

## MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)

FROM: R. Timothy Phoenix, Esquire  
Kevin M. Baum, Esquire

DATE: June 25, 2019

Re: Tuck Realty Corp. – Applicant  
Project Location: 3110 Lafayette Road and 65 Ocean Road  
Tax Map 292, Lots 151-1, 151-2 and 153  
Single Residence B (“SRB”)

Dear Chairman Rheaume and Zoning Board Members:

On behalf of the applicant, Tuck Realty Corp. (“Applicant” or “Tuck”), we are pleased to submit this memorandum and materials in support of Zoning Relief for construction of eighteen (18) residential Townhouse units (and one existing single-family home to remain on its own lot) on the subject parcels (the “Project”).

### **I. Exhibits**

1. 5/1/19-Variance Plan Set-by Jones & Beach Engineers, Inc. (considered by the ZBA on May 28, 2019 and denied. Submitted here for comparison purposes.  
Sheet C-1 – Existing Conditions Plan;  
Sheet C-2 –Site Plan (1”=30” scale).
2. 5/31/19 Notice of Decision denying previously requested relief.
3. 5/28/19 ZBA Minutes of Decision denying previously requested relief.
4. 6/21/19 Variance Plan Set-by Jones and beach engineers, Inc.  
(presently submitted for consideration  
Sheet C-1-Existing |Conditions Plan  
Sheet C-2 Site Plan
5. 6/ 21/19-Architectural Concept and Elevation Plans<sup>1</sup> – by Michael J. Keane Architects, PLLC.  
Sheet A-1 – Unit A Elevations, Floor Plans; and  
Sheet A-2 Concept Plans-B  
Sheet A-3 – B&C Garage/Floor Plans.
6. 6/20/19- Landscape Plan Set by Ironwood Design Group.  
Sheet L1-Landscape Plan.
7. City GIS Map-Showing surrounding zoning districts.

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<sup>1</sup> Architectural concept and elevations plans are concepts only and are provided for the ZBA’s reference. The final floor and elevation plans are subject to revision based upon the Planning Board’s review and input from prospective tenants.

8. 6/21/19 Traffic Analysis Memorandum and previous submissions-by Stephen G. Pernaw & Company, Inc.
9. Site Photographs-showing existing conditions.
10. Tax Map 292.

## **II. History/Property/Project**

The subject property (the “Property”) consists of three lots totaling 2.22 acres (96,706 s.f.) at the corner of Lafayette Road (US Route 1) and Ocean Road. Two lots are located at 3110 Lafayette Road (Tax Map 292, Lots 151-1 and 151-2), and the third lot is located at 65 Ocean Road (Tax Map 292, Lot 153). **Exhibit 1.** The Property is currently developed with residences on Lot 151-1 and Lot 153, the one on Lot 151 to be removed and the one on lot 153 to remain. Lot 151-2 is presently undeveloped.

On March 19, 2019, Tuck was before the ZBA with a proposal for a four-story mixed use building on the site, with first floor office or medical office use and the upper 3 floors containing 30 apartment units. The existing home on Lot 153 was to remain. The thrust of that submission was a request to be considered in a manner akin to the nearby Gateway 1 District, which encompasses a large number of properties fronting on Lafayette Road. At the April 16, 2019 Zoning Board hearing, some ZBA members expressed possible support for the requested Gateway treatment; however, expressed concerns about the density, and height variances that would be needed if the project was in the Gateway District, as well as the effect of the large building transitioning from the single family houses to the south and west. Board members inquired as to whether other Gateway uses and structures had been considered which might provide a better transition. As a result of the stated comments and concerns, Tuck withdrew the four-story mixed-use application, re-examined the zoning ordinance and met with planning department staff.

As a result of those efforts, on May 28, 2019 Tuck appeared before the ZBA with a project that Tuck believed provided for a better transition from the SRB to the Gateway zone. Tuck proposed to remove both existing houses and merge the three lots in order to construct 23 townhouses in 5 buildings (7 unit building facing Lafayette Rd., 6 unit building behind the 7 unit building, two 4 unit buildings to the west and a 2 unit building facing Ocean Road). Each provided two garage parking spaces and two driveway spaces for visitors. The townhouses were designed to meet the height requirements of the SRB zone. The plan provided fencing and/or

landscaped screening between the townhouse buildings and the nearest abutters. Unlike the previous proposal, a single entrance from Ocean Road was proposed with an internal turnaround for emergency vehicles **Exhibit 1**. Traffic generated by the Project was anticipated to be minimal as was driveway queuing and was significantly less than the withdrawn mixed-use proposal.

After a significant amount of discussion and commentary, the ZBA denied the 23-unit proposal on a 4-3 vote. **Exhibits 2,3**. Some board members who supported the motion to deny indicated that the proposal was close to one that could be supported but was not quite there and/or cited changes they would like to see:

- Chairman Rheume asked the applicant “if they had considered varying the heights and setbacks, noting that the project looked monotone.” **Exhibit 3, p.6**.
- Mr. Hagaman-“asked if the roof line could be adjusted if the size of the units were altered” Id.
- Mr. McDonnell-“agreed that there was some hardship at the property but not to the extent that it required that much relief. He said the Gateway standards were relevant and thought it was reasonable to put more than a few single-family homes on the corner but that what was requested might be too much. On the other hand, he said the standard encouraged high-quality housing for a variety of household sizes and incomes which lean in favor of allowing a denser development, so he was torn. He said he still didn’t think the 2000 square-foot units would be appropriate but felt that a somewhat lower number and a variety of size units may be closer to appropriate relief for the hardship.” Id.
- Vice Chair Johnson-“wasn’t completely sold on the number of units and thought it might be too much for the location, but he also thought it was close.” Id. p.7
- Chairman Rheume-“it was a big step in being more in keeping with the public interest and the character of the neighborhood[than the previous four-story proposal], but that the number of units and massing would have an artificial creation feeling that the rest of the neighborhood didn’t have. He said that more effort in creating variety and in the number of units might make him more comfortable” Id.

- Vice Chair Johnson-“said he would reluctantly support the motion [to deny]. He thought the project was close but felt that, based on the commentary, there was a little bridge that needed to be crossed to get there.” Id p8.
- Chairman Rheaume-“agreed that it was very close and that good things were proposed, but it was still an SRB zone.”Id. **Exhibit 3,p 6**

The Tuck team had the following take-away from the May 28, 2019 ZBA hearing/denial:

1. the proposal for 23 units was close but still a bit too much in terms of the number of units
2. a number of smaller, thus less expensive units should be considered
3. consider modulating the units with changing roof lines and/or façades.

The Tuck team subsequently met with the planning department to review a new proposal, attempting to address the stated comments and concerns of ZBA members at the May 28, 2019 hearing. The new proposal **Exhibits 4,5:**

- a. Reduces the total number of town house units from 23 to 18 (21.7% reduction)
- b. Saves the existing single-family home on Ocean Boulevard on a compliant 15,000 square-foot lot.
- c. Modulates the façades of the units
- d. Modulates the roof lines of the 3 unit buildings.
- e. Alters the gable end roof designs of the two 6 unit buildings in order to change the look, feel and texture.
- f. Proposes 3 different unit sizes;
  - i) units 7-18 (1,995+/- sf.)
  - ii) Units 2 and 5 (1,643+/-sf)
  - iii) Units 1,3,4,6 (1,384+/-sf)

In summary, Tuck believes that it has addressed the primary stated comments and concerns of several board members either in favor of or opposition to the 23 unit townhouse proposal. Effort was undertaken by the technical team to arrange the layout with the smaller buildings closest to the residences to the rear. The residences to the left/south side of the development are presently separated by relatively dense vegetation and will be separated by a proposed solid board fence and formal landscaping.

Turning to the area analysis, which essentially has not changed from the previous proposal except to provide for fewer townhouses, the Property is located within the SRB District. Single-family residential properties abut it to the southwest (left) and northwest (rear). Much of the surrounding area consists of residential (manufactured housing park, several apartment complexes) and non-residential zones and properties. The abutting Bursaw Pantry parcel (zoned

MRB) and the Portsmouth Fire Department (zoned M) are to the northeast (right). Jitto's Super Steak Restaurant (zoned G1) abuts across Lafayette Road. **Exhibit 3.** Almost the entirety of the eastern side of Lafayette Road<sup>2</sup> and most of the western side from roughly West Road to the Rye border are in the Gateway District (G1). Overall, the Lafayette Road (US Route 1) corridor is heavily commercially developed with the exception of the approximately 10 homes fronting on Route 1 to the southwest of the subject Property.

Townhouses as proposed are permitted at the proposed density in the Gateway 1 District. In fact, were this project in the Gateway District, up to 30 units would be permitted. PZO §10.5B71.10 (16 units/acre x 1.88 acres=30.8 units). Tuck believes that the lots fronting Lafayette Road are unlikely to be developed as single-family homes given the significant commercial structures and uses on Lafayette Road, evidenced by the long existing vacant lot and the recent amendment placing most of Lafayette Road in the Gateway 1 District. Accordingly, structures and uses must be found which will respect both the nearby SRB residences and the fact that this area deserves reasonable zoning relief since it is in a transition area from SRB to the Gateway District.

Tuck submits that the 18 townhouses of varying sizes provide needed housing in this area of Portsmouth (with a far lower parking requirement than the previously proposed four-story mixed use building) and a reasonable transition from the mostly single-family SRB District to the southwest and northwest and the significantly mixed use (manufactured home parks, apartment complexes, restaurants, gas stations, carwashes, commercial plazas and other businesses) found in the Gateway 1 zone from West Road to the Rye town line. This proposal provides not only some diversity, but also an alternative homeowner opportunity for housing in the immediate area. Currently one finds mostly single-family homes, manufactured housing and apartment complexes in this area. The proposal will allow another type of home, condominium townhouses with shared common expenses. This model of homeownership fits nicely between the other forms of living in the area. This proposal seeks approval as a reasonable transition from SRB to the eclectic mixed-use of the Gateway 1 zone. The proposal complies with the stricter setback requirements of the SRB Zone.

Summarizing, the proposed Townhouses address the primary concerns of ZBA members on May 28 and are compatible with and a transition between the surrounding uses and zoning

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<sup>2</sup> A narrow area where Bluefin Boulevard accesses Lafayette Road is zoned Garden Apartment/Mobile Home Park.

districts. Considering the previously issued traffic report, since this proposal is for fewer units than previously proposed, traffic generated by the use is expected to be even more limited in volume. **Exhibit 9.** Residential use is already permitted and this proposal offers fewer units than the May 28 proposal and significantly lesser mass parking/traffic impact than the originally submitted large mixed use office/apartment building.

**III. Relief Required**

<u>Section</u>	<u>Required SRB</u>	<u>Proposed</u>	<u>Comments</u>
§10.513	One dwelling per lot	18	Transition area
§10.521 (Table of Dim. Standards)  Lot Area per Dwelling Unit	15,000 s.f.	14537 s.f.	Exceeds G1=2723 s.f./acre; exceeds May 28th 23 unit proposal=4205sf/unit
§10.440,1.40	Townhouses not permitted	18 Townhouses	Transition zone

**IV. Fisher v. Dover Analysis**

As stated, the ZBA previously considered and denied an application for 23 townhouse units, including removal of the existing home on Ocean Road. The instant application saves the existing single-family home and reduces the number of townhouse units to 18, a decrease of 21.7%.

In Fisher v. city of Dover, 120 N.H. 187, 190 (1980), the Supreme Court held that once an applicant makes a request to the ZBA and is denied, ZBA may hear a subsequent variance request only upon a finding “a material change of circumstances” or unless it is “for use that

materially differs in nature and degree from its predecessor.” The court based its decision on concerns that absent a material change in circumstances or the application, there would be no finality’s 2 ZBA proceedings, thus threatening “the integrity of the zoning plan.” *Id.* In several cases subsequent to *Fisher*, however, the court clarified that this restriction does not apply to “a subsequent application explicitly or implicitly invited by the ZBA and modified to address its concerns.” Hill-Grant Living Trust Small v. Kearsarge Lighting Precinct, 159 N.H. 529, 536 (2009) (citing Morgenstern v. Town of Rye, 147 N. H. 558 (2002)).

Tuck submits that a 21.7% reduction in the number of townhouse units is a material change, compliant with Fisher. Moreover, as set forth above, some of the members who voted to deny the previous application on a 4-3 vote commented/suggested that the previous application as presented was close but was simply a bit too much. Those comments and suggestions constitute explicit or inexplicit invitation to submit a less ambitious application. As noted, one member “reluctantly” supported the motion to deny. For the foregoing reasons, Fisher v. Dover does not prohibit the instant application which should be accepted and deliberated upon by the ZBA.

#### V. Variance Requirements

1. The variances will not be contrary to the public interest.
2. The spirit of the ordinance is observed.

The first step in the ZBA’s analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” *Id.* “Mere conflict with the zoning ordinance is not enough.” *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO Section 10.121 is “to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan... [by] regulating”:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – Although townhouses are not permitted in the SRB district, most of the surrounding area along Lafayette Road is zoned G1 where townhouses are permitted by right. Residential use is permitted and contemplated under the PZO for both SRB and G1. The Property is located primarily on the busy Lafayette Road (U.S. Route 1), offering a reasonable transition from the single-family homes to the southwest and northwest and compatibility with commercial/multi-residential uses along Lafayette Road from West Road to the Rye town line. Since it is unlikely that the vacant Lafayette Road lot will ever be developed as a single-family residence, the transition from single-family to townhouses to mixed commercial and residential uses in the Gateway District makes sense given the purpose and standards of the Gateway District set forth in PZO section 10.5 B 11:

the purpose of Article 5B is to implement and support the goals of the city’s Master Plan and housing policy to encourage walkable mixed-use development and continued economic vitality in the city’s primary Gateway areas, ensure that new development complements and enhances its surroundings, provide housing stock that is suited for changing demographics, and accommodate the housing needs of the city’s current and future workforce.

The standards set forth herein are intended to:

- a. Promote development that is consistent with the goals of the Master Plan to create vibrant, authentic, diverse, connected and resilient neighborhoods;
- b. encourage high quality housing for a variety of household types and income ranges.
- c. Guide the physical character of development by providing a menu of building and site development types that are based on established community design principles
- d. create quality places by allowing for whole site development with meaningful public spaces and neighborhood centers.

This form of ownership and density fits nicely between nearby single-family lots/manufactured housing and apartments at price points likely less than closer to downtown.



To address the transition, the proposal includes fencing and landscape screening from the nearby residences, with a path through and around the site on Lafayette Road and Ocean Road. The existing single-family home on Ocean Road on a compliant lot acts as an additional buffer from the project to the nearest home on Ocean Road. The smaller three unit buildings are placed to the rear, offering ample sightlines between buildings. The use of the land and buildings will be compatible with those of the surrounding area, and meets the purposes of the Gateway 1 District.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – the proposal: significantly improves upon the previous four-story mixed-use building and the 23 townhouse unit (all around 1995 ft.<sup>2</sup>) proposal, providing varying sized units and greater lot area per dwelling unit than either previous proposal; provides a height compliant 35 feet; screens, buildings and parking from the neighbors; reduces the parking need; and offers alternative living choices to future homeowners, all combining to accomplish the goal of a tasteful and reasonable transition from SRB to Gateway. Thus, any impacts to nearby residential lots due to the requested townhouse use and density relief is muted.

3. The design of facilities for vehicular access, circulation, parking and loading – Traffic impact is expected to be limited as a result of the proposed use. **Exhibit 8** Proposed access is limited to Ocean Road. A traffic light exists at the Ocean/Lafayette intersection and both roadways are relatively wide in the area of the Property. The Project will undergo detailed review during the Technical Advisory Committee (“TAC”) and Planning Board review process.

4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – None of these are negatively affected by the requested relief. Residential use is permitted. The townhouses will essentially be treated in these respects the same as single-family homes. The proposal meets height, building coverage and open space requirements, thus should have no negative impacts to stormwater runoff or flooding. Lighting, stormwater and flood impacts will be further reviewed and addressed during TAC and Planning Board review.

5. The preservation and enhancement of the visual environment – The proposal will replace an older residential structure and a vacant lot upon which a single-family home is unlikely with a transitional 18 unit townhouse project. Site design and screening will preserve the visual environment.

6. The preservation of historic districts, and buildings and structures of historic or architectural interest – Not applicable.

7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The proposal meets all building coverage and open space requirements. Fencing and or landscaping will screen nearby residences. The Project will undergo TAC and Planning Board Site Plan Review, ensuring that it complies with all necessary drainage, stormwater and other environmental/natural resource requirements.

Based upon the foregoing, the requested variances do not “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives.” Malachy Glen, supra, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The Property and proposed structures primarily front on the heavily travelled Lafayette Road, In a transition area near many other residential and non-residential uses and multiple zoning districts. The proposal is compatible with the surrounding area and existing/expected development of the remainder of the Route 1 corridor. Three Zoning Board Members were apparently convinced that the previous project made sense. At least two of the four members who voted to deny indicated that it was close. Tuck believes it has addressed the comments and concerns of the Board. Accordingly, granting the variances to allow 18 Gateway-1 permitted townhouses as a transition from SRB, will neither “alter the essential character of the locality,” nor “threaten the public health, safety or welfare.”

### **3. Granting the variance will not diminish surrounding property values.**

The Project will replace the decades vacant residential lot and an older residence/lot in poor condition with 18 townhouses with fencing/landscape screening as a transition from SRB to Gateway, consistent with the Gateway purposes. Traffic is expected to have minimal impact. Given the existence of the SRB homes on or close to Lafayette Road, the possibility of non-

single-family homes in this Gateway area is already reflected in property values. Given the location, layout, access and parking for the townhouses and the non-single-family-residential character of most of the Lafayette Road corridor, granting the variance will not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

- a. Special conditions distinguish the property/project from others in the area.

The Property is irregularly shaped with frontage on both Lafayette Road and Ocean Road with many characteristics of a corner lot. It is surrounded by a mix of uses and zoning districts with residences to the rear and left, commercial and municipal uses to the right and front. The transitional nature of the area and proximity of the parcel to heavily travelled Route 1 non-residential uses, leave it poorly suited for single family residential use. These factors create special conditions that distinguish the property it from others in the area. Moreover, the May 28, 2019 notice of decision indicates that special conditions exist.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

As noted above, the requested variances are consistent with the general public purposes and spirit of the ordinance. Additionally, the specific restrictions for which relief is requested, for townhouses in the SRB District and unit density, should not be reasonably applied to this particular parcel given its transitional location and nature of other residential (manufactured home park, apartment complexes) and nonresidential uses along Lafayette Road. For these reasons, there is no fair and substantial relationship between the general public purposes of the PZO and its specific application in this instance.

- c. The proposed use is reasonable.

The proposed townhouses are consistent with the Property's location between the SRB and adjoining Gateway Zoning District. As a transition between single-family homes and the

commercial/mixed uses/structures along the Lafayette Road corridor, the proposed use is clearly reasonable.

**5. Substantial justice will be done by granting the variance.**


If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C., 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

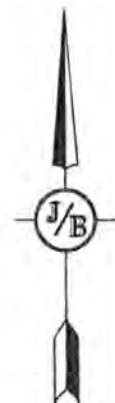
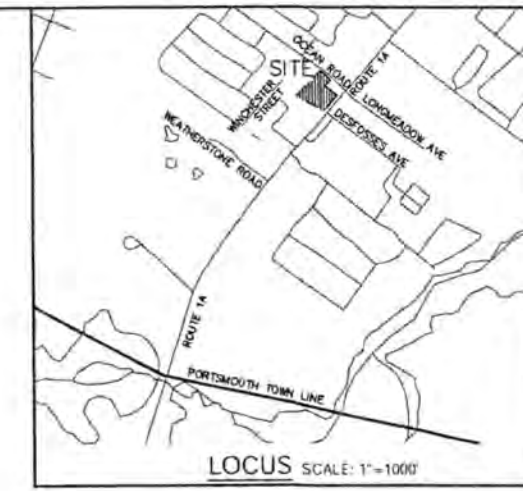
Granting the requested variance for 18 townhouses allows Tuck and the property owner a reasonable return via a transition between the residential neighborhood and the Gateway District. It respects the nearby residences while meeting the spirit and intent of the Gateway purposes which it abuts, providing needed additional housing opportunities. Townhouses are permitted in the Gateway District and can be expected for future development of the area. Given these benefits, the fact that the vacant Lafayette Road lot is unlikely to be developed as a single-family residence, and limited impact of the proposal, any loss to the general public is small if not non-existent. Conversely, denial of the variance deprives the owner of a reasonable return and Tuck as well as future homeowners the reasonable use and development of the Property. Thus, there is clearly no benefit to the public that outweighs the harm to the owner and applicant if the requested variances are not granted.

**VI. Conclusion**

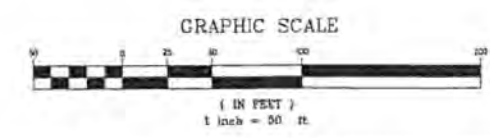
For all of the reasons stated, Tuck respectfully requests that the Portsmouth Zoning Board of Adjustment grant the submitted variance requests.

Respectfully submitted,  
Tuck Realty Corp.

  
By: R. Timothy Phoenix  
Kevin M. Baum



**EXHIBIT**  
**1**



APPROVED - PORTSMOUTH, NH PLANNING BOARD	PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 292, LOTS 153, 151-1 AND 151-2
DATE: _____	APPLICANT TUCK REALTY CORP. 149 EPPING ROAD, SUITE 2A EXETER NH, 03833
	TOTAL LOT AREA 96,706 SQ. FT. = 2.22 ACRES ±

Design: PLB    Draft: PLB    Date: 8/8/18  
Checked: JAC    Scale: 1" = 50'    Project No.: 18165  
Drawing Name: 18165-CONCEPT.DWG  
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV	DATE	REVISION	BY
6	5/1/19	ISSUED TO ZBA	PLB
5	3/12/19	MINOR REVISIONS	PLB
4	2/27/19	ISSUED TO ZBA	PLB
3	2/13/19	REVISED PER BUILDING CHANGE	PLB
2	1/3/19	MINOR TEXT EDITS	EJM
		REVISION	

Designed and Produced in NH

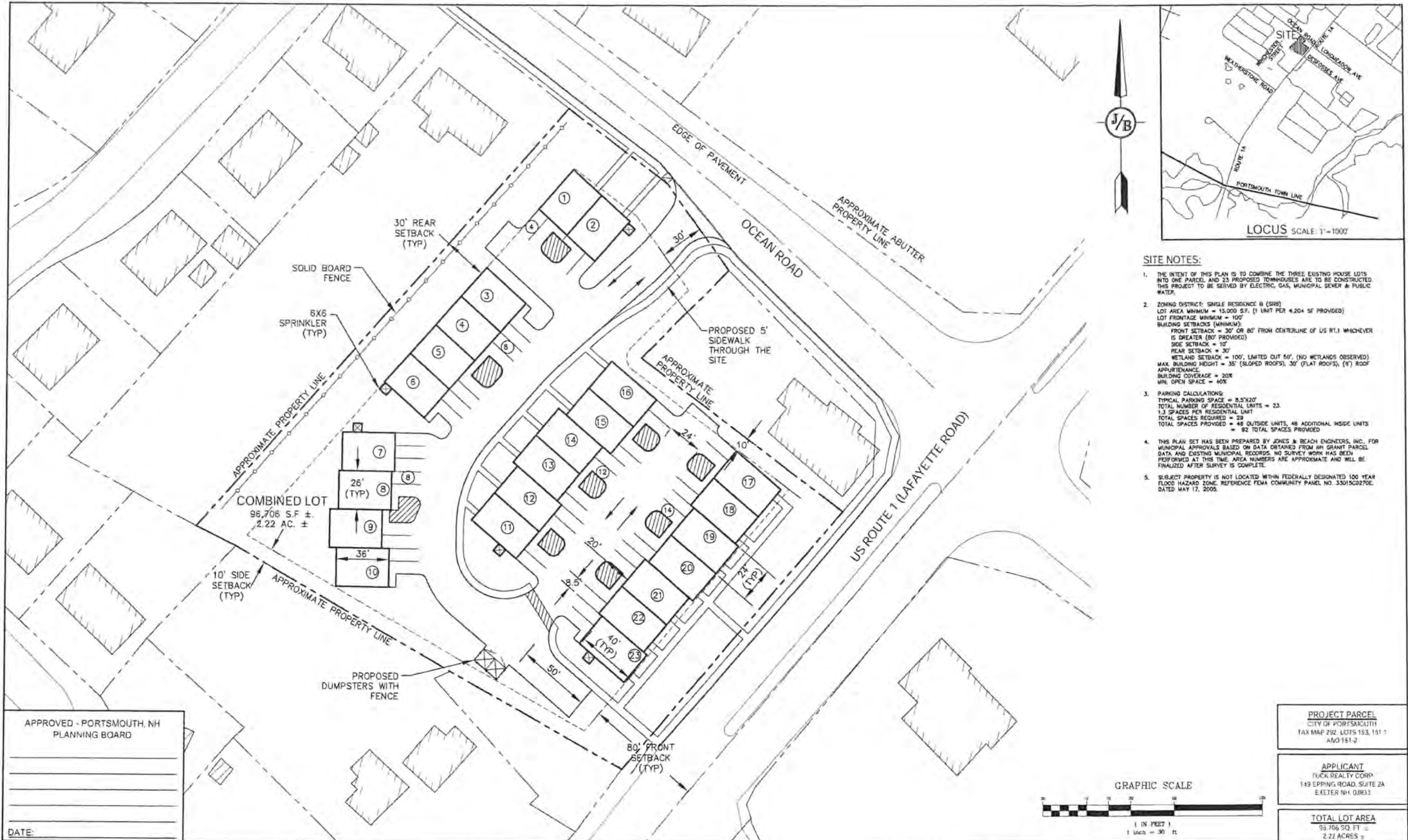
**J/B Jones & Beach Engineers, Inc.**  
Civil Engineering Services

85 Portsmouth Ave.    PO Box 219    Stratham, NH 03885    603-772-4746    FAX: 603-772-0227    E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>EXISTING CONDITIONS PLAN</b>
Project:	<b>3110 LAFAYETTE ROAD AND 65 OCEAN ROAD PORTSMOUTH NH 03801</b>
Owner of Record:	CARTER CHAD    WEEKS REALTY TRUST    WEEKS KALEY E TRUSTEE 65 OCEAN RD, PORTSMOUTH, NH 03801    P.O. BOX 100, HAMPTON FALLS, NH 03844

DRAWING NO:  
**C1**  
SHEET 1 OF 2  
JBE PROJECT NO. 18165

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- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO COMBINE THE THREE EXISTING HOUSE LOTS INTO ONE PARCEL AND 23 PROPOSED TOWNHOUSES ARE TO BE CONSTRUCTED. THIS PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.
  - ZONING DISTRICT: SINGLE RESIDENCE B (SRB)  
 LOT AREA MINIMUM = 15,000 S.F. (1 UNIT PER 4,204 SF PROVIDED)  
 LOT FRONTAGE MINIMUM = 100'  
 BUILDING SETBACKS (MINIMUM):  
 FRONT SETBACK = 30' OR 80' FROM CENTERLINE OF US RT.1 WHICHEVER IS GREATER (80' PROVIDED)  
 SIDE SETBACK = 10'  
 REAR SETBACK = 30'  
 WETLAND SETBACK = 100', LIMITED OUT 50' (NO WETLANDS OBSERVED)  
 MAX. BUILDING HEIGHT = 35' (SLOPED ROOFS), 30' (FLAT ROOFS), (9') ROOF APPURTENANCE.  
 BUILDING COVERAGE = 20%  
 MIN. OPEN SPACE = 40%
  - PARKING CALCULATIONS:  
 TYPICAL PARKING SPACE = 8.5'x20'  
 TOTAL NUMBER OF RESIDENTIAL UNITS = 23  
 1.5 SPACES PER RESIDENTIAL UNIT  
 TOTAL SPACES REQUIRED = 35  
 TOTAL SPACES PROVIDED = 48 OUTSIDE UNITS, 48 ADDITIONAL INSIDE UNITS = 92 TOTAL SPACES PROVIDED
  - THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR MUNICIPAL APPROVALS BASED ON DATA OBTAINED FROM NH GRANT PARCEL DATA AND EXISTING MUNICIPAL RECORDS. NO SURVEY WORK HAS BEEN PERFORMED AT THIS TIME. AREA NUMBERS ARE APPROXIMATE AND WILL BE FINALIZED AFTER SURVEY IS COMPLETE.
  - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 3301SC0270C, DATED MAY 17, 2005.

APPROVED - PORTSMOUTH, NH  
 PLANNING BOARD

DATE: \_\_\_\_\_

**PROJECT PARCEL**  
 CITY OF PORTSMOUTH  
 TAX MAP 292, LOTS 153, 151.1  
 AND 151.2

**APPLICANT**  
 TUCK REALTY CORP.  
 149 EPPING ROAD, SUITE 2A  
 EXETER NH 03833

**TOTAL LOT AREA**  
 96,706 SQ. FT. =  
 2.22 ACRES ±

Design: PLB Draft: PLB Date: 8/9/18  
 Checked: JAC Scale: 1" = 50' Project No.: 18185  
 Drawing Name: 18185-CONCEPT.DWG

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
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REV.	DATE	REVISION	BY

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
 Civil Engineering Services

85 Portsmouth Ave.  
 PO Box 219  
 Stratham, NH 03885

603-772-4746  
 FAX: 603-772-0227  
 E-MAIL: JBE@JONESANDBEACH.COM

Plant Name: **SITE PLAN**

Project: **3110 LAFAYETTE ROAD AND 65 OCEAN ROAD  
 PORTSMOUTH NH 03801**

Owner of Record: CARTER CHAD WEEKS REALTY TRUST WEEKS KALEYE TRUSTEE  
 65 OCEAN RD. PORTSMOUTH, NH 03801 P.O. BOX 100, HAMPTON FALLS, NH 03844

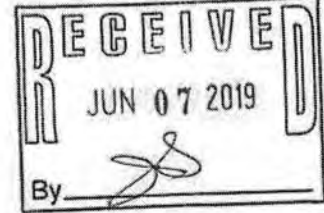
DRAWING NO.  
**C2**  
 SHEET 1 OF 2  
 JBE PROJECT NO 18185



# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7281

Planning Department  
(603) 610-7216



## PLANNING DEPARTMENT

May 31, 2019

Kaley E. Weeks, Trustee  
Weeks Realty Trust  
3110 Lafayette Road  
Portsmouth, New Hampshire 03801

Chad Carter  
65 Ocean Road  
Portsmouth, New Hampshire 03801

Tuck Realty Corporation  
c/o Hoeffle, Phoenix, Gormley & Roberts, PLLC  
PO Box 4480  
Portsmouth, New Hampshire 03802-4480

Re: Property at 3110 Lafayette Rd, Lafayette Road, & 65 Ocean, Permit LU 19-37  
Assessor Plan 292, Lots 151-1, 151-2 and 153

Dear Applicants:

The Board of Adjustment at its reconvened meeting on May 28, 2019 completed its consideration of your application described as follows:

### Application:

Case 5-10

Petitioners: Weeks Realty Trust, Kaley E. Weeks, Trustee and Chad Carter, owners and Tuck Realty Corporation, applicant  
Property: 3110 Lafayette Road and 65 Ocean Road  
Assessor Plan: Map 292, Lots 151-1, 151-2 and 153  
District: Single Residence B  
Description: Construct 23 townhouses on three merged lots.  
Requests: Variances and/or Special Exceptions necessary to grant the require relief from the Zoning Ordinance including the following variances:

- a) from Section 10.513 to allow more than one dwelling per lot;
- b) from Section 10.521 to allow a lot area per dwelling unit of 4,205± s.f. where 15,000 s.f. is required; and
- c) from Section 10.440, Use #1.40 to allow townhouses in a district where they are not permitted.

Action:

The Board voted to **deny** the petition as presented and advertised.

Review Criteria:

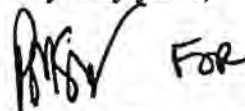
The petition was denied for the following reasons:

- All the criteria necessary to grant a variance were not met.
- The variances would be contrary to the public interest and the spirit of the ordinance would not be observed.
- While the new petition from the applicant is more in keeping with the essential character of the neighborhood, the number of units, and their similarity in size and massing will still have too great an impact on the closest area of relatively uniform, small single family homes.
- With specific reference to the spirit of the ordinance, considerable relief is being requested relative to the zone in which the lots are located. While there are nearby properties in other zones, these properties remain in a single residence zone. Even functioning as a transition area, the proposed development would not provide an appropriate buffer between the rest of the neighborhood in which it is located and other areas in the vicinity which are located in a different zone.
- While the property does have special conditions that distinguish it from other properties in the area, there are general public purposes of the ordinance which outweigh the specific application, and there are other reasonable uses of the property.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 30 days after the vote. Please contact the Planning Department for more details about the appeals process.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,



David Rheume, Chairman  
Board of Adjustment



Kaley Weeks, Chad Carter & Tuck Realty Corporation - Page Three  
May 31, 2019

c: Robert Marsilia, Chief Building Inspector  
Roseann Maurice-Lentz, City Assessor  
R. Timothy Phoenix

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**MINUTES OF THE  
BOARD OF ADJUSTMENT RECONVENED MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

May 28, 2019  
Reconvened From  
May 21, 2019

**MEMBERS PRESENT:** Chairman David Rheame, Vice-Chairman Jeremiah Johnson, Jim Lee, Peter McDonell, Christopher Mulligan, Arthur Parrott, Alternates Phyllis Eldridge and Chase Hagaman

**MEMBERS EXCUSED:** John Formella

**ALSO PRESENT:** Peter Stith, Planning Department

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The alternate Ms. Eldridge assumed a voting seat.

**I. PUBLIC HEARINGS – NEW BUSINESS**

~~1) Case 5-8~~

~~Petitioners: 75 NH Ave LLC and Two International Construction Co., LLC, applicant  
Property: 85 New Hampshire Avenue  
Assessor Plan: Map 306, Lot 3  
District: (Pease) Airport Business Commercial  
Description: Signage  
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Pease Development Ordinance including the following variance:  
a) from Section 306.01(d) to allow aggregate signage of 256.75± s.f. where 200 s.f. is the maximum aggregate allowed.~~

**SPEAKING IN FAVOR OF THE PETITION**

~~The project manager Burns Barford said they were seeking a variance for monument and building signage for their anchor tenant. He reviewed the petition and said the criteria would be met. In response to the Board's questions, Mr. Barford said the building had only one suite that wasn't currently built out and there was no obligation to any other tenant for future building-mounted signage. He said the name of the tenant would appear on the building-mounted sign and the monument sign would indicate the building's location.~~

Minutes Approved 6-18-19

~~No one rose to speak, and Chairman Rheaume closed the public hearing.~~

## **DECISION OF THE BOARD**

*Mr. Parrott moved to **recommend approval**, and Mr. Lee seconded.*

Mr. Parrott said it was a straightforward request and similar to what was used in many other facilities. He noted that the applicant would have a regular auditing program to check the integrity of the tanks and that the secondary backup of the pit arrangement would allow any adverse effect to be detected before getting out to the environment. He said the project would have no adverse effect or diminution of value of surrounding properties because it was just a continuation of existing machinery and facilities and there was plenty of room. He said it would be a benefit to the public interest to see the business prosper and would not pose any harm to the environment. In terms of the hardship, he said the company was the best one to know about backup or emergency power to keep their operation running smoothly, and denying the request would be detrimental to them and not have a positive effect on anyone else. He said substantial justice would be done and could see no effect on the public interest. He said the proposed use was not contrary to the spirit of the zoning of the rule, noting that people operated their businesses as they needed to in a safe and responsible fashion. He said he was satisfied that the request met all the criteria.

Mr. Lee concurred and had nothing to add.

Chairman Rheaume said he would support the motion. He noted that Lonza at some point should consider whether there was a better way to provide a central tank location that would be easier to inspect than all the smaller tanks. He said it might be a positive benefit to think longer-term about having one large tank so that they didn't have to return before the Board.

~~*The motion passed by unanimous vote, 7-0.*~~

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Mr. Hagaman returned to Alternate status, and Ms. Eldridge assumed a voting seat.

### 3) Case 5-10

Petitioners: Weeks Realty Trust, Kaley E. Weeks, Trustee and Chad Carter, owners and Tuck Realty Corporation, applicant  
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- c) from Section 10.440, Use #1.40 to allow townhouses in a district where they are not permitted.

### **SPEAKING IN FAVOR OF THE PETITION**

Attorney Tim Phoenix was present on behalf of the applicant. He introduced Michael Garrity and the architect Michael Keane. He reviewed the petition in detail, emphasizing that the project was in a transitional area between the SRB District and the Gateway. He reviewed the criteria and said they would be met.

In response to Mr. Hagaman's questions, Attorney Phoenix said the units would be just under 2,000 square feet and that it hadn't been determined whether they would be condominiums or not. He said the units would be a standard size and that they had not considered more workforce-oriented units. He said the pantry on the corner was for sale.

Ms. Eldridge said the Gateway District's standards were to create quality places by allowing site development with meaningful public centers and to encourage high-quality housing for a variety of household types and incomes. She said she wasn't sure that the applicant was meeting the spirit of the ordinance in terms of having no workforce housing or public space. Attorney Phoenix said the project was one of transition and that it was unlikely that the two front lots would be developed residentially. He said he didn't know what the leasing price would be or who a public park would draw. Mr. Garrity said they would consider a mix of unit sizes, smaller units, and opportunities for different incomes.

Mr. McDonell said he saw the traffic report and agreed that there might be a minimal change in overall volume but wondered about issues with traffic queues. Attorney Phoenix said the findings indicated that the queues were expected to be minimal. Mr. Garrity said the traffic analyst re-evaluated the traffic for the new design and said there was an adequate queuing on Ocean Road, but that they could evaluate whether two entrances were appropriate or having a dedicated turn lane. Mr. McDonell noted that the applicant said the site was unlikely to be re-developed into single-family homes. He asked if that was because it hadn't been done yet or the economics of building a house on Lafayette Road were not as good as elsewhere. Attorney Phoenix said the project made sense based on the cost of building homes and the value of land in Portsmouth. He said the property had been vacant for a long time and thought someone would have bought it by now if they thought it was viable.

Chairman Rheaume said he thought the new proposal came back with less workforce housing and that he was also wondering whether the application would not be fully compliant with everything in the Gateway District. Attorney Phoenix said the Board's main concern at the previous hearing was the mass and height of the buildings. Mr. Stith said he did an analysis and found that the project was doing one building type, but if they had more than one type, it would

kick them into a development site. He said the applicant was not asking for a density incentive that would require them to provide workforce housing.

Chairman Rheume said one of the requirements was to modulate the front façade of the buildings. He asked the applicant if they had considered varying the heights and setbacks, noting that the project looked monotone. Mr. Keane said they had some room for the height to go up but not room to go down. He agreed that the buildings needed modulation and that they tried to get some variation by creating the dormer-like roof. He noted that the conceptual design could be developed further. Mr. Hagaman asked if the roofline could be adjusted if the size of the units were altered. Mr. Keane said they might have to eliminate the indoor garages to make the units smaller. Chairman Rheume asked whether the driveway corner could be made to look more aesthetically pleasing for the neighborhood. Mr. Garrity explained how they could incorporate it into the design and eliminate the giant curb cut.

### **SPEAKING IN OPPOSITION TO THE PETITION**

No one rose to speak.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Rick Becksted of 1395 Islington Street said he was happy the building was reduced to three stories. He said he felt that the area was not considered as the Gateway due to the single-family homes around it, and he explained why there was no hardship.

### **DISCUSSION AND DECISION OF THE BOARD**

Mr. Mulligan said he disagreed that there was no hardship. He said the requested relief was significant but the project was in a unique area that was ill-suited to the uses permitted in the SRB zone. He pointed out that one lot hadn't been developed for years, and the other lot that had a single-family home was very close to the intersection of Lafayette and Ocean Roads and had a traffic island fronting it, so it wasn't a typically desirable neighborhood for SRB. He said the applicant had acquired a few parcels and proposed to amalgamate them into a substantial land area for the vicinity, which he felt were special conditions to the property and created a hardship. Mr. Lee agreed, noting that the Board had several previous proposals to develop the property but that the applicant's proposal came closer to the best use of the property.

Mr. McDonell agreed that there was some hardship with the property but not to the extent that it required that much relief. He said the Gateway Zone standards were relevant and thought it was reasonable to put more than a few single-family homes on the corner but that what was requested might be too much. On the other hand, he said the standard encouraged high-quality housing for a variety of household types and incomes, which leaned in favor of allowing a denser development, so he was torn. He said he still didn't think the 2,000-s.f. units would be appropriate but felt that a somewhat lower number and a variety of sized units might help and may be closer to appropriate relief for the hardship. He noted that the property was at the edge of

a very large chunk of the SRB zone and that it wasn't unreasonable to expect that it would stay that way. He thought it could stay somewhere in the middle. Vice-Chair Johnson said the fact that the property was located at an edge of a zone was a good opportunity for that type of development, noting that the zoning didn't really account for a buffer zone. He explained it in further detail. He said he wasn't completely sold on the number of units and thought it might be too much for the location, but he also thought it was close.

Ms. Eldridge said it seemed like a reasonable development at the end of single-family units and that it wouldn't take away from property values, but she was troubled by invoking the Gateway District for an increase in density and wanted to see more affordable units involved. Vice-Chair Johnson said it wasn't the Board's place to put that type of stipulation on a project of that nature. He said the Board was being asked to consider something more intense than the zone around it despite the fact that there was a residential zone there. He said he found it interesting that none of the multiple residential abutters were present to speak in opposition.

Mr. Parrott said that for him, the area was logically one-sided on Lafayette Road. He said the logical dividing line between the SRB area and the Gateway area across the street was almost irrelevant because the road was so big and busy that it was a logical barrier and that it wasn't surprising that the two sides of the road were very different. He said the lots represented a proposed corner of a substantial residential zone, and what was being asked was ambitious for that amount of land, especially in terms of density in an SRB. He said the proposal was much better than the applicant's previous one in that it was totally residential, but he thought it was still too intense and not at the level that would meld with the adjacent properties.

Chairman Rheume said he thought the applicant met the hardship because the lots were unusually large, relative to the majority of the lots in Maple Haven, and that part of the reason the lots didn't sell was that there was a value to the actual land. To put a single-family home on it, the value of that home relative to the value of the large lot made a lot less sense than there would be for a smaller subdivision of the properties. He said he didn't know how it ended up that some of the other areas were broken up with streets and smaller lots were created that had the 1950s feeling of smaller single-family homes. He said it was a huge amount of land in an odd configuration that didn't lend itself to being usable for accessory uses for a single-family home. He said it had an awkward feel to it and was on an edge zone as well, which created a hardship. He said the applicant struggled more with the spirit of the ordinance in terms of requesting a lot of relief regarding the SRB. He said he was concerned that the Board might be spot-zoning the property by granting the relief. He said it was a big step in being more in keeping with the public interest and the character of the neighborhood, but that the number of units and massing would have an artificial creation feeling that the rest of the neighborhood didn't have. He said that more effort in creating variety and in the number of units might make him more comfortable.

*Mr. McDonell moved to deny the request. Mr. Parrott seconded.*

Mr. McDonell said the Board had a good conversation and that he agreed with most of the comments. He thought the petition failed to meet the hardship. He said there was some hardship but didn't think it reached the level that it needed to in order for the Board to grant such an

extensive request. He thought there was a possibility that it would change the character of the neighborhood because there were uniform small, single-family homes on that corner, and in order to be in keeping with the character of the immediate neighborhood, the project needed to be closer to that. He said he didn't think the project observed the spirit of the ordinance because a transition zone wasn't a thing. He said the Board was required to look at it as the SRB and, while it was sort of a transition area, it would be too much of a transition and wouldn't provide the buffer between the interest of the neighborhood in the Gateway District and other areas of the vicinity. He said for those reasons he didn't think the petition met the criteria.

Mr. Parrott concurred and had nothing to add.

Vice-Chair Johnson said he would reluctantly support the motion. He thought the project was close but felt that, based on the commentary, there was a little bridge that needed to be gapped to get there. Chairman Rheame agreed that it was very close and that good things were proposed, but it was still an SRB zone. Ms. Eldridge said she would not support the motion because, even though the project was significantly different from the Maple Haven area, she didn't see that it would infringe or change lifestyles in that area and also didn't think that what presently existed added anything to the neighborhood.

*The motion to deny passed by a vote of 4-3, with Mr. Lee, Mr. Mulligan, and Ms. Eldridge voting in opposition.*

~~Ms. Eldridge returned to Alternate status, and Mr. Hagaman assumed a voting seat.~~

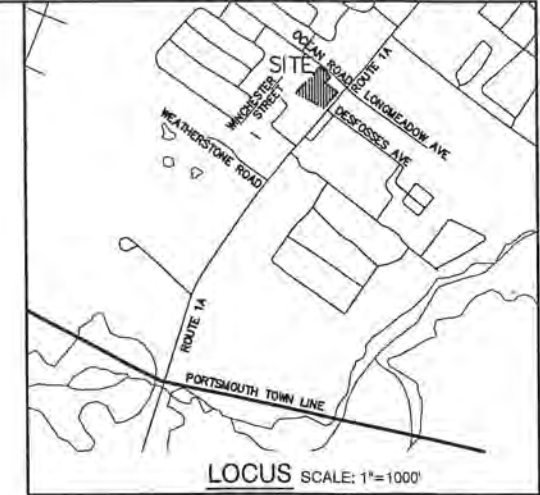
#### 4) Case 5-11

Petitioners: Michael R. & Denise Todd  
 Property: 254 South Street  
 Assessor Plan: Map 124, Lot 9  
 District: Single Residence B and the Historic District  
 Description: Install A/C unit.  
 Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following:  
 a) a variance from Section 10.521 to allow a 6.5'± left side yard where 10' is required.

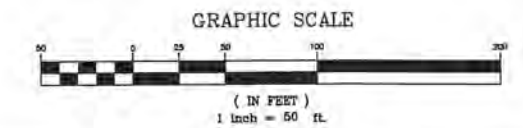
#### **SPEAKING IN FAVOR OF THE PETITION**

The applicant Denise Todd reviewed her petition, noting that a fence would shield the air conditioning unit but that the piping would run up the building.

In response to the Board's questions, Mr. Todd said her neighbors approved the project. She said ~~other areas on the property would not be suitable because the piping would have to run all the~~



**EXHIBIT**  
4



APPROVED - PORTSMOUTH, NH PLANNING BOARD	PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 292, LOTS 153, 151-1 AND 151-2
DATE: _____	APPLICANT TUCK REALTY CORP. 149 EPPING ROAD, SUITE 2A EXETER NH, 03833
	TOTAL LOT AREA 96,706 SQ. FT. = 2.22 ACRES ±

F:\CADD\MASTER STANDARD\JMB\LAYOUTS.dwg 2/16/2017 12:25:50 PM EST

Design: PLB	Draft: PLB	Date: 8/6/18
Checked: JAC	Scale: 1" = 50'	Project No.: 18165
Drawing Name: 18165-CONCEPT.DWG		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
5	8/21/19	ISSUED TO ZBA	PLB
7	6/14/19	REVISED LAYOUT PER ZBA COMMENTS	PLB
6	5/1/19	ISSUED TO ZBA	PLB
5	3/12/19	MINOR REVISIONS	PLB
4	2/27/19	ISSUED TO ZBA	PLB

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
Civil Engineering Services

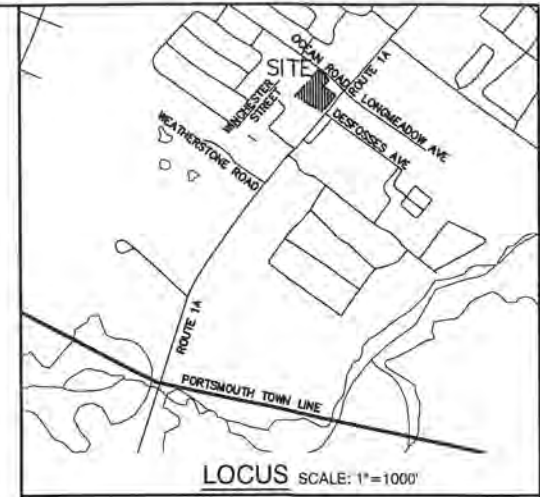
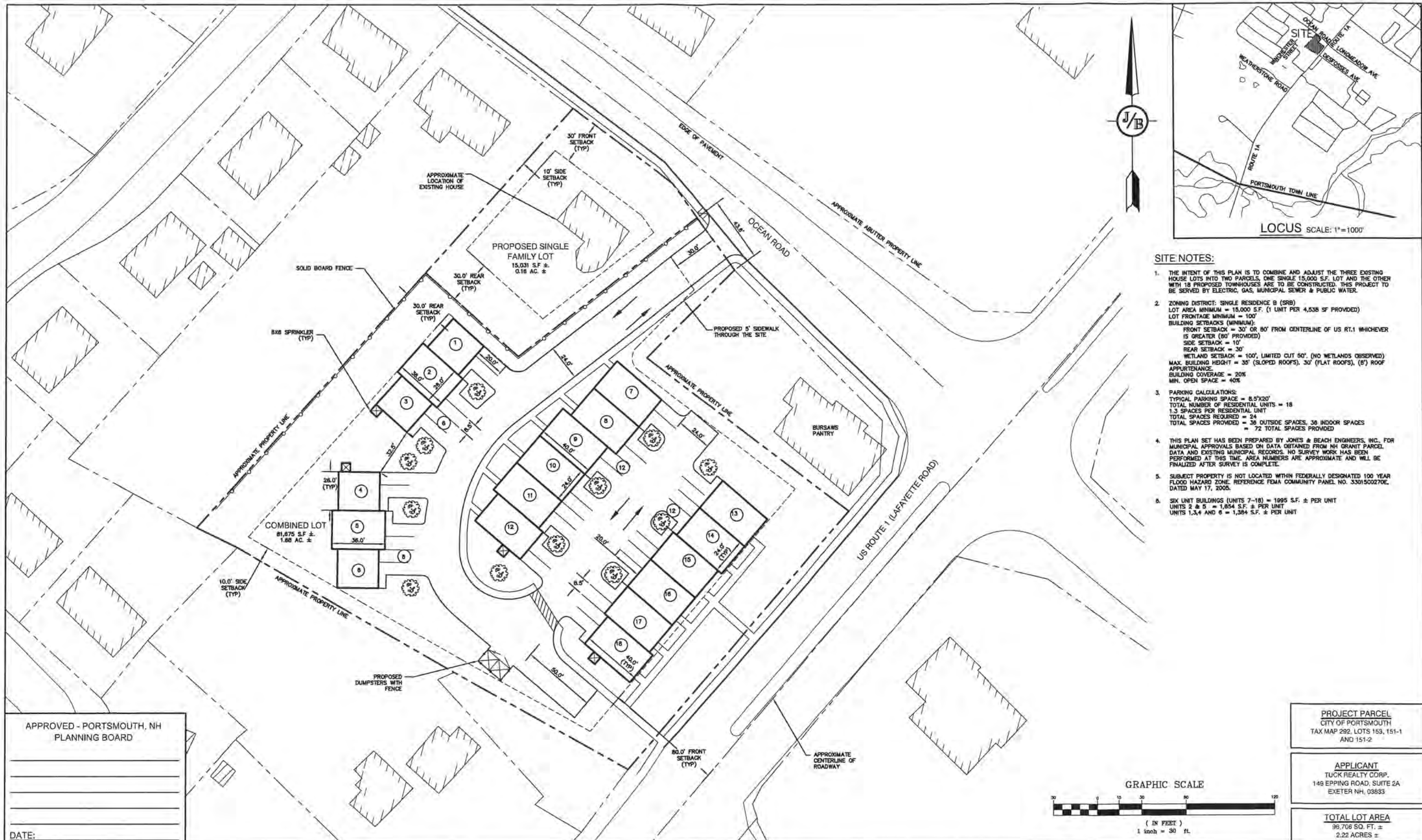
85 Portsmouth Ave.  
PO Box 219  
Stratham, NH 03885

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>EXISTING CONDITIONS PLAN</b>
Project:	<b>3110 LAFAYETTE ROAD AND 65 OCEAN ROAD PORTSMOUTH NH 03801</b>
Owner of Record:	CARTER CHAD WEEKS REALTY TRUST, WEEKS KALEY E TRUSTEE 65 OCEAN RD, PORTSMOUTH, NH 03801 PO BOX 100, HAMPTON FALLS, NH 03844

DRAWING No.  
**C1**  
SHEET 1 OF 2  
JBE PROJECT NO. 18165





- SITE NOTES:**
1. THE INTENT OF THIS PLAN IS TO COMBINE AND ADJUST THE THREE EXISTING HOUSE LOTS INTO TWO PARCELS, ONE SINGLE 15,000 S.F. LOT AND THE OTHER WITH 18 PROPOSED TOWNHOUSES ARE TO BE CONSTRUCTED. THIS PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.
  2. ZONING DISTRICT: SINGLE RESIDENCE B (SRB)  
 LOT AREA MINIMUM = 15,000 S.F. (1 UNIT PER 4,538 S.F. PROVIDED)  
 LOT FRONTAGE MINIMUM = 100'  
 BUILDING SETBACKS (MINIMUM):  
 FRONT SETBACK = 30' OR 80' FROM CENTERLINE OF US RT.1 WHICHEVER IS GREATER (80' PROVIDED)  
 SIDE SETBACK = 10'  
 REAR SETBACK = 30'  
 WETLAND SETBACK = 100', LIMITED CUT 50'. (NO WETLANDS OBSERVED)  
 MAX. BUILDING HEIGHT = 35' (SLOPED ROOFS), 30' (FLAT ROOFS), (8') ROOF APPURTENANCE  
 BUILDING COVERAGE = 20%  
 MIN. OPEN SPACE = 40%
  3. PARKING CALCULATIONS:  
 TYPICAL PARKING SPACE = 8.5'x30'  
 TOTAL NUMBER OF RESIDENTIAL UNITS = 18  
 1.3 SPACES PER RESIDENTIAL UNIT  
 TOTAL SPACES REQUIRED = 24  
 TOTAL SPACES PROVIDED = 36 OUTSIDE SPACES, 36 INDOOR SPACES  
 = 72 TOTAL SPACES PROVIDED
  4. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR MUNICIPAL APPROVALS BASED ON DATA OBTAINED FROM NH GRANIT PARCEL DATA AND EXISTING MUNICIPAL RECORDS. NO SURVEY WORK HAS BEEN PERFORMED AT THIS TIME. AREA NUMBERS ARE APPROXIMATE AND WILL BE FINALIZED AFTER SURVEY IS COMPLETE.
  5. SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 3301500270E, DATED MAY 17, 2005.
  6. SIX UNIT BUILDINGS (UNITS 7-18) = 1995 S.F. ± PER UNIT  
 UNITS 2 & 5 = 1,854 S.F. ± PER UNIT  
 UNITS 1,3,4 AND 6 = 1,384 S.F. ± PER UNIT

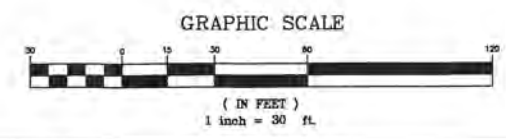
APPROVED - PORTSMOUTH, NH  
 PLANNING BOARD

DATE:

**PROJECT PARCEL**  
 CITY OF PORTSMOUTH  
 TAX MAP 292, LOTS 153, 151-1  
 AND 151-2

**APPLICANT**  
 TUCK REALTY CORP.  
 148 EPPING ROAD, SUITE 2A  
 EXETER NH, 03833

**TOTAL LOT AREA**  
 96,706 SQ. FT. ±  
 2.22 ACRES ±



Design: PLB	Draft: PLB	Date: 8/6/18
Checked: JAC	Scale: 1" = 50'	Project No.: 18165
Drawing Name: 18165-CONCEPT.DWG		
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4	2/27/19	ISSUED TO ZBA	PLB
REV.	DATE	REVISION	BY

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave.  
 P.O. Box 219  
 Stratham, NH 03885

*Civil Engineering Services*

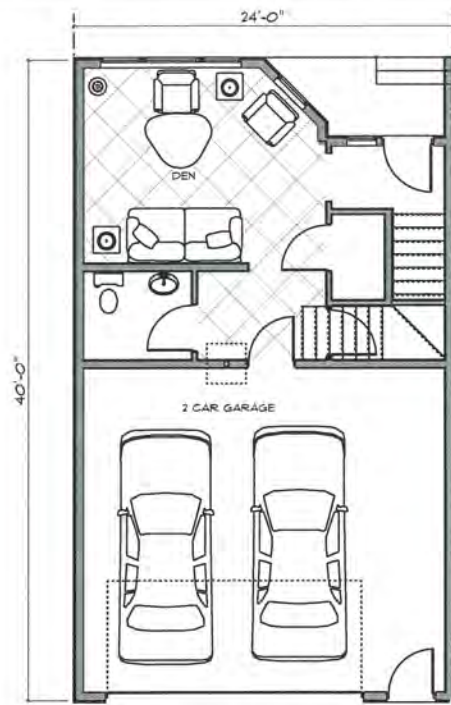
603-772-4746  
 FAX: 603-772-0227  
 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>SITE PLAN</b>
Project:	<b>3110 LAFAYETTE ROAD AND 65 OCEAN ROAD      PORTSMOUTH NH 03801</b>
Owner of Record:	CARTER CHAD 65 OCEAN RD, PORTSMOUTH, NH 03801
	WEEKS REALTY TRUST, WEEKS KALEY E TRUSTEE PO BOX 106, HAMPTON FALLS, NH 03844

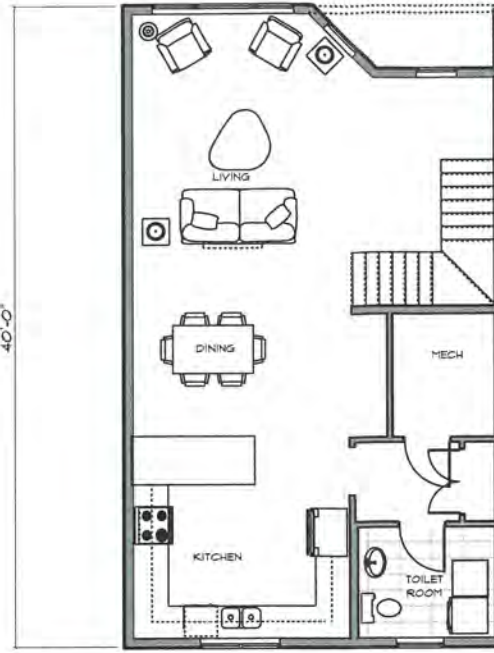
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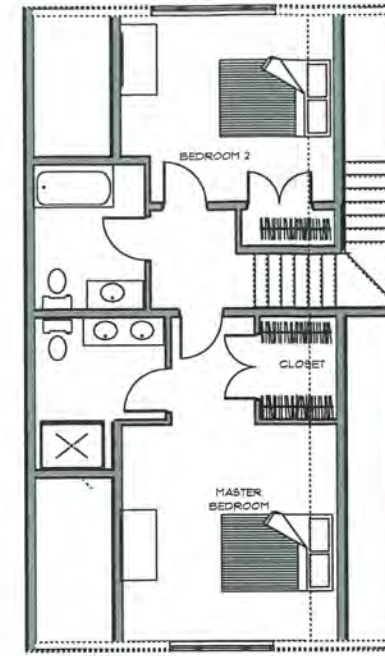
SHEET 1 OF 2  
 JBE PROJECT NO. 18165



**FIRST FLOOR PLAN**  
 925 +/- S.F. GROSS  
 390 +/- FINISHED  
 SCALE: 3/16" = 1'-0"



**SECOND FLOOR PLAN**  
 925 +/- S.F.  
 UNIT TOTAL FINISHED AREA  
 1,995 +/- S.F.  
 SCALE: 3/16" = 1'-0"



**THIRD FLOOR PLAN**  
 966 +/- S.F. GROSS  
 680 +/- S.F. FINISHED  
 SCALE: 3/16" = 1'-0"



**mjk**  
 Michael J. Keane  
 Architects, PLLC  
 ARCHITECTURE  
 PLANNING  
 DESIGN  
 101 Kent Place  
 Newmarket, NH  
 03857  
 603-292-1400  
 mjkarchitects.com

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CONSULTANTS

REVISIONS

APPROVALS

ZBA APPLICATION  
 6/21/2019

Accept only original stamp and signature  
 copies may contain unauthorized modifications

PROJECT

3110 LAFAYETTE ROAD AND  
 65 OCEAN ROAD  
 PORTSMOUTH, NH  
 FOR TUCK REALTY CORP  
 1149 EPPING ROAD, SUITE 2A  
 EXETER NH 03833

TITLE

CONCEPT PLANS A

DRAWN BY: MJK

CHECKED BY: MJK

DATE: 6/21/2019

SCALE:

DRAWING NO.

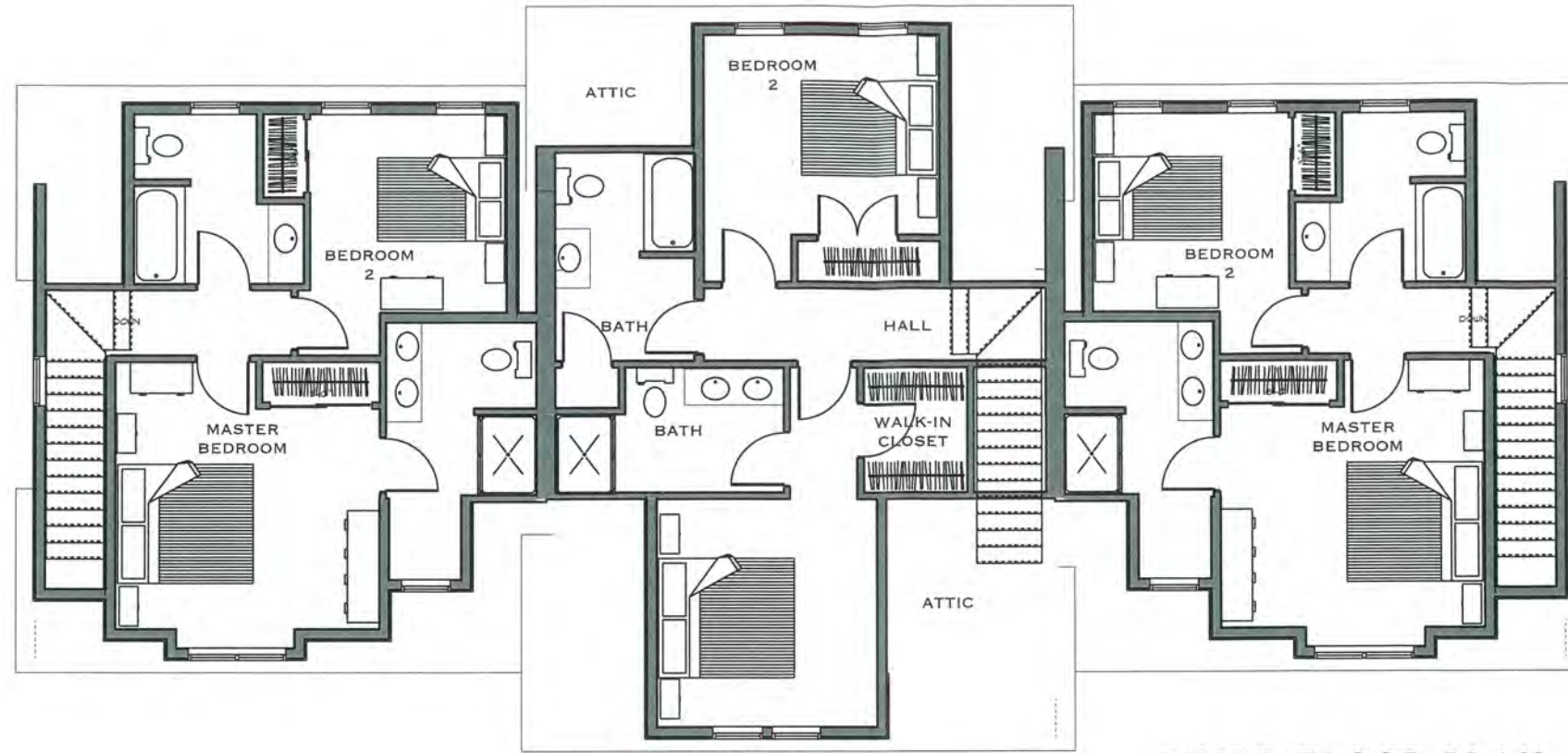
**A-1**

DO NOT SCALE PRINTS



6 UNIT GROUP

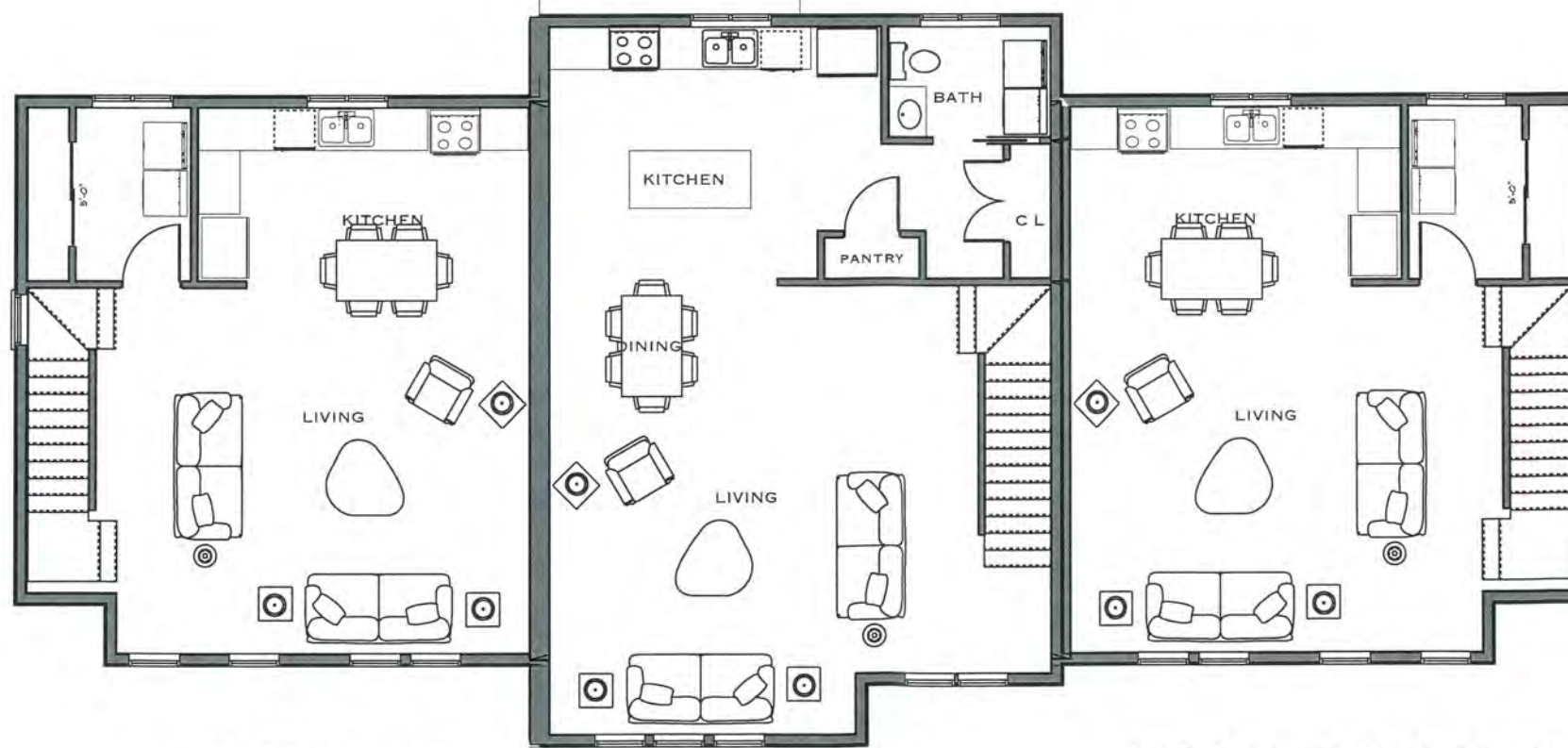
**UNIT A ELEVATIONS**  
 SCALE: 3/16" = 1'-0"



567 S.F. FINISHED

615 S.F. FINISHED

THIRD FLOOR PLAN



725 S.F. FINISHED

918 S.F. FINISHED

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

**mjk**

Michael J. Keane  
Architects, PLLC

ARCHITECTURE  
PLANNING  
DESIGN

101 Kent Place  
Newmarket, NH  
03857

603-292-1400  
mjkarchitects.com

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REVISIONS

APPROVALS

ZBA APPLICATION  
6/21/2019

Accept: only original stamp and signature  
copies may contain unauthorized modifications

PROJECT

3110 LAFAYETTE ROAD AND  
65 OCEAN ROAD  
PORTSMOUTH, NH

FOR TUCK REALTY CORP

1149 EPPING ROAD, SUITE 2A  
EXETER NH 03833

TITLE

CONCEPT PLANS B

DRAWN BY: MJK

CHECKED BY: MJK

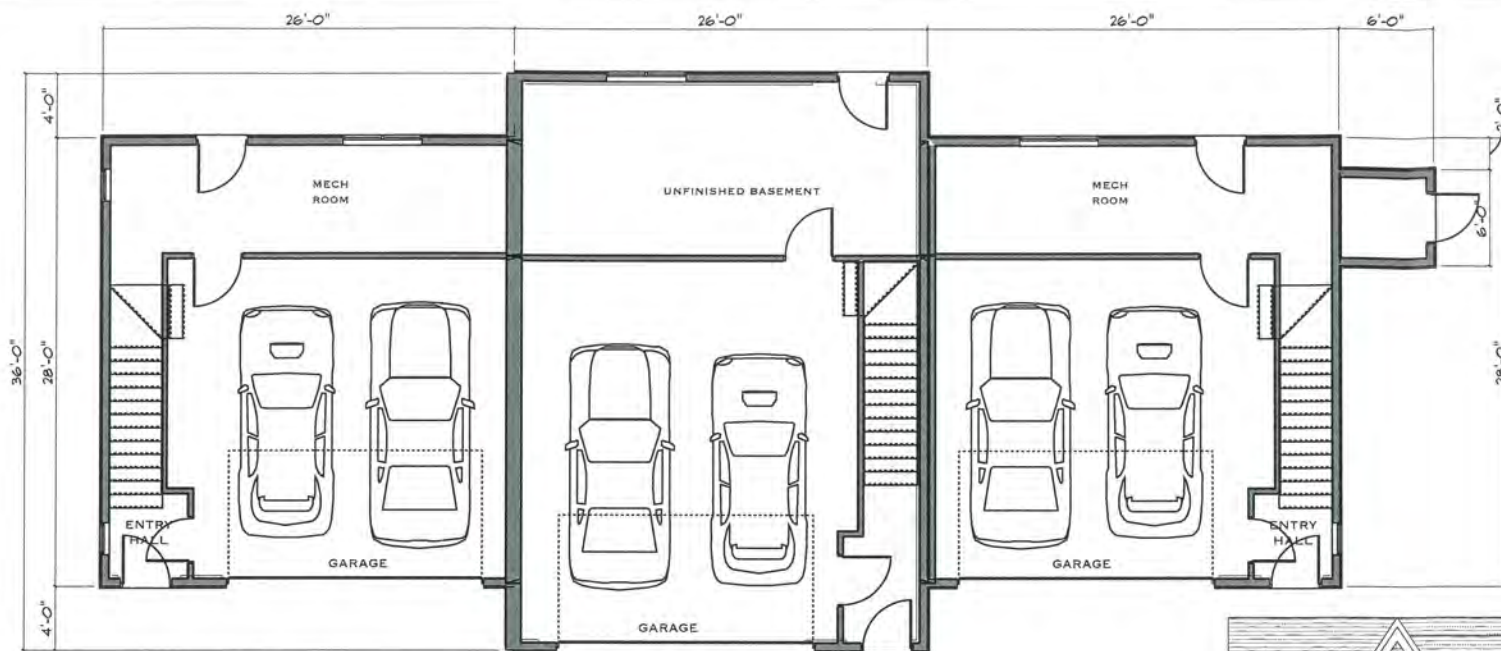
DATE: 6/21/2019

SCALE:

DRAWING NO.

A-2

DO NOT SCALE PRINTS



92 +/- S.F. FINISHED

121 +/- S.F. FINISHED

UNIT TOTAL FINISHED AREA  
1,384 S.F.

UNIT TOTAL FINISHED AREA  
1,654 +/- S.F.

FIRST FLOOR PLAN



3 UNIT GROUP



RIGHT SIDE ELEVATION  
UNIT B BUILDING GROUP  
(WITH SPRINKLER ROOM)



REAR ELEVATION  
UNIT B BUILDING GROUP  
(WITH SPRINKLER ROOM)

**mjk**

Michael J. Keane  
Architects, PLLC

ARCHITECTURE  
PLANNING  
DESIGN

101 Kent Place  
Newmarket, NH  
03857

603-292-1400  
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects PLLC and may not be duplicated, used or disclosed without the written consent of Michael J. Keane Architects PLLC, Newmarket, NH.  
© 2019

CONSULTANTS

REVISIONS

APPROVALS

ZBA APPLICATION  
6/21/2019

Accept only original stamp and signature  
copies may contain unauthorized modifications

PROJECT

3110 LAFAYETTE ROAD AND  
65 OCEAN ROAD  
PORTSMOUTH, NH

FOR TUCK REALTY CORP

1149 EPPING ROAD, SUITE 2A  
EXETER NH 03833

TITLE

B AND C GARAGE

DRAWN BY: MJK

CHECKED BY: MJK

DATE: 6/21/2019

SCALE:

DRAWING NO.

DO NOT SCALE PRINTS



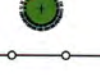
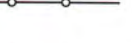

A-3

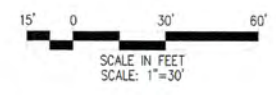


**GENERAL NOTES**

1. LANDSCAPING SHOWN ON PLANS FOR INTENT ONLY. PLANT QUANTITIES AND LOCATIONS MAY CHANGE UPON DEVELOPMENT OF A DETAILED PLANTING PLAN AND SCHEDULE.
3. EXISTING TREES AND SHRUBS ALONG PROPERTY LINE WILL BE PROTECTED IF POSSIBLE AND MAY REPLACE THOSE SHOWN ON THE PLAN.
4. ALL PLANTING OPERATIONS SHALL BE COMPLETED IN ACCORDANCE WITH STANDARD HORTICULTURAL PRACTICES AS SPECIFIED IN "THE PLANTING AND CARE OF SHADE TREES." THIS MAY INCLUDE, BUT NOT BE LIMITED TO: PROPER PLANTING, BED AND TREE PIT PREPARATION, PLANTING MIX, PRUNING, STAKING & GUYING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE OF MATERIALS DURING CONSTRUCTION ACTIVITIES.
5. EXISTING TREES TO BE RETAINED SHALL BE PROTECTED FROM SOIL COMPACTION AND OTHER DAMAGES WHICH MAY OCCUR DURING CONSTRUCTION ACTIVITIES BY ERECTING A SNOW FENCE AROUND SUCH MATERIALS AT A DISTANCE OF AT LEAST 8.5' FROM THE TRUNK.
6. INVASIVE PLANT SPECIES ONSITE SHALL BE IDENTIFIED, REMOVED, AND PROPERLY DISPOSED OF PER THE NEW HAMPSHIRE GUIDE TO UPLAND INVASIVE SPECIES, MOST RECENT EDITION.
7. LANDSCAPING SHALL NOT OBSTRUCT THE LINE OF SIGHT, OR CREATE OTHER HAZARDS FOR VEHICULAR AND PEDESTRIAN TRAFFIC.
8. SEE CIVIL DRAWINGS FOR INFORMATION NOT DEPICTED ON THE LANDSCAPE DRAWINGS. NO TREE SHALL BE INSTALLED ABOVE AN UNDERGROUND UTILITY.
9. PRIOR TO THE INSTALLATION OF A TREE, MARK PROPOSED LOCATION AND VERIFY THAT NO CONFLICT EXISTS.
10. THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.
11. ALL REQUIRED PLANT MATERIALS SHALL BE TENDED AND MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY, AND KEPT FREE OF REFUSE AND DEBRIS. ALL REQUIRED FENCES AND WALLS SHALL BE MAINTAINED IN GOOD REPAIR.
12. THE PROPERTY OWNER SHALL BE RESPONSIBLE TO REMOVE AND REPLACE DEAD OR DISEASED PLANT MATERIALS IMMEDIATELY WITH THE SAME TYPE, SIZE AND QUANTITY OF PLANT MATERIALS AS ORIGINALLY INSTALLED, UNLESS ALTERNATIVE PLANTINGS ARE REQUESTED, JUSTIFIED AND APPROVED BY THE PLANNING BOARD OR PLANNING DIRECTOR.

**LEGEND**

-  LARGE SHADE TREE
-  FLOWERING TREE
-  EVERGREEN TREE
-  SOLID BOARD PRIVACY FENCE
-  EXISTING FENCE TO REMAIN



ISSUED FOR ZBA REVIEW



3110 Lafayette Road  
65 Ocean Road  
Portsmouth, New Hampshire  
Owners of Record:  
Carter, Chad 65 Ocean Rd. Portsmouth, NH 03801  
Weeks Realty Trust, Weeks, Kaley E. Trustee  
P.O. Box 100 Hampton Falls, NH 03844

SHEET TITLE  
**LANDSCAPE PLAN**

REV. NO.	REV. DATE	REVISION DESCRIPTION
IRONWOOD PROJECT NO.	19022.0	
DESIGN BY	J. HYLAND/J. MARTEL	
DRAWN BY	J. HYLAND/J. MARTEL	
CHECKED BY	J. HYLAND	
DATE	JUNE 20, 2019	



**L1**

Exhibit 1 - City GIS Map



Property Information  
 Property ID 0292-20151-0001  
 Location 3110 LAFAYETTE RD  
 Owner WEEKS REALTY TRUST



**MAP FOR REFERENCE ONLY**  
**NOT A LEGAL DOCUMENT**  
 City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.  
 Geometry updated 11/30/2018  
 Data updated 11/19/2018

1" = 300 ft

# Map Theme Legends

## Zoning

<b>Residential Districts</b>	
	R Rural
	SR1 Single Residence A
	SR2 Single Residence B
	GRA General Residence A
	GRB General Residence B
	GRC General Residence C
	Gallop Green Residential/Local Home Park
<b>Mixed Residential Districts</b>	
	MRO Mixed Residential Office
	MRB Mixed Residential Business
	GC Gateway Corridor
	GCZ Gateway Center
<b>Business Districts</b>	
	OB Office Business
	B Business
	HB Hybrid Business
<b>Industrial Districts</b>	
	OR Office Research
	I Industrial
	WI Washington Industrial
<b>Airport Districts</b>	
	Air Airport
	AirI Airport Industrial
	Pi Pass Industrial
	ABC Airport Business Commercial
<b>Conservation Districts</b>	
	M Municipal
	NRP Natural Resource Protection
<b>Character Districts</b>	
	CD5 Character District 5
	CD4 Character District 4
	CD4-B Character District 4-B
	CD4-L1 Character District 4-L1
	CD4-L2 Character District 4-L2
<b>Civic District</b>	
	C Civic District
<b>Municipal District</b>	
	M Municipal District
<b>Overlay Districts</b>	
	OLM Overlay Landmark
	DO Overlay District
	H Historic District

City of Portsmouth

**MEMORANDUM**



Ref: 1908A

To: Michael Garrepy  
Tuck Realty Corporation

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Multifamily Development  
Portsmouth, New Hampshire

Date: June 21, 2019

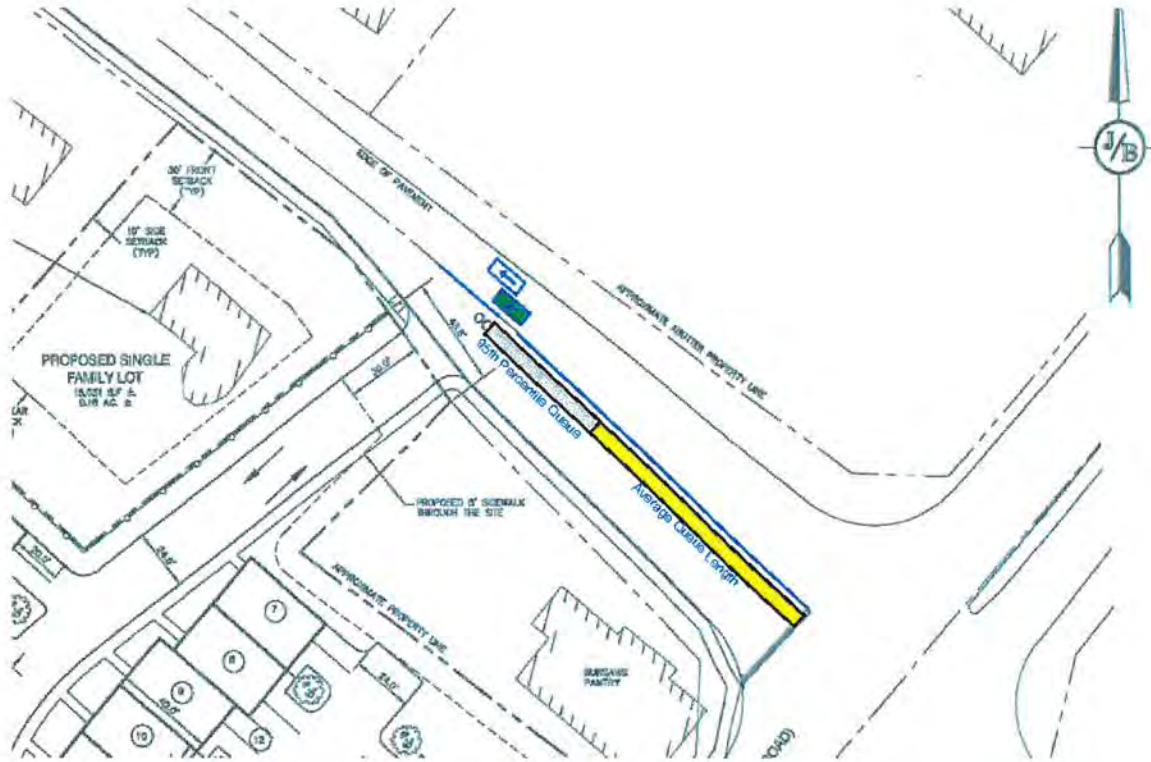
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As requested, Pernaw & Company, Inc. has investigated the left-turn arrival movement at the Ocean Road/Proposed Site Access Road intersection in Portsmouth, New Hampshire. To this end, our office: 1) updated the trip generation estimates for the subject site given the recent reduction in the number of dwelling units, 2) monitored vehicle queuing on the Ocean Road approach to US1 on a typical weekday, and 3) conducted an auxiliary turn lane warrants analysis for the Ocean Road/Proposed Site Access Road intersection. To summarize:

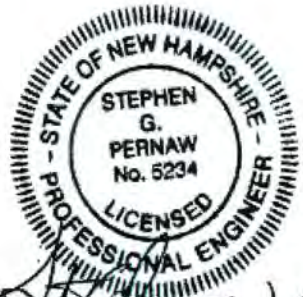
1. The proposed development has been reduced in size to 18 dwelling units (see Attachment 1). The updated trip generation analysis indicates that the site will generate approximately 9 vehicle-trips (2 arrivals, 7 departures) during the AM peak hour and 13 vehicle-trips (8 arrivals, 5 departures) during the PM peak hour (see Attachment 2).
2. A preliminary trip distribution analysis indicates that approximately 70% of the vehicles will travel to/from the subject site via US1, with the remaining 30% traveling to/from points west via Ocean Road. This translates into approximately six left-turn arrivals at the proposed site access Road intersection during the worst-case PM peak hour period (see Attachment 3).
3. The auxiliary turn lane warrants analysis indicates that a separate left-turn lane is not necessary for six left-turn arrivals. This means that the existing westbound through lane on Ocean Road will function adequately as a shared left- through lane (see Attachment 4).
4. The vehicle queuing observations on the Ocean Road approach to US1 revealed that the average queue was 4.5 vehicles during both the AM and PM peak hour periods, and that the 95<sup>th</sup> percentile queue was seven vehicles. The diagram on Page 2 illustrates these findings graphically.
5. With only six left-turn arrivals during the PM peak hour (equivalent to one vehicle arrival every 10-minutes, on average) the queue length for vehicles turning left into the site will be 0 or 1 vehicle. The most common occurrence will be no vehicles present, waiting to turn left into the site.
6. The Site Plan indicates that the westbound travel lane on Ocean Road at the proposed intersection measures approximately 19-20 feet. This is sufficient with for a westbound through vehicle



(passenger car) to travel around the occasional vehicle that may be turning left into the subject site, as shown below.

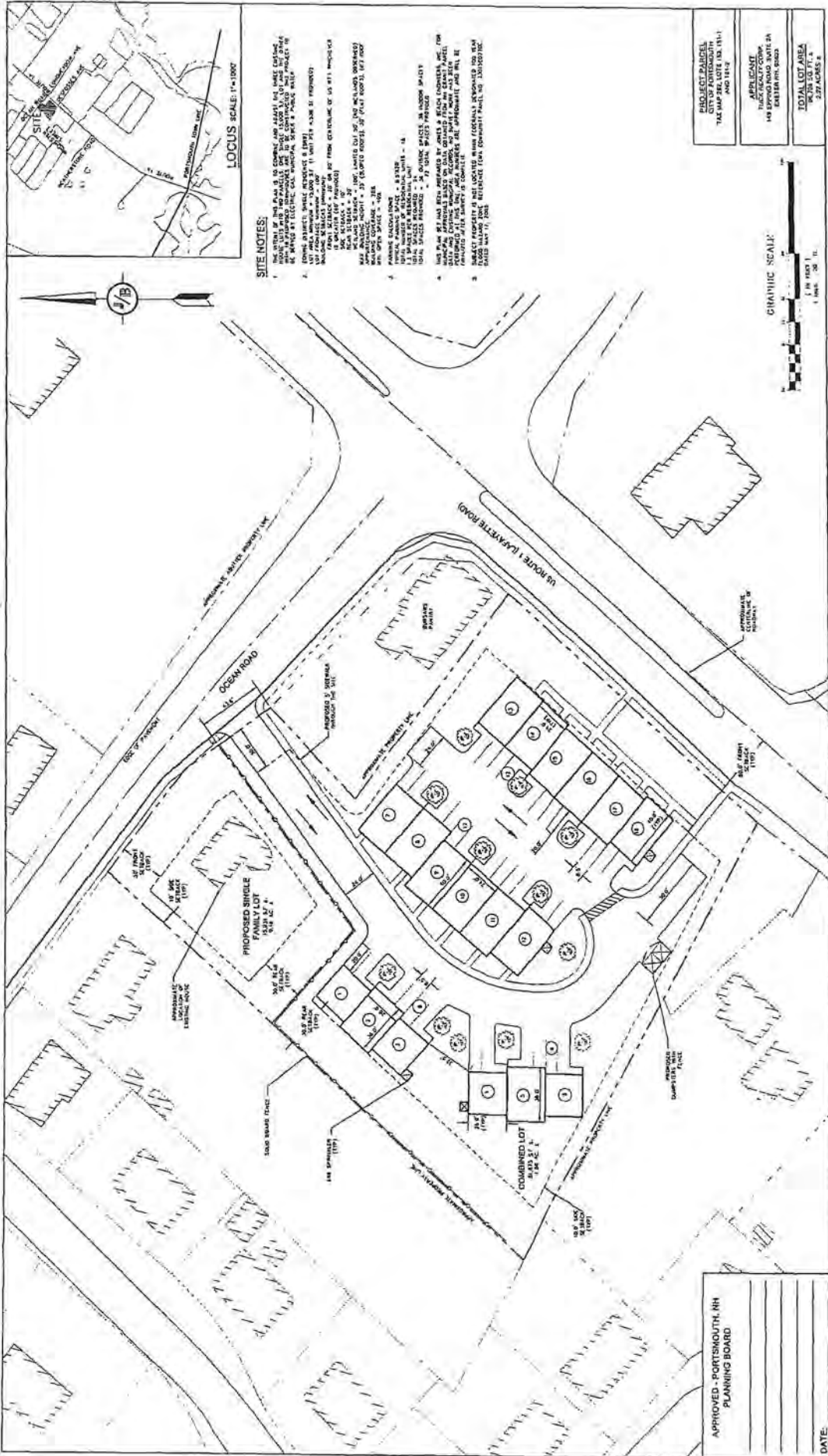


Based on our field observations and the analyses summarized herein, we find that left-turn arrivals at the subject site on Ocean Road will not result in "spillback" on Ocean Road that extends back to US1.



*Stephen G. Pernaw* 6/21/19

**ATTACHMENTS**



PROJECT PARCEL  
 3110 LAFAYETTE ROAD  
 PORTSMOUTH, NH 03801

APPLICANT  
 JONES & BEACH ENGINEERS, INC.  
 84 BRIMLEY AVENUE  
 BRIMLEY, OH 43002

TOTAL LOT AREA  
 1.27 ACRES ±

PLAN No. **C2**

3110 LAFAYETTE ROAD AND 65 OCEAN ROAD  
 PORTSMOUTH, NH 03801

OWNER: JONES & BEACH ENGINEERS, INC.  
 84 BRIMLEY AVENUE  
 BRIMLEY, OH 43002

**Jones & Beach Engineers, Inc.**  
 Civil Engineering Services

84 BRIMLEY AVENUE  
 BRIMLEY, OH 43002  
 PHONE: 614-777-1100  
 FAX: 614-777-0287  
 E-MAIL: JBE@JBEENGINEERS.COM

REV	DATE	BY
1	01/17/18	JBE
2	01/17/18	JBE
3	01/17/18	JBE
4	01/17/18	JBE
5	01/17/18	JBE
6	01/17/18	JBE
7	01/17/18	JBE
8	01/17/18	JBE
9	01/17/18	JBE
10	01/17/18	JBE
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12	01/17/18	JBE
13	01/17/18	JBE
14	01/17/18	JBE
15	01/17/18	JBE
16	01/17/18	JBE
17	01/17/18	JBE
18	01/17/18	JBE
19	01/17/18	JBE
20	01/17/18	JBE

APPROVED - PORTSMOUTH, NH  
 PLANNING BOARD

DATE: \_\_\_\_\_

Trip Generation Summary

Alternative: Alternative 1

Phase: Trip Equation Method

Project: 1908A 18 dus

Open Date: 6/20/2019

Analysis Date: 6/20/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
220	LOW-RISE 2	48	47	95	2	7	9	8	5	13
	18 Dwelling Units									
	Unadjusted Volume	48	47	95	2	7	9	8	5	13
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	48	47	95	2	7	9	8	5	13

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

\* - Custom rate used for selected time period.



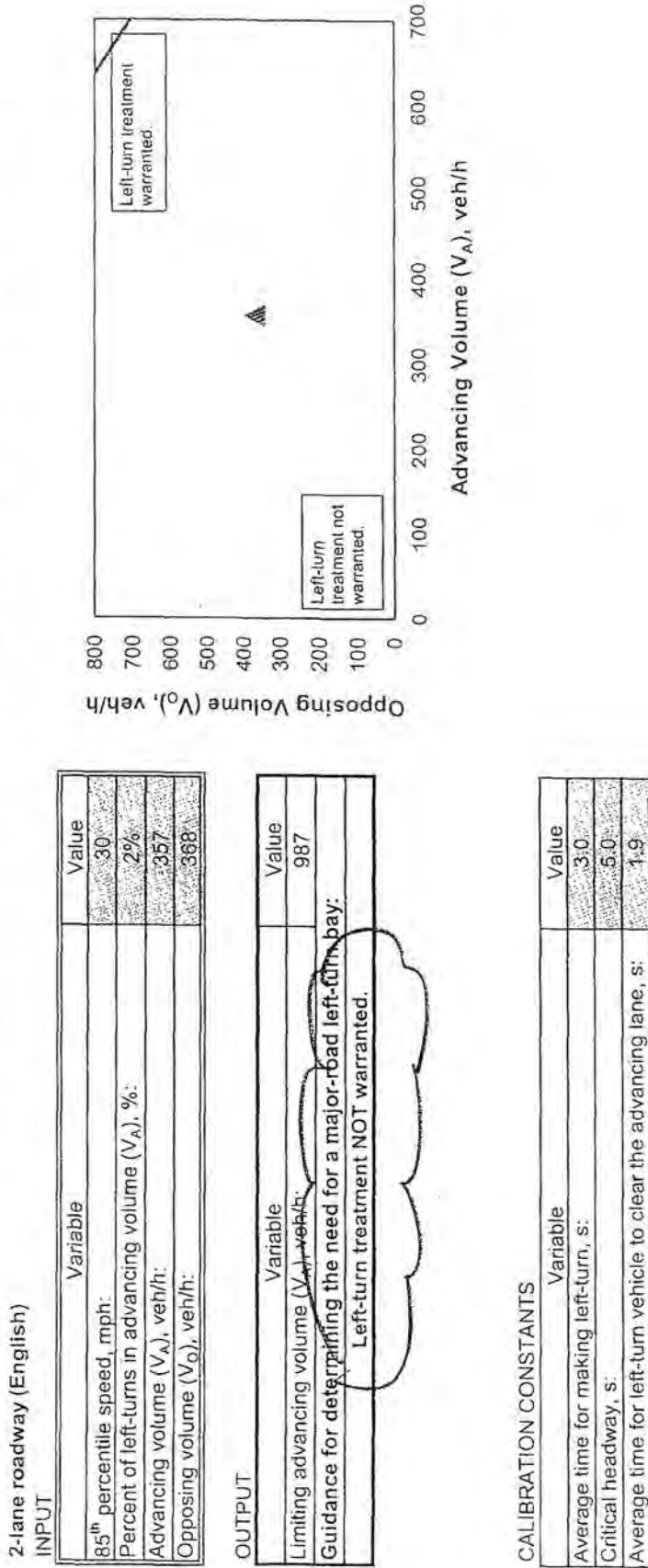
Stephen G. Pernaw & Company, Inc.

**PRELIMINARY TRIP DISTRIBUTION ANALYSIS**

**A. Work Destination Report - Where Workers are Employed Who Live in the Selection Area - by County Subdivisions**

Jobs Counts by County Subdivisions Where Workers are Employed - All Jobs	Gateway %						Gateway Allocation					
	NORTH			WEST			NORTH SOUTH WEST					
	A	B	C	A	B	C	A	B	C			
<b>OUTBOUND</b>												
Portsmouth city (Rockingham, NH)	0.75		0.25	3243	0	1081	4324					
Dover city (Strafford, NH)	0.90		0.10	520	0	58	578					
Exeter town (Rockingham, NH)		1.00		0	387	0	387					
Manchester city (Hillsborough, NH)	0.90		0.10	301	0	33	334					
Boston city (Suffolk, MA)			1.00	0	0	327	327					
Newington town (Rockingham, NH)	0.25		0.75	74	0	222	296					
Hampton town (Rockingham, NH)		1.00		0	288	0	288					
Durham town (Strafford, NH)	0.50		0.50	141	0	141	282					
Nashua city (Hillsborough, NH)		0.75	0.25	0	176	59	235					
Salem town (Rockingham, NH)		0.25	0.75	0	52	156	208					
<b>Total All Jobs</b>				<b>4279</b>	<b>903</b>	<b>2077</b>	<b>7258</b>					
				<b>58.9%</b>	<b>12.4%</b>	<b>28.6%</b>	<b>100%</b>					
				<b>60</b>	<b>10</b>	<b>30</b>	<b>100</b>					

Figure 2 - 5. Guideline for determining the need for a major-road left-turn bay at a two-way stop-controlled intersection.



**MEMORANDUM**

Ref: 1908A

To: Michael Garrepy  
Tuck Realty Corporation

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Multifamily Development  
Portsmouth, New Hampshire

Date: May 1, 2019

---

As requested, Pernaw & Company, Inc. has conducted a trip generation analysis for the multifamily buildings that are proposed on a site adjacent to the southwest corner of US Route 1/Ocean Road intersection in Portsmouth, New Hampshire. The purpose of this memorandum is to summarize the results of our trip generation analyses, as well as our research of available traffic count data for this area. To summarize:

Proposed Development – According to the plan entitled “Site Plan,” prepared by Jones & Beach Engineers, Inc. (see Attachment 1) this project involves the construction of 23 multi-family dwelling units. Recognizing that this is a preliminary plan that is subject to change, the analysis contained herein is based on a range of 23 to 24 dwelling units. Access to the site will be provided via one full-access driveway on Ocean Road located approximately 200-feet west of US1. One existing residence on the subject site will be razed.

Existing Traffic Volumes – Research at the NHDOT revealed that there is a short-term Automatic Traffic Recorder (ATR) count on US1 (north of Ocean Road). This count was conducted in July of 2016. According to the NHDOT reports, the section of US1 north of Ocean Road carried an AADT volume of approximately 19,865 vehicles per day (vpd) in 2018, up slightly from 19,475 vpd in 2017 (see Attachment 2).

This data shows that traffic volumes in the area typically reach peak levels during the morning and late afternoon on weekdays; thus reflecting typical commuting patterns. Figure 1 shows the location of the site and the ATR count on US1 as well as an additional count on Ocean Road (over the B&M Railroad). The diagrams on Page 3 graphically show the daily and hourly variations in traffic demand at this location on US1. The detail sheets pertaining to these counts are attached (see Attachment 3 & 4).

Site Location / 2018 AADT Traffic Volumes



1908A



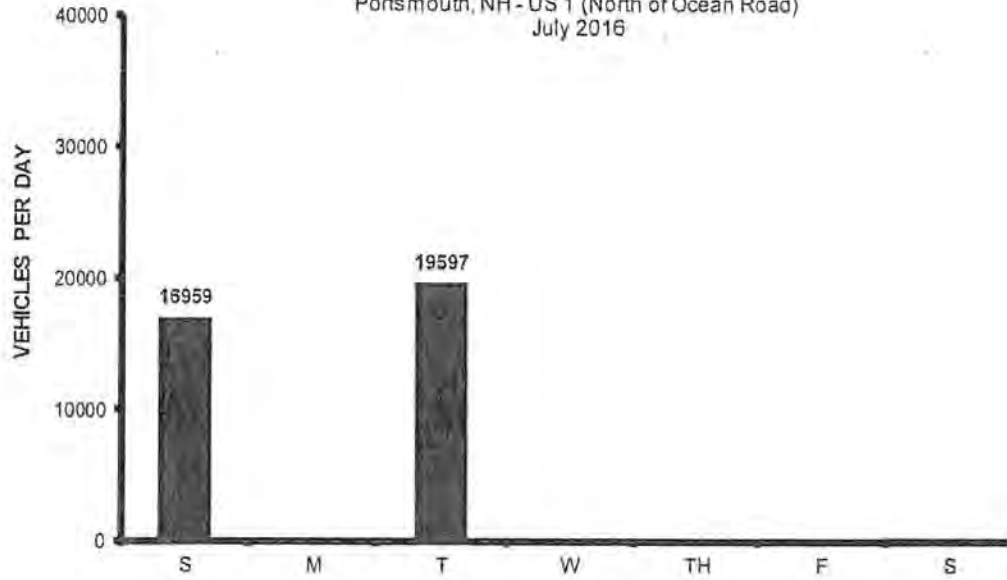
Figure 1

Site Location / 2018 Average Annual Daily Traffic Volumes

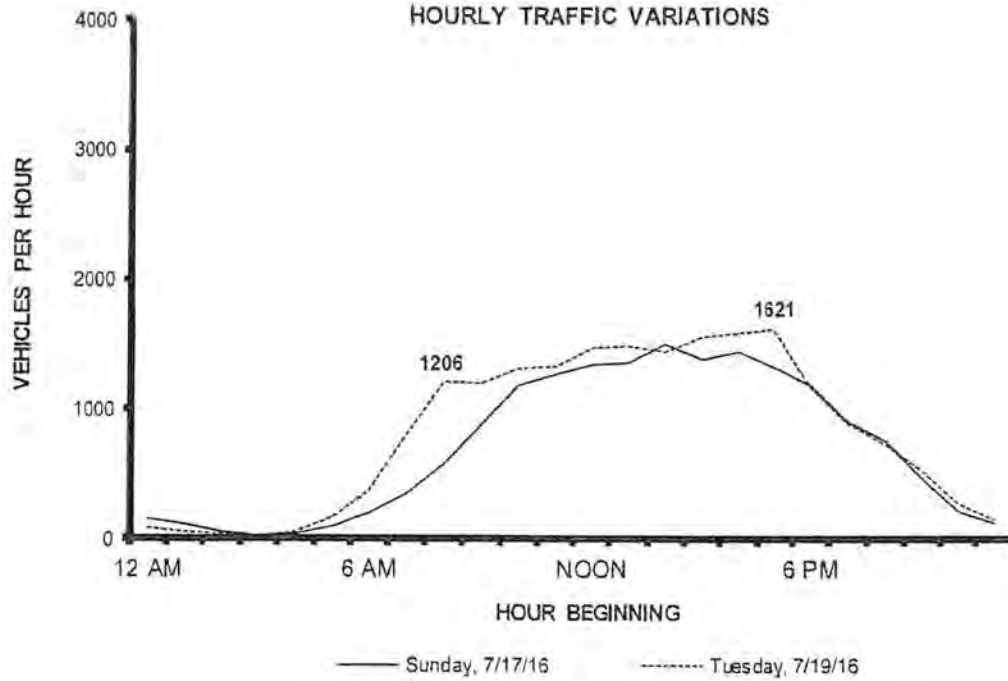
Traffic Evaluation, Proposed Mixed-Use Building, Portsmouth, New Hampshire



**DAILY TRAFFIC VARIATIONS**  
 Portsmouth, NH - US 1 (North of Ocean Road)  
 July 2016



**HOURLY TRAFFIC VARIATIONS**



**Trip Generation** - To estimate the quantity of vehicle-trips that will be produced by the proposed multifamily dwellings, Pernaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers<sup>1</sup> (ITE). Land Use Code LUC 220 (Multifamily Housing/Low-Rise) is the most applicable category for the proposed development. The number of dwelling units was utilized as the independent variable in this analysis.

Table 1 shows that the proposed residential development will generate approximately 8 to 12 vehicle-trips during the weekday AM peak hour, and 10 to 17 vehicle-trips during the PM peak hour. The computations pertaining to these analyses are attached (see Attachments 5 & 6).

**Table 1** **Trip Generation Summary**

	Lower Estimate <sup>1</sup> (22 Dwelling Units)	Higher Estimate <sup>1</sup> (24 Dwelling Units)
<b>Weekday Total</b>		
Entering	59 veh	71 veh
Exiting	<u>59 veh</u>	<u>71 veh</u>
Total	118 trips	142 trips
<b>Weekday AM Peak Hour</b>		
Entering	2 veh	3 veh
Exiting	<u>6 veh</u>	<u>9 veh</u>
Total	8 trips	12 trips
<b>Weekday PM Peak Hour</b>		
Entering	6 veh	11 veh
Exiting	<u>4 veh</u>	<u>6 veh</u>
Total	10 trips	17 trips

<sup>1</sup>ITE Land Use Code 220 - Multifamily Housing (Low-Rise)

<sup>1</sup> Institute of Transportation Engineers, *Trip Generation*, 10<sup>th</sup> Edition (Washington, D.C., 2017)

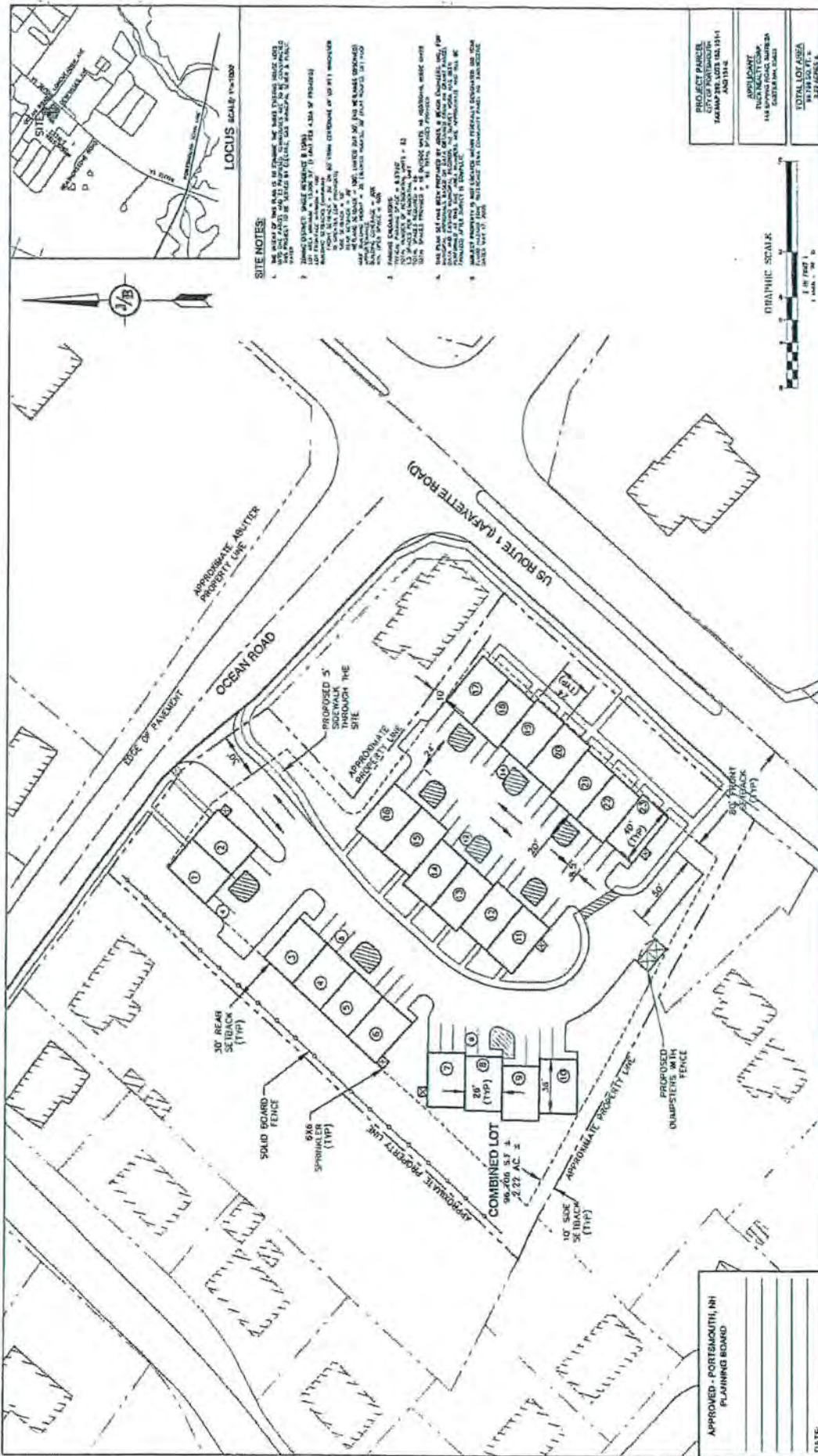
Findings & Conclusions

1. The traffic count conducted by the NHDOT in July 2016 on US1 (north of Ocean Road) revealed that this section of roadway carried over 19,500 vehicles per day in July 2016, with the highest hourly traffic volume occurring from 5:00 to 6:00 PM on a weekday (1,621 vph).
2. According to the trip generation rates published by the ITE, the proposed residential development will generate between 8 and 12 (AM) and 10 and 17 (PM) vehicle-trips during the peak hour periods when complete. On a daily basis this site is expected to generate between 118 and 141 vehicle-trips.
3. Driveway queuing is expected to be minimal with 9 or fewer vehicles exiting from the site over the course of the AM peak hour, and 6 or fewer vehicles during the PM peak hour.

Attachments



## ATTACHMENTS



**SITE NOTES:**

- THE AREA OF THIS PLAN IS TO BE SUBJECT TO THE LOCAL ZONING REGULATIONS AND ANY OTHER APPLICABLE REGULATIONS. THE APPLICABLE ZONING REGULATIONS ARE THE ZONING REGULATIONS OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE.
- THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF PORTSMOUTH, NEW HAMPSHIRE, AND THE STATE OF NEW HAMPSHIRE, INCLUDING BUT NOT LIMITED TO, PERMITS FOR CONSTRUCTION, UTILITIES, AND EROSION CONTROL.
- THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF PORTSMOUTH, NEW HAMPSHIRE, AND THE STATE OF NEW HAMPSHIRE, INCLUDING BUT NOT LIMITED TO, PERMITS FOR CONSTRUCTION, UTILITIES, AND EROSION CONTROL.
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PROJECT PARCEL: CITY OF PORTSMOUTH 11111 11111 AND 11111
APPLICANT: PROPERTY COMPANY 11111 11111 11111 11111
TOTAL LOT AREA: 222,222 SQ. FT.

Sheet No. **C2**  
PROJECT NO. 11111  
DATE: 11/11/2024

**SITE PLAN**  
3110 LAFAYETTE ROAD AND 65 OCEAN ROAD  
PORTSMOUTH, NH 03801  
OWNER: 11111 11111  
DATE: 11/11/2024

Designed and Prepared by: **J/R Jones & Beach Engineers, Inc.**  
Civil Engineering Services  
11111 11111  
11111 11111  
11111 11111  
11111 11111

NO.	DATE	DESCRIPTION	BY
1	11/11/2024	PREPARED FOR REVIEW	11111
2	11/11/2024	REVISIONS	11111
3	11/11/2024	REVISIONS	11111
4	11/11/2024	REVISIONS	11111
5	11/11/2024	REVISIONS	11111
6	11/11/2024	REVISIONS	11111
7	11/11/2024	REVISIONS	11111

APPROVED - PORTSMOUTH, NH  
PLANNING BOARD  
DATE: \_\_\_\_\_

DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
PROJECT NO. 11111  
DATE: 11/11/2024



**MS2**  
Transportation Data Management System

List View | All DIRs

Record	1	of 1	Goto Record	go
Location ID	82379150	MPO ID		
Type	SPOT	HPMS ID		
On NHS	Yes	On HPMS	Yes	
LRS ID	U0000001	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route	US 1	
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Clss Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Other Principal Arterial	Milepost		
Located On	Lafayette Rd			
Loc On Alias	US 1 (LAFAYETTE RD) NORTH OF OCEAN RD (SB-NB) (81379211-81379212)			
More Detail				
STATION DATA				

Directions:  2-WAY  NB  SB

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2018	19,865 <sup>3</sup>				18,315 (92%)	1,550 (8%)	Grown from 2017
2017	19,475 <sup>3</sup>		8	53	18,075 (93%)	1,400 (7%)	Grown from 2016
2016	19,093	1,621	8	53	17,413 (91%)	1,680 (9%)	
2015	17,895 <sup>3</sup>						Grown from 2014
2014	17,374 <sup>3</sup>						Grown from 2013

1-5 of 15

Travel Demand Model										
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV	

VOLUME COUNT			
Date	Int	Total	
Tue 7/19/2016	60	19,597	
Sun 7/17/2016	60	16,959	
Fri 9/27/2013	60	20,159	
Thu 9/26/2013	60	19,003	
Wed 9/25/2013	60	18,690	
Tue 9/24/2013	60	18,712	
Mon 9/23/2013	60	18,246	
Sun 8/15/2010	60	19,668	

VOLUME TREND	
Year	Annual Growth
2018	2%
2017	2%
2016	7%
2015	3%
2014	2%
2013	-7%
2010	-2%
2007	0%



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379150	Type:	SPOT
Located On:	Lafayette Rd	:	
Direction:	2-WAY		
Community:	PORTSMOUTH	Period:	Mon 7/11/2016 - Sun 7/17/2016
AADT:	19093		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM							157	157	0.9%
1:00 AM							106	106	0.6%
2:00 AM							53	53	0.3%
3:00 AM							23	23	0.1%
4:00 AM							38	38	0.2%
5:00 AM							99	99	0.6%
6:00 AM							200	200	1.2%
7:00 AM							346	346	2.0%
8:00 AM							580	580	3.4%
9:00 AM							876	876	5.2%
10:00 AM							1188	1,188	7.0%
11:00 AM							1262	1,262	7.4%
12:00 PM							1345	1,345	7.9%
1:00 PM							1354	1,354	8.0%
2:00 PM							1506	1,506	8.9%
3:00 PM							1389	1,389	8.2%
4:00 PM							1440	1,440	8.5%
5:00 PM							1333	1,333	7.9%
6:00 PM							1185	1,185	7.0%
7:00 PM							908	908	5.4%
8:00 PM							766	766	4.5%
9:00 PM							469	469	2.8%
10:00 PM							211	211	1.2%
11:00 PM							125	125	0.7%
Total	0	0	0	0	0	0	16,959		
24hr Total							16959	16,959	
AM Pk Hr							11:00		
AM Peak							1262	1,262	
PM Pk Hr							2:00		
PM Peak							1506	1,506	
% Pk Hr							8.88%	8.88%	



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379150	Type:	SPOT
Located On:	Lafayette Rd	:	
Direction:	2-WAY		
Community:	PORTSMOUTH	Period:	Mon 7/18/2016 - Sun 7/24/2016
ADT:	19093		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		88						88	0.4%
1:00 AM		54						54	0.3%
2:00 AM		39						39	0.2%
3:00 AM		28						28	0.1%
4:00 AM		57						57	0.3%
5:00 AM		169						169	0.9%
6:00 AM		378						378	1.9%
7:00 AM		785						785	4.0%
8:00 AM		1206						1,206	6.2%
9:00 AM		1201						1,201	6.1%
10:00 AM		1313						1,313	6.7%
11:00 AM		1332						1,332	6.8%
12:00 PM		1477						1,477	7.5%
1:00 PM		1479						1,479	7.5%
2:00 PM		1446						1,446	7.4%
3:00 PM		1561						1,561	8.0%
4:00 PM		1587						1,587	8.1%
5:00 PM		1621						1,621	8.3%
6:00 PM		1174						1,174	6.0%
7:00 PM		899						899	4.6%
8:00 PM		738						738	3.8%
9:00 PM		530						530	2.7%
10:00 PM		279						279	1.4%
11:00 PM		156						156	0.8%
Total	0	19,597	0	0	0	0	0		
24hr Total		19597						19,597	
AM Pk Hr		11:00							
AM Peak		1332						1,332	
PM Pk Hr		5:00							
PM Peak		1621						1,621	
% Pk Hr		8.27%						8.27%	



Trip Generation Summary

Alternative: Alternative 1  
 Phase: Higher Estimate - 24 Dwellings  
 Project: 1908A 043019

Open Date: 4/30/2019  
 Analysis Date: 4/30/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
220	LOW-RISE 1	71	70	141	3	9	12	11	6	17
	24 Dwelling Units									
	Unadjusted Volume	71	70	141	3	9	12	11	6	17
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	71	70	141	3	9	12	11	6	17

Total Weekday Average Daily Trips Internal Capture = 0 Percent  
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent  
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

\* - Custom rate used for selected time period.

**Trip Generation Summary**

Alternative: Alternative 1  
 Phase: Lower Estimate - 22 Dwellings  
 Project: 1908A 043019

Open Date: 4/30/2019  
 Analysis Date: 4/30/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
221	MID-RISE 1	59	59	118	2	6	8	6	4	10
	22 Dwelling Units									
	Unadjusted Volume	59	59	118	2	6	8	6	4	10
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	59	59	118	2	6	8	6	4	10

Total Weekday Average Daily Trips Internal Capture = 0 Percent  
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent  
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

\* - Custom rates used for selected time period.



**MEMORANDUM**

Ref: 1908A

To: Michael Garrepy  
Tuck Realty Corporation

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Mixed-Use Building  
Portsmouth, New Hampshire

Date: February 22, 2019

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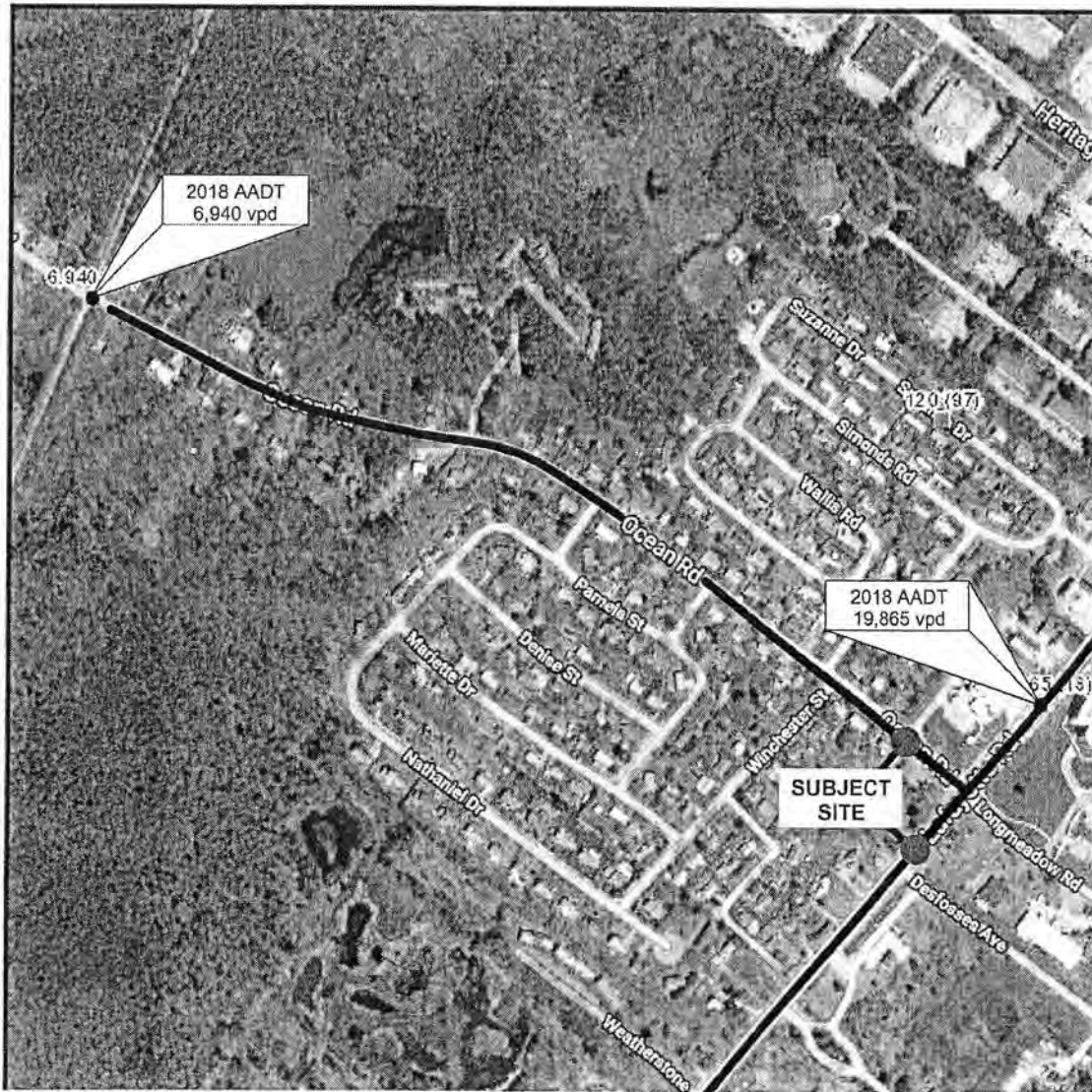
As requested, Pernaw & Company, Inc. has conducted a trip generation analysis for the mixed-use building that is proposed adjacent to the southwest corner of US Route 1/Ocean Road intersection in Portsmouth, New Hampshire. The purpose of this memorandum is to summarize the results of our trip generation analyses, as well as our research of available traffic count data for this area. To summarize:

Proposed Development – According to the plan entitled “Site Plan,” prepared by Jones & Beach Engineers, Inc. (see Attachment 1) this project involves the construction of a four-story mixed-use building that will include office and medical office space (9,293 sf) on the first floor and 30 residential dwelling units on the second through fourth floors. Access to the site will be provided via two full-access driveways; one on US1 located approximately 280-feet south of Ocean Road and the other on Ocean Road located approximately 270-feet west of US1. One existing residence on the subject site will be razed.

Existing Traffic Volumes – Research at the NHDOT revealed that there is a short-term Automatic Traffic Recorder (ATR) count on US1 (north of Ocean Road). This count was conducted in July of 2016. According to the NHDOT reports, the section of US1 north of Ocean Road carried an AADT volume of approximately 19,865 vehicles per day (vpd) in 2018, up slightly from 19,475 vpd in 2017 (see Attachment 2).

This data shows that traffic volumes in the area typically reach peak levels during the morning and late afternoon on weekdays; thus reflecting typical commuting patterns. Figure 1 shows the location of the site and the ATR count on US1 as well as an additional count on Ocean Road (over the B&M Railroad). The diagrams on Page 3 graphically show the daily and hourly variations in traffic demand at this location on US1. The detail sheets pertaining to these counts are attached (see Attachment 3 & 4).

Site Location / 2018 AADT Traffic Volumes



1908A

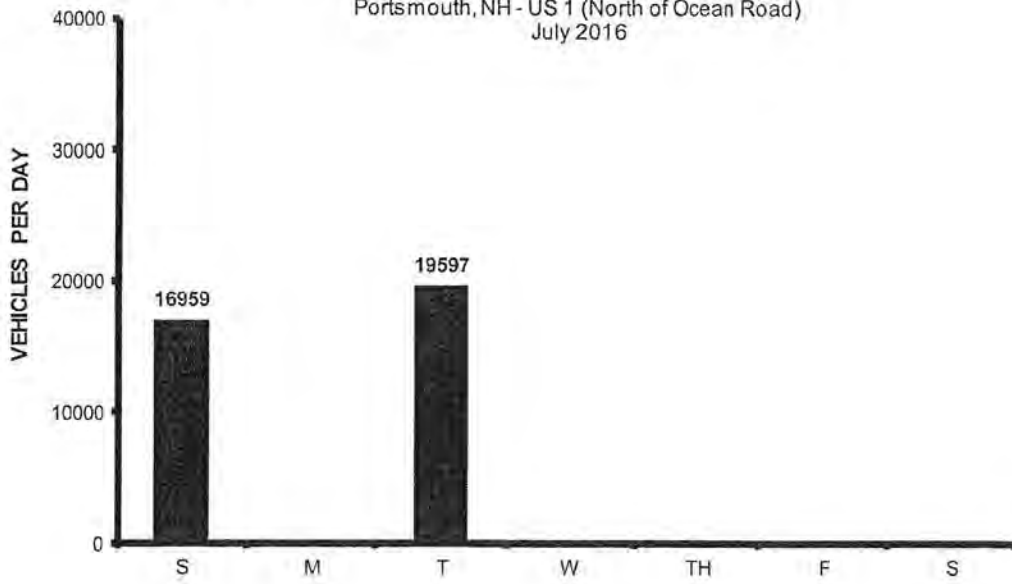


Figure 1

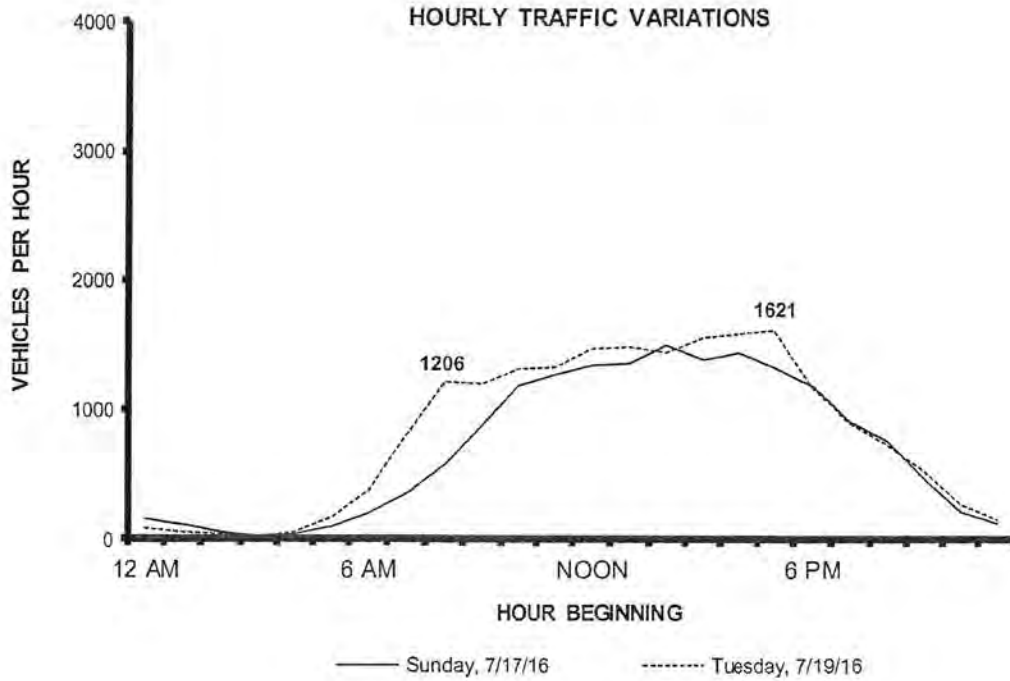
Site Location / 2018 Average Annual Daily Traffic Volumes

Traffic Evaluation, Proposed Mixed-Use Building, Portsmouth, New Hampshire

**DAILY TRAFFIC VARIATIONS**  
 Portsmouth, NH - US 1 (North of Ocean Road)  
 July 2016



**HOURLY TRAFFIC VARIATIONS**



Trip Generation - To estimate the quantity of vehicle-trips that will be produced by the proposed mixed-use building, Pernaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers<sup>1</sup> (ITE). Land Use Code LUC 720 (Medical-Dental Office Building) is the most applicable category for the proposed first-floor space and LUC 221 (Multifamily Housing/Mid-Rise) is the most applicable category for the proposed residential dwelling units. The gross floor area and the number of dwelling units, respectively, were utilized as the independent variables in this analysis.

Table 1 shows that the proposed mixed-use building will generate approximately 38 vehicle-trips (24 arrivals, 14 departures) during the weekday AM peak hour, and 48 vehicle-trips (19 arrivals, 29 departures) during the PM peak hour; when fully occupied. The computations pertaining to these analyses are attached (see Attachment 5).

**Table 1** **Trip Generation Summary**

	Medical Office <sup>1</sup> (9,293 sf)	Residential Units <sup>2</sup> (30 dwellings)	TOTAL
<b>Weekday Total</b>			
Entering	162 veh	81 veh	243 veh
Exiting	<u>162 veh</u>	<u>81 veh</u>	<u>243 veh</u>
Total	324 trips	162 trips	486 trips
<b>Weekday AM Peak Hour</b>			
Entering	21 veh	3 veh	24 veh
Exiting	<u>6 veh</u>	<u>8 veh</u>	<u>14 veh</u>
Total	27 trips	11 trips	<b>38 trips</b>
<b>Weekday PM Peak Hour</b>			
Entering	10 veh	9 veh	19 veh
Exiting	<u>24 veh</u>	<u>5 veh</u>	<u>29 veh</u>
Total	34 trips	14 trips	<b>48 trips</b>

<sup>1</sup>ITE Land Use Code 720 - Medical-Dental Office Building  
<sup>2</sup>ITE Land Use Code 221 - Multifamily Housing (Mid-Rise)

Access Configuration – Drivers traveling to/from points west via Ocean Road and north on US1 will likely utilize the Ocean Road driveway as it provides access to a signalized intersection on US1 and it also has much lower traffic volumes than US1. Drivers traveling to/from points south will likely utilize the US1 driveway. Although US1 has higher roadway volumes, drivers turning left into the site (and those exiting to the right) will only encounter one conflicting traffic stream (southbound vehicles). Favorably, there is an existing center turn lane on US1 for northbound vehicles that can accommodate vehicles turning left into the subject site.

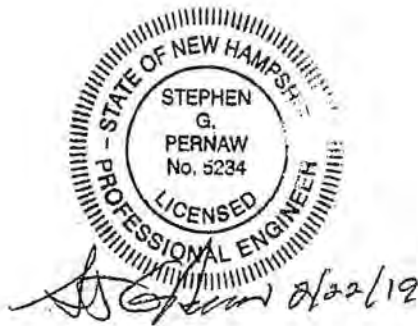
Vehicle queues on the site driveways are expected to be minimal as only 14 (AM) and 29 (PM) vehicles are expected to be leaving from the site during over the course of the peak hour periods, and these will be split amongst the two site driveways.

<sup>1</sup> Institute of Transportation Engineers, *Trip Generation*, 10<sup>th</sup> Edition (Washington, D.C., 2017)

Findings & Conclusions

1. The traffic count conducted by the NHDOT in July 2016 on US1 (north of Ocean Road) revealed that this section of roadway carries over 19,500 vehicles per day in July 2016, with the highest hourly traffic volume occurring from 5:00 to 6:00 PM on a weekday (1,621 vph).
2. According to the trip generation rates published by the ITE, the proposed mixed-use building will generate approximately 38 (AM) and 48 (PM) vehicle-trips during the peak hour periods when fully occupied. On a daily basis this site is expected to generate approximately 486 vehicle-trips (243 arrivals, 243 departures).
3. Driveway queuing is expected to be minimal with only 14 (AM) and 29 (PM) vehicles exiting from the site over the course of each peak hour. Further, these vehicles will be split amongst the two site driveways, depending upon the driver's ultimate destination.

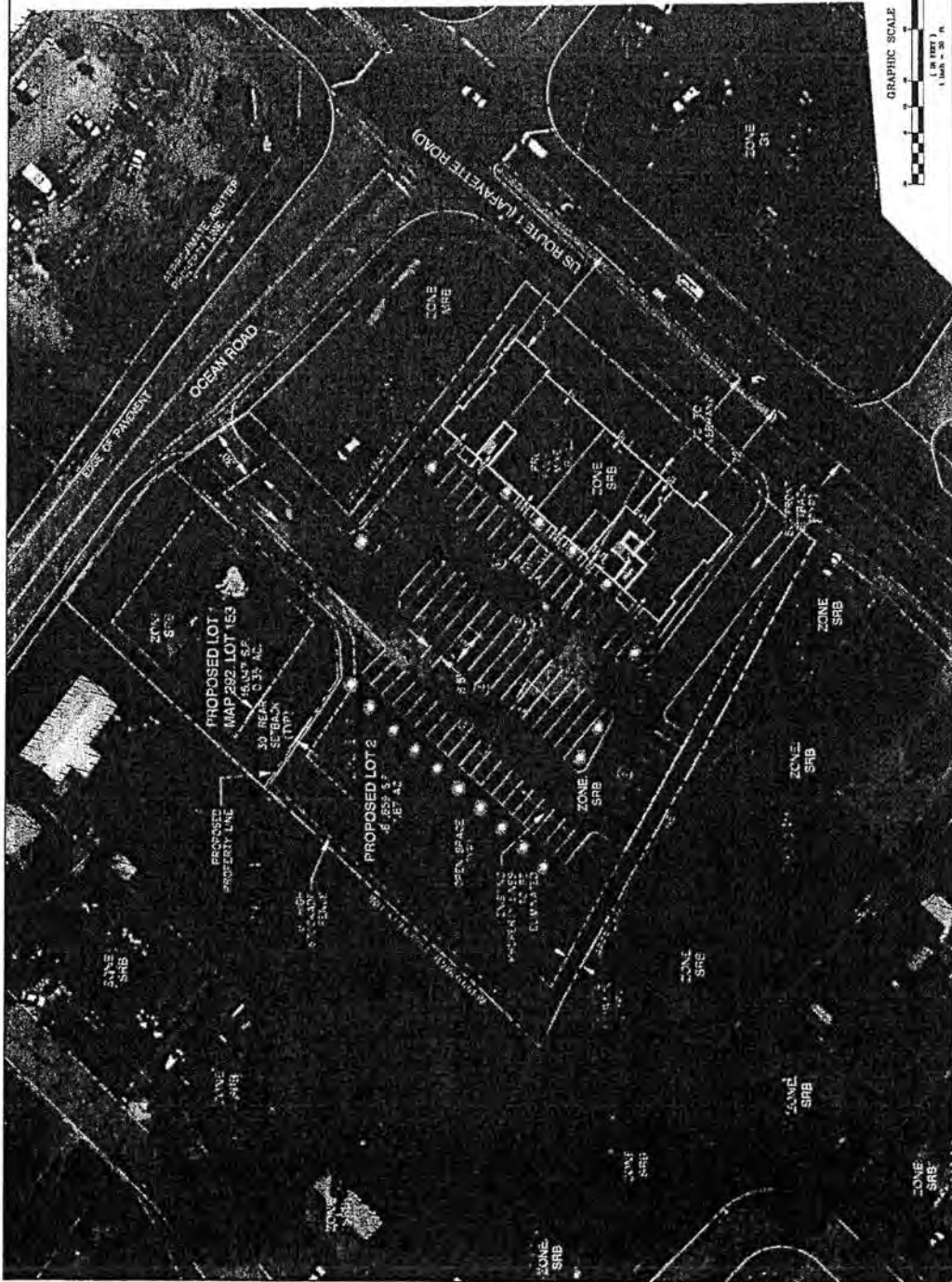
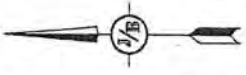
Attachments





## ATTACHMENTS





**ZONING LEGEND**  
 ZONE SRB  
 SINGLE RESIDENTIAL BUREAU  
 1.5 ACRES MINIMUM  
 1.5 LOT COVER

**PROJECT PARCEL**  
 TOWN OF PORTSMOUTH  
 MAP 282  
 PARCELS 153 AND 154

**APPLICANT**  
 WINDSWEPT TRUST  
 148 BROADWAY  
 PORTSMOUTH, NH 03801

**TOTAL LOT AREA**  
 2.2 ACRES ±

CONVERTED TO:  
**C3**  
 SHEET 3 OF 3  
 JOB PROJECT NO. 18188

**SITE PLAN**  
 Plan Name:  
**OCEAN ROAD AND ROUTE 1A**  
 PORTSMOUTH, NH 03801  
 Owner of Project: WINDSWEPT TRUST, MEREDITH VENTURES  
 148 BROADWAY, PORTSMOUTH, NH 03801

Designed and Produced by: **J&B Jones & Beach Engineers, Inc.**  
 Civil Engineering Services  
 88 Portsmouth Ave., Portsmouth, NH 03801  
 Phone: 603.773.5227  
 E-MAIL: JBE@J&BENGINEERS.COM

REV.	DATE	BY	REVISION
B	04/18/18	JBE	INITIALS FOR BUILDING CHANGE
C	04/18/18	JBE	REVISION FOR PERMITS
D	04/18/18	JBE	REVISION FOR PERMITS
E	04/18/18	JBE	REVISION FOR PERMITS

**DESIGNER'S NOTE**  
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.  
 ANY ALTERATIONS, AUTHORIZED OR UNAUTHORIZED, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO J&B.



Transportation Data Management System

List View All DIRs

Record	1	of 1	Goto Record	go
Location ID	82379150	MPO ID		
Type	SPOT	HPMS ID		
On NHS	Yes	On HPMS	Yes	
LRS ID	U0000001	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route	US 1	
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Clls Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Other Principal Arterial	Milepost		
Located On	Lafayette Rd			
Loc On Alias	US 1 (LAFAYETTE RD) NORTH OF OCEAN RD (SB-NB) (81379211-81379212)			
More Detail				
STATION DATA				

Directions: 2-WAY NB SB

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2018	19,865 <sup>3</sup>				18,315 (92%)	1,550 (8%)	Grown from 2017
2017	19,475 <sup>3</sup>		8	53	18,075 (93%)	1,400 (7%)	Grown from 2016
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1-5 of 15

Travel Demand Model										
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV	

VOLUME COUNT			
Date	Int	Total	
Tue 7/19/2016	60	19,597	
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VOLUME TREND	
Year	Annual Growth
2018	2%
2017	2%
2016	7%
2015	3%
2014	2%
2013	-7%
2010	-2%
2007	0%



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379150	Type:	SPOT
Located On:	Lafayette Rd	:	
Direction:	2-WAY		
Community:	PORTSMOUTH	Period:	Mon 7/11/2016 - Sun 7/17/2016
AADT:	19093		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
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8:00 PM							766	766	4.5%
9:00 PM							469	469	2.8%
10:00 PM							211	211	1.2%
11:00 PM							125	125	0.7%
Total	0	0	0	0	0	0	16,959		
24hr Total							16959	16,959	
AM Pk Hr							11:00		
AM Peak							1262	1,262	
PM Pk Hr							2:00		
PM Peak							1506	1,506	
% Pk Hr							8.88%	8.88%	



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379150	Type:	SPOT
Located On:	Lafayette Rd	:	
Direction:	2-WAY		
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3:00 AM		28						28	0.1%
4:00 AM		57						57	0.3%
5:00 AM		169						169	0.9%
6:00 AM		378						378	1.9%
7:00 AM		785						785	4.0%
8:00 AM		1206						1,206	6.2%
9:00 AM		1201						1,201	6.1%
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9:00 PM		530						530	2.7%
10:00 PM		279						279	1.4%
11:00 PM		156						156	0.8%
Total	0	19,597	0	0	0	0	0		
24hr Total		19597						19,597	
AM Pk Hr		11:00							
AM Peak		1332						1,332	
PM Pk Hr		5:00							
PM Peak		1621						1,621	
% Pk Hr		8.27%						8.27%	

Trip Generation Summary

Alternative: Tuck Realty Corporation - Portsmouth Site

Phase:

Project: 1908A

Open Date: 2/21/2019

Analysis Date: 2/21/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
221	MID-RISE 1 30 Dwelling Units	81	81	162	3	8	11	9	5	14
720	OFFICEMEDICAL 1 9.29 1000 Sq. Ft. GFA	162	161	323	21	6	27	10	24	34
	Unadjusted Volume	243	242	485	24	14	38	19	29	48
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	243	242	485	24	14	38	19	29	48

Total Weekday Average Daily Trips Internal Capture = 0 Percent  
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent  
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

\* - Custom rate used for selected time period.

**Exhibit 9  
Site Photographs**



Existing Conditions – View of Property from the North



Existing Conditions – View of Property from the South

**Exhibit 9  
Site Photographs**

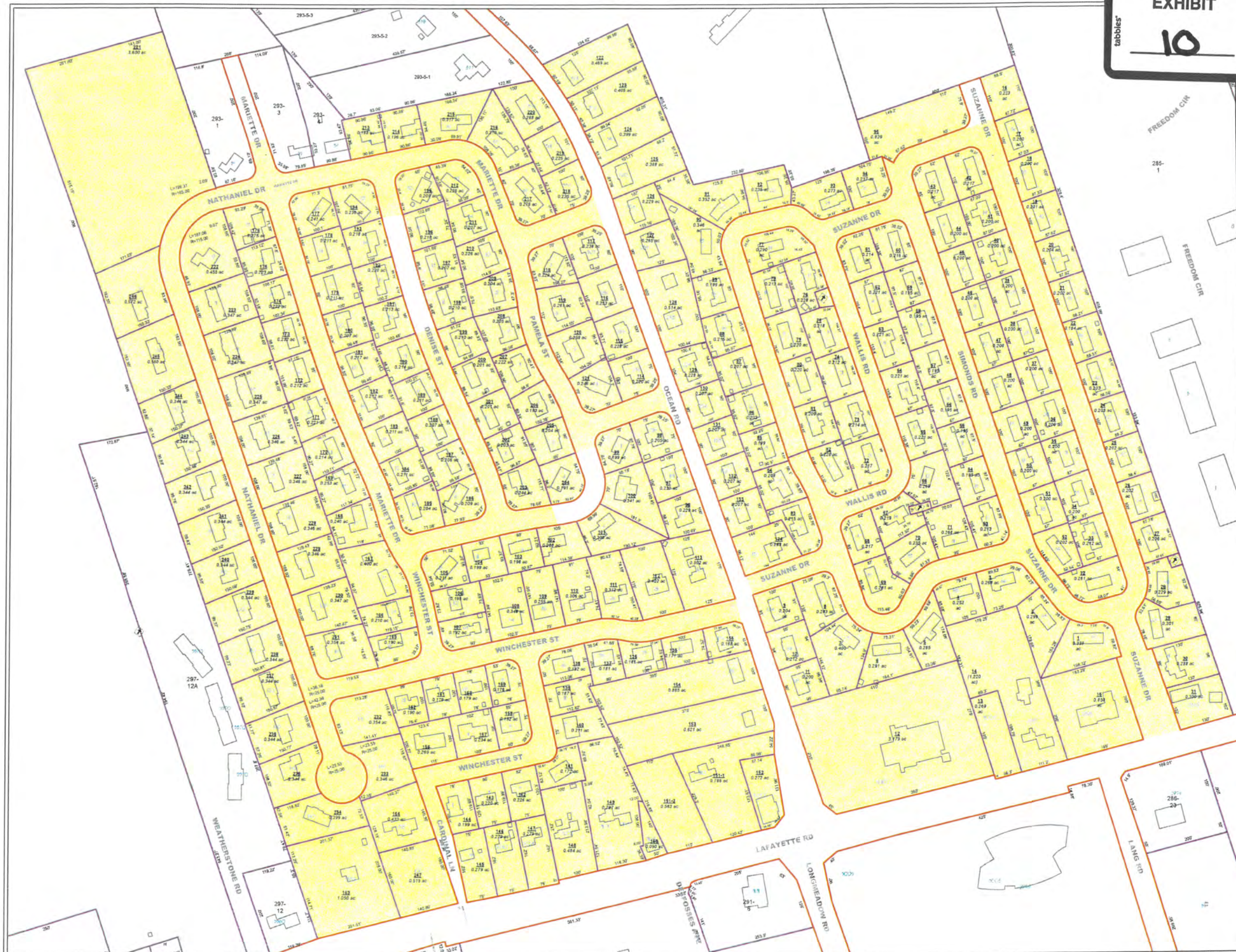


Existing Conditions – View of Property from the East

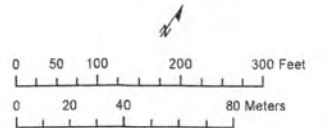


Existing Conditions – View of Property from the East

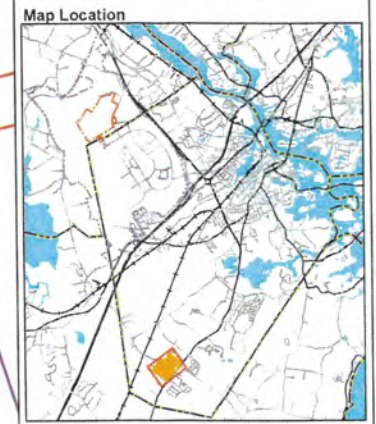
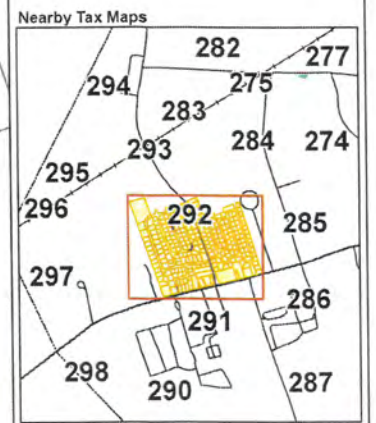
EXHIBIT  
**10**



- Partial Legend**  
See the cover sheet for the complete legend.
- 7-5A Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - Address number
  - 233-137 Parcel number from a neighboring map
  - Parcel line dimension
  - Street name
- Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
- Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*



Portsmouth, New Hampshire  
2018  
**Tax Map 292**