



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the May 21, 2020 Planning Board Meeting
Date: 05/15/20

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The application of **Bonza Buildings, LLC, Owner**, for property located at **41 Salem Street** 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.

SUBDIVISION REVIEW

- A. The application of the **Peter J. Loughlin Revocable Trust of 2003, Cynthia & John Hebert and Linda Langley, Owners**, for properties located on **Thaxter Road and Fells Road** requesting Preliminary and Final Subdivision Approval.
- B. The application of **Matthew Wajda, Owner**, for property located at **183 Coolidge Drive** requesting Preliminary and Final Subdivision approval.

Planning Department Recommendation

Vote to determine that the applications are complete according to the Subdivision Rules and Regulations and to accept the applications for consideration.

III. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of the **Peter J. Loughlin Revocable Trust of 2003, Cynthia & John Hebert, and Linda Langley, Owners**, for properties located on **Thaxter Road and Fells Road** requesting Preliminary and Final Subdivision Approval (Lot line revision) for 3 lots as follows: Lot 5 on Assessor Map 167 decreasing in area from 209,821 s.f to 209,347 s.f.; Lot 6 on Assessor map 167 increasing in area from 11,508 s.f. To 11,712 s.f.; and Lot 7 on Assessor map 167 increasing in area from 10,532 s.f to 10,802 s.f. Said properties are shown on Assessor Map 167, Lots 5, 6 & 7 and lie within the Single Residence B (SRB) District.



Description

The applicant intends to cure encroachments and property access with a request for Preliminary and Final Subdivision Approval (Lot line revision) for these 3 lots.

Planning Department Recommendation

- 1) *Vote to grant Preliminary and Final Subdivision (Lot Line Revision) Approval 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(s) shall be recorded at the Registry of deeds by the City or as deemed appropriate by the Planning Department.*

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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

A motion is required to consider these items together

- B. The application of the **Society for the Protection of Forests, Owner**, for property located at **400 Little Harbor Road** requesting Wetland Conditional Use Permit approval to replace a failing septic system. The removal and replacement of the septic system will result in 2,200 square feet of permanent impact and 3,000 square feet of temporary impact in the inland wetland buffer. Said property is shown on Assessor Map 203 Lot 8 and lies within the Rural Residential (R) District.

- C. The application of the **Society for the Protection of Forests, Owner**, for property located at **400 Little Harbor Road** requesting Wetland Conditional Use Permit approval for a temporary disturbance of 7700 square feet in the inland and tidal wetland buffer. No work is proposed in any wetland area and all areas will be restored to existing conditional after waterline has been installed. Said property is shown on Assessor Map 203 Lot 8 and lies within the Rural Residential (R) District.



Wetland Conditional Use Permit Criteria

(Item III.B.) This is an application to install a new septic system in the buffer of an inland wetland and a new waterline to the Carey Cottage for domestic and fire water supply.

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 location for the proposed septic system is in a lawn area which will be near where the existing system is located.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* According to the applicant this is the most feasible location on the site to locate the new septic system given constraints of ledge, property line and proximity to the wetland.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed septic system will require some grading to install. As a result the lawn area where the septic system is proposed will be 2-3 feet higher than the current grade but will be returned to lawn.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no changed to the natural woodland proposed with this project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given the need for a new septic system and the availability of locations to locate the proposed septic this is the least impacting alternative for this proposal.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*The applicant will restore the lawn area to lawn after the new septic systems is installed.

(Item III.C.) This application is to install a new waterline to the Carey Cottage for domestic and fire water supply.

1. *The land is reasonably suited to the use activity or alteration.* This project is to install a new waterline main on Little Harbor Road to the Carey Cottage. The Carey Cottage needs the new waterline due to insufficient supply with the current line. Given the applicant has designed the new route for the waterline to reduce impact to the
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The access from Little Harbor Road to the Carey Cottage is being improved from a route along the shoreline to a route cross country in the upland area. There is no alternative that does not require some aspect of impact in the wetland buffer for this project.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* While there will be temporary impacts of the proposed waterline the area where the waterline is installed will be allowed to be restored to natural conditions after the waterline is installed.
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 be impacting any natural vegetation for this project but the applicant is taking care to reduce the impact to natural vegetation and the site will be allowed to re-vegetate after the waterline is installed.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has worked to reduce the impacts by selecting an alternate route with less potential for impact.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*The applicant is proposing temporary impacts to the site and has stated that all areas will be allowed to be restored to natural conditions after the installation has been completed.

The Conservation Commission reviewed these applications at the May 13, 2020 meeting and voted unanimously to approve the applications as presented with one stipulation for for Item III.C, which has been incorporated into the staff recommendation below.

Planning Department Recommendation

- 1) *Vote to approve the Wetland Conditional Use Permit to replace a failing septic system as presented.*
- 2) *Vote to approve the Wetland Conditional Use Permit for a temporary disturbance in the inland and tidal wetland buffer as presented with the following stipulation:*

2.1) Where excavation for the waterline occurs in the wetland buffer a conservation seed mix shall be planted, with the exception of areas in the buffer of existing lawn and a gravel path that crosses the waterline. Both of those areas shall be restored in kind.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road** requesting Conditional Use Permit approval for an Open Space Planned Unit Development according to the requirements of Section 10.725 of the Zoning Ordinance and Site Plan Review approval for the construction of 22 single-family homes and a new road with related parking, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.

Description

The applicant requests a postponement to the June 18, 2020 Planning Board meeting.

Planning Department Recommendation

Vote to postpone the application to the June 18, 2020 Planning Board meeting.

- b. Revise water service line sizes to be 1”;
 - c. Provide individual water and fire services for unit 2 – 4” main with services from the main as discussed at TAC;
 - d. Provide water service for unit 3 as discussed at TAC;
 - e. Move proposed catch basin out of new driveway downhill so that it is in the curbed area, but 45 degree bend on underdrain to do this;
 - f. Make sure drip edge is at least 12” wide than edge of eave;
 - g. Add note to plans that street to be milled and paved to repair the disturbed areas of Salem St. one year after utilities are completed;
 - h. Add required note for existing water service to be capped at the main;
 - i. Add note to plans that any damage to existing sidewalks to be repaired to DPW satisfaction;
 - j. Replace drain pipe from CB2 to CB3 with new 15” PE pipe at intersection of McDonough and Salem;
 - k. New drain pipe in Salem St should be sized at 12”;
 - l. Crushed stone bedding for drain pipes shall have soil separation fabric between stone and sand blanket;
 - m. Use NH standard frame and grate for basins;
 - n. Use Ergo XL hinged cover marked “Drain” for DMH(s);
 - o. Provide sewer service details showing 6” PVC services with wyes cut into main and patched back in with pvc repair couplings (no rubber ‘Fernco’ couplings allowed);
 - p. On profile view: a) Raise proposed drain main in Salem Street so it is not in conflict with sewer; b) Existing 6” DI water is likely shallower than depicted; c) Gas main is likely shallower than depicted, to be confirmed with DPW.
- 2) Landscape Plan to be updated as described to TAC to make sure any plantings at corner of driveway are less than 3.5 feet tall so that they do not block sight lines of drivers exiting onto Salem Street.
- 3) Landscape Plan to be updated to match site plan for building footprint and style.
- 4) Proposed building designs to be reviewed with Planning Department for further guidance on architectural design and abutter concerns regarding building height.

On April 29, 2020 the applicant submitted revised plans addressing stipulations 1-4 above to the satisfaction of the Planning Department and DPW, excepting (1h) details for water service terminations. This has been added to the recommended stipulations of approval below.

Planning Department Recommendation

- 1) *Vote to grant Site Plan Review Approval with the following stipulations:*
 - 1.1) *Sheet C6 shall be updated to add required note for existing water service to be capped at the main;*
 - 1.2) *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.*

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- F. The application of **Richard Fusegni, Owner**, for property located at **1574 Woodbury Avenue** requesting a Conditional Use Permit for a drive-through facility in accordance with Section 10.440 (19.40) of the Zoning Ordinance and Site Plan Review Approval for the construction of a new retail bank with parking, utilities, landscaping, lighting, drainage and associated site improvements. Said property is shown on Assessor Map 238 Lot 17 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Description

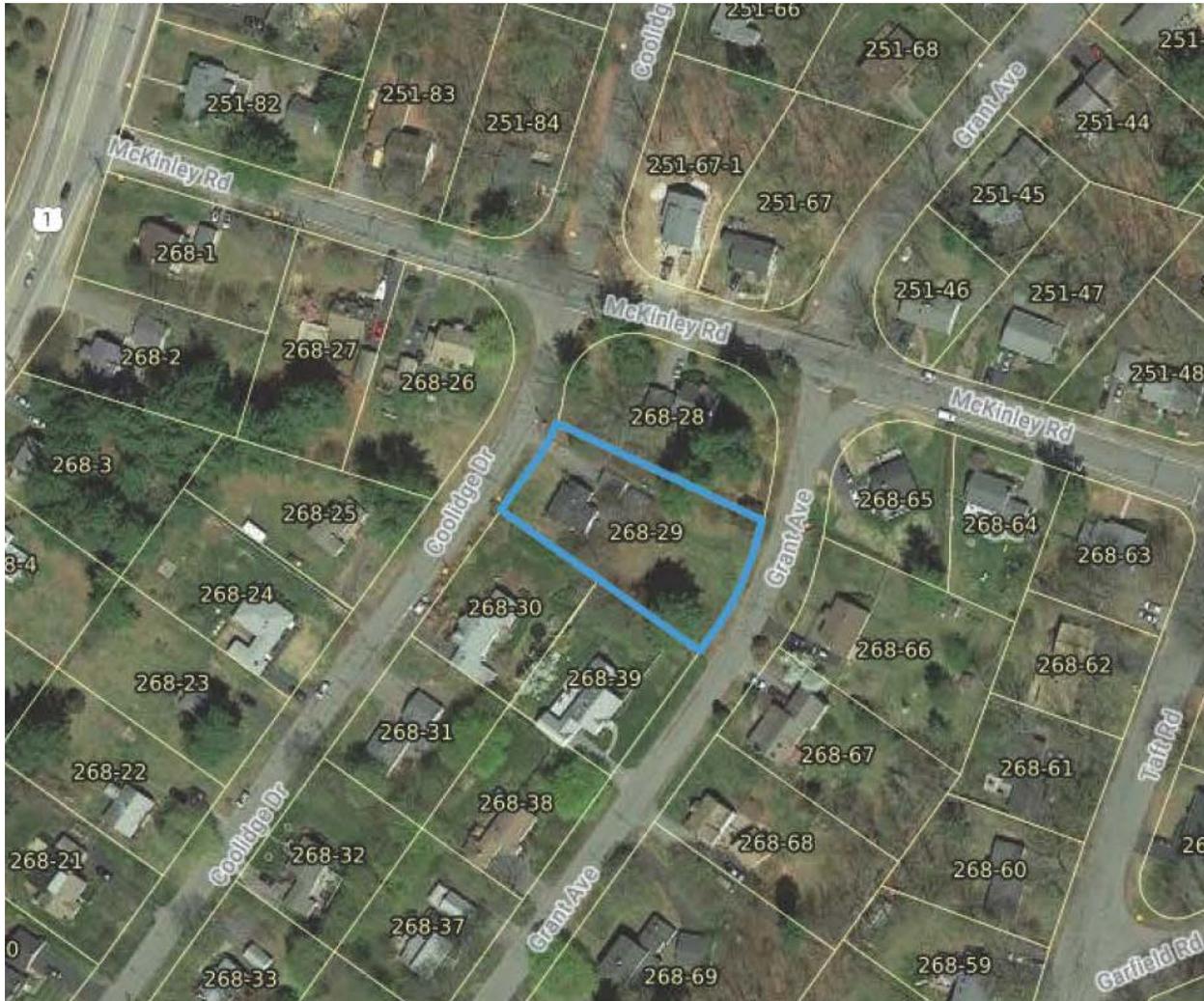
The applicant requests a postponement to the June 18, 2020 Planning Board meeting.

Planning Department Recommendation

Vote to postpone the application to the June 18, 2020 Planning Board meeting.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

G. The application of **Matthew Wajda, Owner**, for property located at **183 Coolidge Drive** requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 20,444 s.f. and 209' of street frontage into two (2) lots as follows: proposed Lot 1 with an area of 10,113 s.f. and 85' of continuous street frontage; proposed Lot 2 with an area of 10,330 s.f. and 124' of continuous street frontage. Said property is shown on Assessor Map 268 Lot 29 and lies within the Single Residence B (SRB) District.



Description

The proposed Subdivision proposes to subdivide a lot into two (2) lots.

Technical Advisory Committee Review

The TAC reviewed the subdivision application at the May 5, 2020 meeting and voted to recommend approval with the following stipulations:

Conditions of approval to be completed prior to submission to Planning Board:

- 1) 1.5" line for water is oversized and unneeded. Plans should be updated as necessary;

- 2) Change sewer service detail in regard to Fernco connection to reflect pvc to Ac connection;
- 3) Revise water service curb box as it is not cast iron;
- 4) Pavement in utility trench should be 2 3/4" binder, 1 1/4" top;
- 5) Plans should confirm the Finished Floor of the new residential building is to be above groundwater level;
- 6) Applicant will re-grade the area in front of the property and abutting properties so that street drainage does not flow onto the lots.

Conditions to be included in Planning Board approval:

- 1) Construction of the rain garden shall be witnessed by DPW and/or by a certified design engineer and be in conformance with the NH stormwater manual.

On May 13, 2020 the applicant submitted revised plans addressing stipulations 1-6 above to the satisfaction of the Planning Department and DPW. The remaining stipulation has been added to the recommended stipulations of approval below.

Planning Department Recommendation

- 1) *Vote to grant Preliminary and Final Subdivision Approval 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.*
 - 1.4) *Construction of the rain garden shall be witnessed by DPW and/or by a certified design engineer and be in conformance with the NH stormwater manual.*

IV. CITY COUNCIL REFERRALS

- A. Portsmouth Housing Authority – Release of Reverter
- B. Request for Report Back Regarding Impact Fees

A separate staff memo will be provided for these items.