shall be put in place during and following construction until the site is stabilized.*
 - 1.2) *The owner shall monitor the outfall location one year after the new culvert is installed and provide results to the Planning Department to insure there is no erosion occurring at the new pipe outlet.*
 - 1.3) *The owner shall remove the debris pile near the new pipe and stabilize the site.*
 - 1.4) *A note shall be added to the recorded site plan that snow shall not be plowed on unpaved areas in the buffer.*

Conditional Use Permit – Parking

- 2) *Vote to accept the findings of the applicant's parking demand analysis and to find that the provision of 367 parking spaces on site will be adequate and appropriate for the proposed 186-unit apartment complex.*
- 3) *Vote to grant a conditional use permit pursuant to Section 10.112.14 of the Portsmouth Zoning Ordinance to permit 367 parking spaces where a maximum of 336 is permitted.*

Site Plan Review

- 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) *The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department.*
- 4.2) *A written plan shall be submitted to and approved by the Portsmouth Fire Department prior to the demolition, alteration, and/or construction identifying a qualified person as the project's Fire Prevention Program Manager and detailing the project's fire prevention program in accordance with NFPA 241 – 2013 edition.*
- 4.3) *Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

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

- 4.4) *The pump station design shall be reviewed and approved by the Department of Public Works prior to construction.*
- 4.5) *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.*
- 4.6) *A status report on the maintenance of the permeable pavers shall be provided to the Planning Department annually for a period of 5-years after final construction to confirm regular cleaning is occurring.*

III. PUBLIC HEARINGS – OLD BUSINESS (Cont.)

- D. 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 29, 2019 the applicant received approval from the City's Transportation and Parking Engineer that the sight distances provided on the updated plan set were acceptable to address item #2 above.

Waivers

The applicant requests a waiver from the following Sections of the Subdivision Regulations:

- Section 9.A – requiring all electric utility distribution lines to be installed underground per specifications of the public utility company.

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 Subdivision Regulations, and to waive the following regulations:*

- a) *Section 9.A – underground electrical lines*

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

2. *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
 - 2.1) *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.*
 - 2.2) *Easement Plans and deeds shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.*
 - 2.3) *Lot numbers as determined by the Assessor shall be added to the final plat.*
 - 2.4) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
 - 2.5) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
 - 2.6) *The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Matthew Reichl and Beth Richmond, Owners** and **Timothy Hron, Applicant**, for property located at **5 Sylvester Street** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017.50 of the Zoning Ordinance to construct an addition to a single family home, 200 square feet of which falls in the 100' Inland Wetland Buffer zone. Said property is located on Assessor Map 232 as Lot 41 and lies within the Single Residence B (SRB) District.



Description

The applicant is requesting conditional use approval to demolish a small portion of the existing building and build a two story 230 square footprint addition to the existing building.

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 footprint of an existing house which is partially within the 100' buffer. Given the house is existing in the 100' buffer this is the only suitable place for an addition.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Giving this is an addition the location is set by the configuration of the existing house.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed addition is approximately 80 feet from the wetland separated by lawn. If appropriate erosion control measures are put in place during construction impacts to the wetland can be avoided. The applicant is encouraged to provide wetland buffer plantings to offset the new impact in the wetland buffer.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project will only impact vegetation where the new project is proposed.
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 small impact to the wetland buffer and will result in a reduction in vegetated buffer by approximately 135 square feet.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal involves removing approximately 135 square feet of vegetated buffer. This could be offset with new plantings in the buffer to provide a more functional buffer at the bottom of the slope closest to the wetland edge.

Planning Department Recommendation

This application is scheduled for review by the Conservation Commission at the August 14, 2019 meeting and a recommendation will be provided at the August 15, 2019 Planning Board meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Preliminary and Final Subdivision approval to reconfigure six (6) lots comprised of 10.37 acres and a city right-of-way to three (3) lots with a new city right-of-way as follows: Assessor Map 163, Lots 33 and 34, Assessor Map 165, Lot 2, Assessor Map 172, Lot 1 and Assessor Map 173, Lot 2 to become Proposed Parcel A consisting of 260,789 s.f. and 940.14 ft. of frontage on a new proposed right-of-way, Proposed Parcel B consisting of 126,500 s.f. and 226.72 ft. of frontage on U.S. Route 1 Bypass, Proposed Parcel C consisting of 52,813 s.f. and 441.89 ft. of frontage on a new proposed right-of-way consisting of 139,622 s.f. Said properties are shown on Assessor Map 172 as Lot 1, Map 173 as Lot 2, Map 165 as Lot 2, Map 163 as Lot 33 and Map 163 as Lot 34 and lie within the Gateway Corridor (G1) District.
- C. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting an Amended Conditional Use Permit pursuant to Section 10.5B71.20 of the Zoning Ordinance to allow a density of 28 dwelling units per acre. Said property is shown on Assessor Map 172 as Lot 1, Assessor Map 173 as Lot 2, Assessor Map 165 as Lot 2 and Assessor Map 163 as Lots 33 & 34 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.
- D. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Site Plan Review approval for the redevelopment of the properties into a mixed use development, including 22,000 s.f. +/- retail space, 22,000 s.f. +/- office space, 250 residential apartment units; Proposed Residential Building A: 4-stories, 132 units, 24,850 s.f. footprint and 141,885 Gross Floor Area; Proposed Residential Building B: 4-stories, 118 units, 21,350 s.f. footprint and 110,170 Gross Floor Area, and 23 townhouses; Proposed Townhome Buildings A: 8,640 s.f. total footprint and 25,920 Gross Floor Area; Proposed Townhome Buildings B: 11,440 total footprint and 34,320 Gross Floor Area, and 510 parking spaces with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 172 as Lot 1, Map 173 as Lot 2, Map 165 as Lot 2, Map 163 as Lot 33 and Map 163 as Lot 34 and lie within the Gateway Corridor.

Description

TAC reviewed this project at the August 6, 2019 meeting and voted to postpone the applications to the September TAC meeting as there are still a number of outstanding issues that need to be resolved prior to Planning Board review. Because this project has already been advertised for a Planning Board public hearing, the Planning Board needs to take action on the applications at this meeting.

Planning Department Recommendation

Vote to postpone the applications to the September 19, 2019 Planning Board meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- E. The application of **Foundry Place, LLC, Owner**, for property located on **Hanover Street**, requesting a second 1-year extension of the Site Plan Review approval that was originally granted on November 16, 2017 and granted a 1-year extension on August 23, 2018 which will expire on November 15, 2019. Said property is shown on Assessor Map 138 as Lot 62 and lies within the Character District 5 (CD5) District.

Description

TAC reviewed this request at the August 6, 2019 meeting and voted to recommend approval of the extension with a few plan updates to be completed prior to Planning Board submission. The applicant has requested to postpone the application to the September Planning Board meeting.

Planning Department Recommendation

Vote to postpone the application to the September 19, 2019 Planning Board meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- F. The application of **Dagny Taggart, LLC, Owner** and **Ambit Engineering, Inc., Applicant**, for property located at **3 Pleasant Street** requesting Site Plan Review approval for a proposed addition and renovation to the existing bank and office building with a 4,816 s.f. +/- footprint, 21,397 s.f. +/- gross floor area and associated site improvements. Said property is shown on Assessor Map 107 as Lot 31 and lies within the Character District 5 (CD5) District.

Description

TAC reviewed this request at the August 6, 2019 meeting and voted to recommend approval and that the application be placed on the agenda for the Planning Board meeting in September pending review by the Board of Adjustment, Historic District Commission, Trees and Greenery and Parking and Traffic Safety Committee prior to review by Planning Board. Because this project has already been advertised for a Planning Board public hearing, the Planning Board needs to take action on the applications at this meeting.

Planning Department Recommendation

Vote to postpone the application to the September 19, 2019 Planning Board meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- G. The application of **2422 Lafayette Road Associates, LLC, Owner** and **Tighe & Bond, Applicant**, for property located at **2454 Lafayette Road** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide less than the required minimum number of off-street parking spaces. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.



Description

Portsmouth Green, formerly Southgate Plaza, has secured a new tenant, PINZ that will occupy a portion of the vacant retail space that was formerly Big Lots. The change in use to a bowling alley/arcade, restaurant/bar required two special exceptions which were granted by the Zoning Board of Adjustment on June 18, 2019.

Due to the change in use, the parking calculations need to be updated on the Site Plan based on the current parking requirements in Zoning Ordinance, which were updated in December of 2017.

The development proposes to provide 760 parking spaces. As a mixed use development, the parking requirements are calculated using the shared parking table in Section 10.1112.60 of the Ordinance. This table calculates the minimum parking requirement for each land use and then allocates a parking occupancy rate based on time of day. The total minimum parking required for the site is the highest parking demand period based on the shared parking table occupancy rates. All of the uses on the site have a specific parking calculation to determine the minimum required with the exception of Cinema, which allows for the parking requirement to be calculated based *either* by seat or by provision of a parking demand analysis. Using the per seat calculation for the Cinema, the total parking requirement for the site is 1,398 spaces, which far exceeds the amount of spaces provided on the site. Using the parking demand analysis as an alternative to the per seat calculation requires approval by the Planning Board. Therefore, the applicant has applied for a Conditional Use Permit pursuant to Section 10.1112.14 and 10.1112.323 to receive Planning Board approval to use the parking demand analysis as the basis for the minimum off-street parking spaces for the site.

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 provision of rideshare, microtransit services or bikeshare stations servicing the property, proximity to public transit and shared parking on a separate lot. The applicant has noted that the project provides bicycle storage facilities, a multi-use path and access to a COAST bus stop along Constitution Ave.

Technical Advisory Committee Review

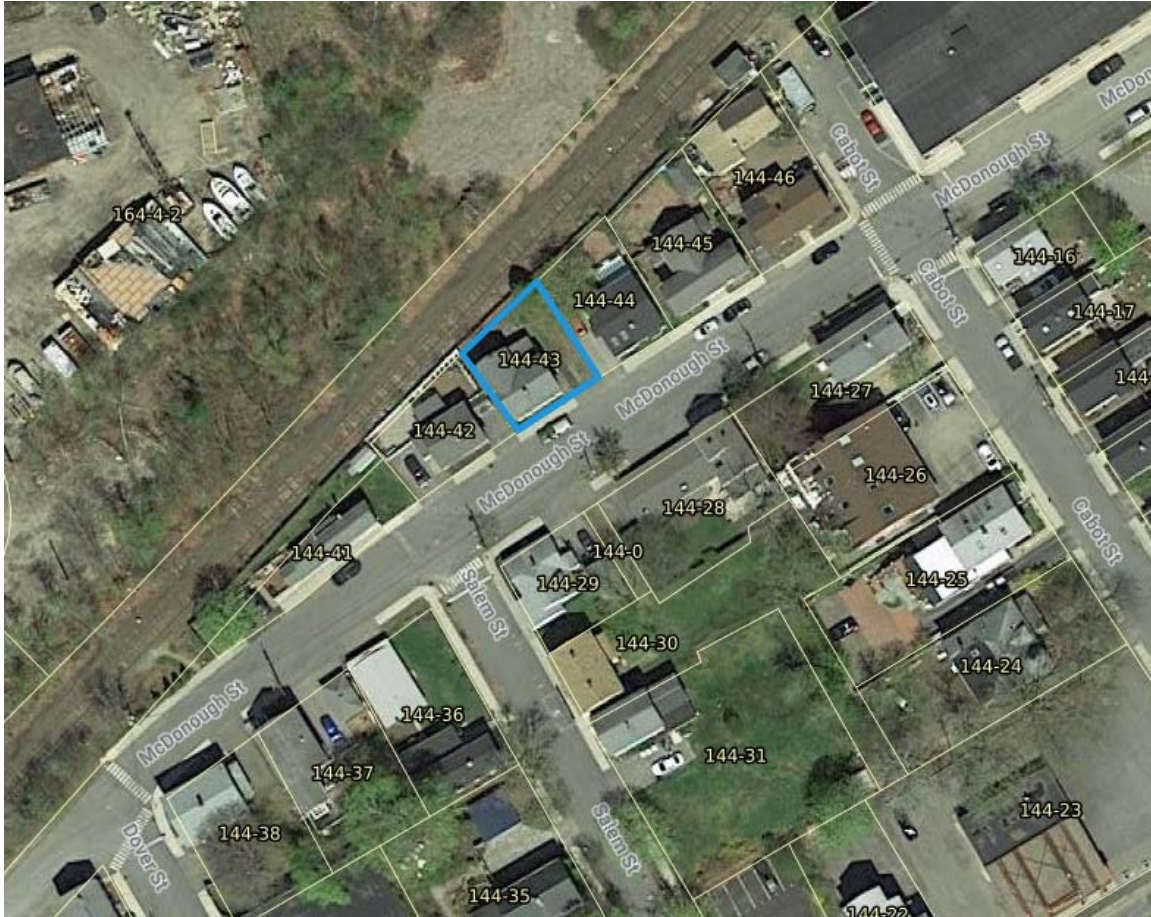
Section 10.1112.141 of the Zoning Ordinance requires that the parking demand analysis shall be reviewed by the City's Technical Advisory Committee. This application was reviewed by the TAC at the August 6, 2019 TAC Work Session. TAC agreed with the conclusions of the parking demand analysis that the parking spaces provided are sufficient for the combination of uses on the site.

Planning Department Recommendation

- 1) *Vote to accept the findings of the applicant's parking demand analysis and to find that the provision of 760 off-street parking spaces provided will be adequate and appropriate for the proposed uses of the property.*
- 2) *Vote to grant a conditional use permit pursuant to Section 10.112.14 of the Portsmouth Zoning Ordinance to provide less than the required minimum number of off-street parking spaces.*

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- H. The application of **Haven Properties, LLC, Owner** and **Jeff Demers, Applicant** for property located at **187 McDonough Street** requesting Preliminary and Final Subdivision approval (Lot Line Revision) between two lots as follows: Lot 43 as shown on Assessor Map 144 increasing in area from 1,868 s.f. to 2,537 s.f. with 47 feet of continuous street frontage on McDonough Street; and Lot 4 as shown on Assessor Map 164 decreasing in area from 130,680 s.f. to 130,011 s.f. Said property is shown on Assessor Map 144 as Lot 43 and lies within the General Residence C (GRC) District.



Description

The proposed Lot Line Revision proposes to transfer 669 +/- s.f. from the existing railroad property (Map 164, Lot 4) to the 187 McDonough Street property (Map 144, Lot 43) increasing the lot area of Map 144, Lot 43 from 1,868 s.f. to 2,537 s.f.

The proposed lot line revision will not cure any non-conformities with existing local land use ordinances and any proposed changes to the existing building or newly proposed structures will be required to meet zoning requirements or obtain necessary relief from the Zoning Board of Adjustment.

Planning Department Recommendation

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

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

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- I. The application of the **City of Portsmouth, Owner** and **GZA Geoenvironmental, Inc., Applicant** for property located at **680 Peverly Hill Road** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance to construct three multi-purpose recreational fields and associated parking and a solid waste / recycling transfer station on the site of a reclaimed quarry with 489,592 sq. ft. of disturbance in the wetland buffer and 57,512 sq. ft. of direct disturbance to the wetland. Said property is shown on Assessor Map 254 as Lot 8-1 and lies within the Municipal (M) District.



Description

This is an application to construct three multi-purpose recreational fields, associated parking and construction of a new solid waste / recycling transfer station on the site of reclaimed quarry with existing stormwater ponds and wetland areas. The project includes direct wetland impacts as well as wetland buffer impacts which are proposed to be offset by the construction and enhancement of stormwater treatment areas and mitigation through the state aquatic resources mitigation fund.

Conservation Commission Review

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* The site selected for this project is a reclaimed gravel quarry. There are direct wetland impacts in the area of the reclaimed quarry along with buffer impacts in a number of wetland areas both reclaimed quarry areas and in the higher value wetland areas. Given the state of this property and the lack of an active land use the ballfields and recycling center will activate this site for use by residents of the city. Given the stormwater enhancements and public interest benefit of this property this site is suited to the proposed application.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The size of this undeveloped site is very unusual in the city and there is no alternative that would be able to provide the amount of services which this site will provide.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed work will impact wetlands which were created on an old quarry site due to impervious soils. This is not a high value wetland area and the stormwater enhancement and Aquatic Resources Mitigation fund payment coming from this project will off the impact to the wetlands and wetland buffer areas on this site.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The site impacts proposed are primarily in field areas in phragmites stands and vegetated swale areas. In order to construct the ballfields and transfer center proposed the amount of clearing is necessary to achieve the construction goals.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* To construct three recreational fields and a transfer station the applicant has provided a plan to offset adverse impacts through advanced stormwater treatment for this site. Given that that wetlands on the site serve a similar function to the stormwater ponds there are no adverse impacts from this project.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has an extensive planting plan which will provide buffer enhancements to the adjacent wetland areas.

Planning Department Recommendation

This application is scheduled for review by the Conservation Commission at the August 14, 2019 meeting and a recommendation will be provided at the August 15, 2019 Planning Board meeting.

V. OTHER BUSINESS

- A. Review sewer easement on Market Street, Assessor Map 119 as Lot 4 for recommendation to City Council.

Planning Department Recommendation

Vote to recommend approval to the City Council.

- B. Review utility easement on 260 Myrtle Street, Assessor Map 220 as Lot 100 for recommendation to the City Council.

Planning Department Recommendation

Vote to recommend approval to the City Council.