



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the September 19, 2019 Planning Board Meeting
Date: 09/13/19

III. PUBLIC HEARINGS – ZONING AMENDMENTS

A. Flood Plain Overlay District Zoning Amendments

Amendments to the Zoning Ordinance, Article 6 – Overlay Districts and Article 15 – Definitions to updated regulations related to the Flood Plain Overlay District including revisions for complying with National Flood Insurance Program regulations, addressing impacts of climate change and projected sea level rise, and clarifying thresholds for when properties are required to come into compliance with Flood Plain standards for development.

Description

The Planning Board held a work session on these proposed amendments on August 22nd. An updated draft of is provided for the Planning Board's reference. A more detailed overview will be presented at the meeting.

B. Wetlands Protection

Amendments to the Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection including adding an exemption for fences without footings, clarifying the characterization of impacts to the wetland and buffer, adding information related to the compensatory removal of impervious surface and the requirements for a wetland buffer enhancement plan, providing guidance on living shorelines for tidal areas and use of porous pavement in the wetland buffer, and delineating wetland buffer areas.

Description

The Planning Board held a work session on these proposed amendments on August 22nd. An updated draft of is provided for the Planning Board's reference. A more detailed overview will be presented at the meeting.

IV. DETERMINATIONS OF COMPLETENESS

A. SITE PLAN REVIEW

1. The application of **Dagny Taggart, LLC, Owner** and **Ambit Engineering, Inc., Applicant**, for property located at **3 Pleasant Street** requesting Site Plan 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.

B. SUBDIVISION REVIEW

1. The application of **Andrew Marden, Owner** for property located at **60 Elwyn Avenue** requesting preliminary and final subdivision approval.

Planning Department Recommendation

Vote to determine that the application is complete according to the Subdivision Rules and Regulations contingent on the granting of any required waivers under Section VI of the agenda and to accept the application for consideration.

V. PUBLIC HEARINGS – OLD BUSINESS

- A. 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

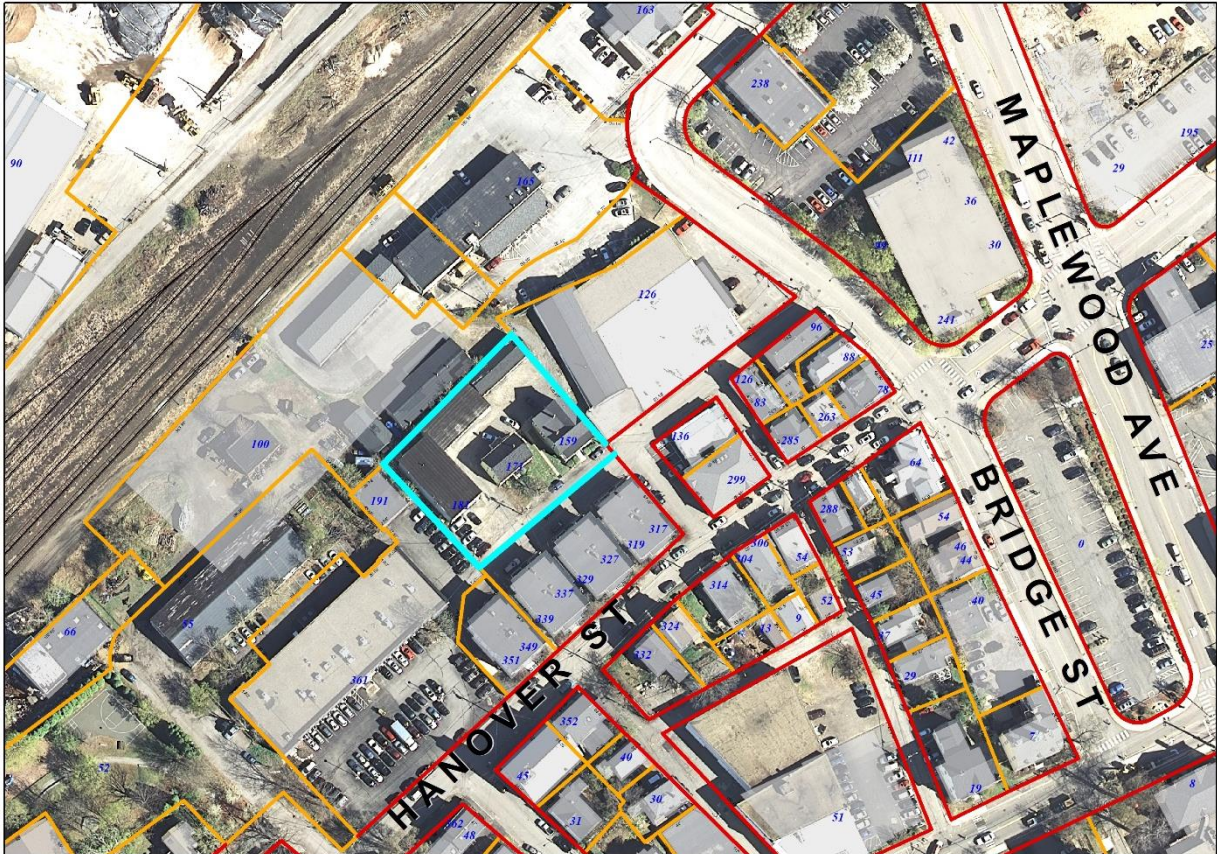
The applicant has requested to postpone to the October Planning Board meeting.

Planning Department Recommendation

Vote to postpone the application to the October 17, 2019 Planning Board meeting.

V. PUBLIC HEARINGS – OLD BUSINESS (Cont.)

- B.** 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

The project received site plan review approval from the Planning Board on November 16, 2017 for the construction of a 4-story mixed use building with a penthouse (including interior parking garages on two levels, retail space on the ground floor, office space on the first floor and 43 residential units on the second, third, fourth and penthouse floors) with a footprint of 12,574 s.f. and gross floor area of 81,498 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements. On August 23, 2018 the Board granted a 1-year extension of approval to November 15, 2019.

Technical Advisory Committee Review

The TAC reviewed this application at the August 6, 2019 meeting and voted to recommend approval with the following stipulations:

1. The plan should be updated to reflect that CB 3530 has been removed by the Hanover St. project.

2. The plan should be updated to reflect that PSMH3 has been replaced by the Hanover St. project.
3. The plans should be updated to reflect that water supply for the buildings on Hill St comes from Hanover St.
4. The applicant shall meet with DPW to determine whether plans should be updated to reflect electrical/communication utility lines fed from Hanover St and to remove any overhead utility poles.
5. A note shall be added to the plan that a written plan shall be submitted to and approved by the Portsmouth Fire Dept. 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 NHPA 241 - 2013 edition.

On August 28, 2019 the applicant submitted revised plans addressing items 1-3 & 5 above to the satisfaction of the Planning Department. The remaining stipulation is included in the recommended conditions of approval below.

Planning Department Comments

The Planning Board may, for good cause shown, extend an approval by one (1) year. Site Plan Review Regulations require additional one (1) year extensions be reviewed by TAC and the Planning Board and that the owner shall submit the previously approved plans and supporting data. A time extension may be granted if the Board determines that the applicant has shown good cause for the extension and that no change has taken place that would materially affect the currently approved site plan in regard to:

- Traffic flow, volume, or congestion;
- Pedestrian safety;
- Drainage;
- Water availability;
- Sewer capacity;
- Design standards;
- Landscape elements; and
- Zoning compliance.

The Planning Board also has the authority to amend or deny a previously approved application

The property owner is also currently moving forward with an application to change the use of the proposed site to a hotel and an application is currently pending before the Board of Adjustment. The proposed change will require a new site plan review approval from the Planning Board.

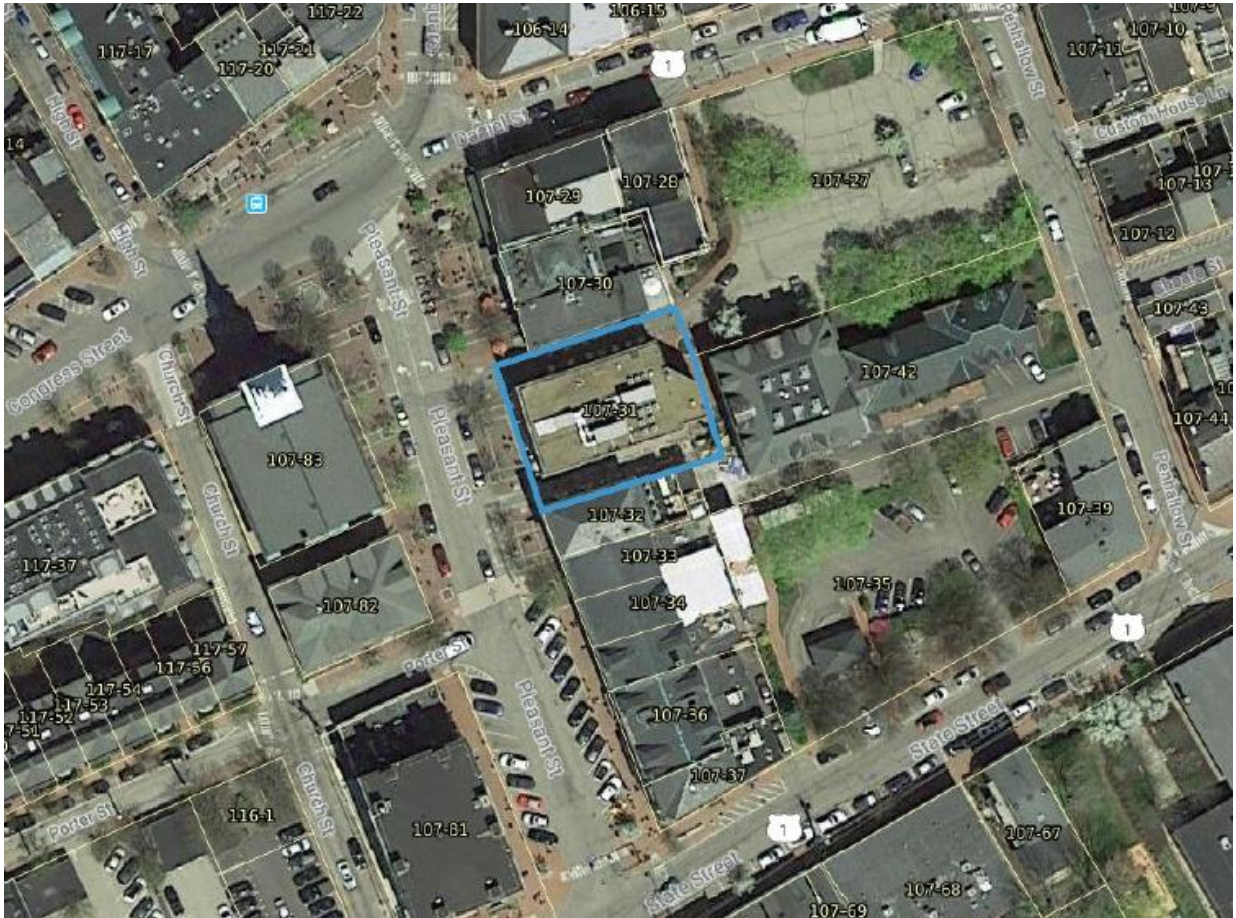
Planning Department Recommendation

If the Planning Board determines that the applicant has shown good cause and that no changes have occurred since the approval was granted that would material affect the items listed above, *vote to approve a 1-year extension of the Site Plan Review Approval to expire on November 16, 2020, with the following stipulation:*

1.1) The applicant shall work with DPW to determine how electrical/communication utility lines will be fed from Hanover Street and to verify removal or relocation of any utility poles or lines.

V. PUBLIC HEARINGS – OLD BUSINESS (Cont.)

- C. The application of **Dagny Taggart, LLC, Owner** and **Ambit Engineering, Inc., Applicant**, for property located at **3 Pleasant Street** requesting Site Plan 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

The project proposes an addition and renovation to the existing bank and office building with associated site improvements. The Board of Adjustment, at their August 27, 2019 meeting granted a variance from Section 10.5A41 and Figure 10.5A41.10D to allow a 0 foot rear yard where 5 feet is required. The Historic District Commission granted approval for the project at their September 4, 2019 meeting.

Technical Advisory Committee Review

The TAC reviewed this application at the August 6, 2019 meeting and voted to recommend approval with the following stipulations:

1. The proposed trees on Sheet L-1 shall be reviewed and approved by the Trees and Public Greenery Committee.
2. If possible, the drop manhole should be removed from Sheet P1 and the sewer line should be installed in a single slope where the crown should match the existing pipe on Penhallow Street.
3. The curb detail should be updated to reflect a 6" curb.
4. The drain manhole invert should be shown as brick on the detail.
5. The tip-down ramp on Sheet C3 leading to the loading zone on the street should be removed.
6. The loading zone and sidewalk widening in the public right-of-way along Pleasant Street shall require review and approval by the Parking, Traffic Safety Committee and City Council.
7. A trip generation memorandum should be provided to document the existing vehicle trips and the proposed trips to be generated by the renovated and expanded building.
8. The Board of Adjustment and Historic District Commission land use approvals shall be secured prior to Planning Board review and approval.
9. A no-build easement shall be provided on the abutting property of Lot 42, Map 107 in order to allow for the building to be located on the property line. The width of this easement shall be reviewed and confirmed by the Building Inspector.
10. A note shall be added to the plan that a written plan shall be submitted to and approved by the Portsmouth Fire Dept. 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 NHPA 241 - 2013 edition.

On September 11, 2019 the applicant submitted revised plans addressing items 1, 3-5, 7-8 and 10 above to the satisfaction of the Planning Department. The remaining items have been included in the recommended conditions of approval below.

Planning Department Recommendation

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

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

- 1.1) *Final sewer design shall be reviewed and approved by the Public Works Department.*
- 1.2) *Off-site improvements are subject to approval by the Parking, Traffic and Safety Committee and acceptance by City Council. Any substantial changes to what is presented and approved by the Planning Board shall require Amended Site Plan Approval.*
- 1.3) *The width of the no-build easement provided on the abutting property shall be reviewed and approved by the Building Inspector.*
- 1.4) *The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.*

VI. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of the **City of Portsmouth, Owner** for property located at **680 Peverly Hill Road** requesting Site Plan Review approval for the construction of recreation playing fields with associated lighting, parking, restrooms, stormwater management infrastructure, utilities and other site improvements. Said property is shown on Assessor Map 254 as Lot 8-1 and lies within the Municipal (M) District.

Description

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

Planning Department Recommendation

Vote to postpone the application to the October 17, 2019 Planning Board meeting.

VI. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B.** The application of **Andrew Marden, Owner** for property located at **60 Elwyn Avenue** requesting preliminary and final subdivision approval to subdivide one lot into two (2) lots as follows: Lot 22 as shown on Assessor Map 113 decreasing in area from 6,400 s.f. to 3,457 s.f. with 50' of continuous street frontage on Elwyn Avenue; and proposed lot 22-1 as shown on Assessor Map 113 with 2,943 s.f. in area and 50' of continuous street frontage on Sherburne Avenue. Said property is shown on Assessor Map 113 as Lot 22 and lies within the General Residence A (GRA) District.



Description

The applicant proposes to subdivide the subject property from one lot into two lots with the existing lot fronting on Elwyn Avenue and the proposed lot fronting on Sherburne Avenue. The Zoning Board of Adjustment at their June 18, 2019 meeting granted variances from Section 10.521 to allow the following:

1. 3,457 s.f. lot area and lot area per dwelling unit where 7,500 s.f. is the minimum required;
2. 2,943 s.f. lot area and lot area per dwelling unit where 7,500 s.f. is the minimum required;
3. 50' of continuous street frontage where 100' is required; and
4. 30% building coverage where 25% is the maximum allowed.

Technical Advisory Committee Review

The TAC reviewed this application at the September 3, 2019 meeting and voted to recommend approval with the following stipulations:

1. The Plan shall be updated to correct the site leader in the locus box as it points to the wrong location;
2. The plan shall be updated to show curbing and sidewalk on Sherburne Avenue;
3. The driveway must be located on site and meet minimum standards in the Zoning Ordinance;
4. The existing drainage lateral shall be added to the plan.

On September 10, 2019 the applicant submitted revised plans addressing items 1-4 above to the satisfaction of the Planning Department.

Planning Department Recommendation

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 reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.*

VI. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. Request by the Kane Company for naming of a new privately-owned and maintained road approved and constructed as part of the Borthwick Forest Subdivision (located off of Borthwick Avenue) as Eileen Dondero Foley Avenue.

Description

While this is not a public road, the subdivision regulations require that the Planning Board approve the name. While the regulations do not stipulate that this has to be done as a public hearing, it has been the Planning Board's policy to notify abutting properties and to allow for a public hearing prior to approving the name. This process is also consistent with state laws governing the naming of streets.

Planning Department Recommendation

Vote to approve the naming of the private subdivision road to Eileen Dondero Foley Avenue.

VII. CITY COUNCIL REFERRALS

- A. Request by residents and homeowners of Chase Drive, Cutts Avenue, Forest Street, and Brigham Lane that properties along Chase Drive and Cutts Avenue be re-zoned from Gateway Neighborhood Mixed Use Center (G2) to Single Residence B (SRB).

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 was 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. The Planning Board held a public hearing on this request at the June 20, 2019 meeting. After discussion, the Planning Board voted to refer the request to the Planning Department to report back with additional information related to a potential G3 District, which had initially been considered when the current zoning was adopted.

At the Planning Board's request and in consideration of some of the concerns raised by the neighbors in their re-zoning request, the Planning Department developed a draft of a potential G3 district. As proposed, the third district would be primarily residential, but provides opportunities for small scale neighborhood-oriented commercial services. The district would also provide dimensional standards will lower height and density than the G1 and G2. On August 22, the Planning Board held a work session to discuss and review the staff report back on the potential G3 District.

At this time, Planning Department staff is prepared to continue work with the Planning Board on a zoning amendment to create a G3 District. However, in the meantime, the request by residents to re-zone to SRB is still pending a report back to City Council. Staff is recommending that the Planning Board report back to the Council regarding the initial request as well as the status of the potential G3 District amendment. As all zoning amendments require Council approval, staff feels it is important at this stage to provide a report back on the existing re-zoning request and to receive some direction from Council regarding the potential G3 District amendment.

Planning Department Recommendation

Vote to recommend that the City Council not approve this re-zoning request and to have Planning Department staff provide a report back to the Council on the potential G3 District to determine whether the Council is supportive of moving forward with consideration of a zoning amendment at this time.