



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT
HISTORIC DISTRICT COMMISSION
CONDITIONAL USE PERMIT

Date: August 7, 2017

To: 46-64 Maplewood Avenue, LLC
36 Maplewood Avenue
Portsmouth, NH 03801

Re: 46-64 Maplewood Avenue

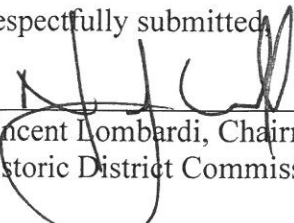
The Historic District Commission considered your proposal at its meeting of August 2, 2017 wherein permission was requested a **Conditional Use Permit** to allow a new free standing structure (construct 4 story/ 45 foot mixed-use building) as per plans on file in the Planning Department.

After due deliberation, the Commission voted that the request be **approved** as presented with the following stipulations:

- 1) The stipulations of the Certificate of Approval shall be implemented as approved.
- 2) The program elements listed in Exhibit A as civic space, parking, building materials and building scale elements shall be implemented as presented and approved.

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

Respectfully submitted,



Vincent Lombardi, Chairman
Historic District Commission

cc: Robert Marsilia, Chief Building Inspector
Rosann Maurice-Lentz, Assessor
Jennifer Ramsey, Somma Studios

Exhibit A – HDC APPROVAL OF CUP

HDC APPROVAL FOR THE CONDITIONAL USE PERMIT 46-64 Maplewood Ave., Portsmouth, NH

The Portsmouth Historic District Commission (HDC) hereby grants a Conditional Use Permit (CUP) for the entirety of the building up to a maximum height of 45 feet (as defined by the Zoning Ordinance and as shown on the submitted plans, with the actual specific building height to be in substantial compliance with the heights shown on the submitted plans, elevations, and renderings (see Site Landscape Plans – Sheets L-1 to L-4 (dated 5-19-17) and “Elevations”, prepared by Somma Studios, Sheets 1-7 (dated 6-7-17)). This approval is also based upon the Applicant providing the program elements listed in paragraph 5, at its sole expense, which the HDC hereby finds support the granting of this CUP in conformance with Section 10.535.13 of the Portsmouth Zoning Ordinance.

1. SUBMITTED PLANS

Plans, Elevations, Renderings and other Exhibits:

- Site Landscape Plans – Sheets L-1 to L-4, dated 5-19-17, prepared by Woodburn & Company;
- Elevations, prepared by Somma Studios, Sheets 1-7 dated 6-7-17; and
- Planning Board Minutes and Comments, prepared by Juliet Walker, Planning Director, Portsmouth Planning Department.

2. CONDITIONAL USE PERMIT

Section 10.535.13 of the Zoning Ordinance authorizes the HDC to grant a conditional use permit to allow an increase in building height above the maximum structure height specified in Section 10.531, up to a maximum of 50 feet in the former CBA district or 60 feet in the former CBB district, only if the proposed building and site design positively contribute to the context, quality and the overall historic character of the neighboring properties and the district as a whole, including, but not limited to the following provisions:

- A. Publicly accessible open space areas such as widened sidewalks, plazas, pocket parks, playgrounds or other significant public open space areas;
- B. Underground parking in lieu of surface parking;
- C. The use of high-quality building materials in the building design including, but not limited to: slate or copper roofing; copper gutters and downspouts; restoration brick; granite sills, lintels, foundations, stoops and steps; and wood windows along the façade elevation;

- D. Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint and volume, the use of pitched roof forms, banding, quoining and other massing techniques to maintain a pedestrian scale along the façade;
- E. Significant restoration or reconstruction of a “focal” or “contributing” building;
- F. Permanent protection of a significant view corridor.

This provision was adopted under the statutory provisions for “innovative land use controls” in RSA 674:21. The administrative requirements under these provisions are as follows:

II. An innovative land use control adopted under RSA 674:16 may be required when supported by the master plan and shall contain within it the standards which shall guide the person or board which administers the ordinance. An innovative land use control ordinance may provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate. If the administration of the innovative provisions of the ordinance is not vested in the planning board, any proposal submitted under this section shall be reviewed by the planning board prior to final consideration by the administrator. In such a case, the planning board shall set forth its comments on the proposal in writing and the administrator shall, to the extent that the planning board's comments are not directly incorporated into its decision, set forth its findings and decisions on the planning board's comments (RSA 674:21, II).

3. CUP REVIEW PROCESS

After opening the public hearing for this application on June 7th, 2017, the HDC referred the application to the Planning Board for review and comment. At the July 20th, 2017, meeting the Planning Board voted to recommend support for issuance of a CUP for the project. At the July 20th meeting the Planning Board provided the following comments:

- Members of the Planning Board supported the use of underground parking as well as the public passageways thought the site from Maplewood Ave. to Bridge and Deer Streets. The Board also found the HDC had done a good job working with the applicant to review all four sides of the building given its unique location along all three streets.

4. FINDINGS

After more than 48 months of intermittent public review, the HDC has determined that the revised plans, elevations, renderings, and other exhibits reflect the program elements and public benefits required for consideration under the CUP. The following program elements have been included in the proposed project design and the HDC has determined that these elements reflect the goals, purpose and intent of the CUP for allowing an increase in building height within the CD4 District.

5. PROGRAM ELEMENTS

1. Civic Space – The Applicant has provided permanently accessible, public open space such as widened public sidewalks, plazas and pedestrian alleyways between lots and buildings. The proposed civic space is more than 30% of the lot area. Additionally, landscape improvements will be made to the abutting property owner (currently the VFW) and an easement will be provided to them as a result of the proposed improvements.
2. Parking – Underground parking is being proposed for most of the required off-street parking on the site. Other parking areas will be screened and or reduced.
3. Building Materials – High quality building materials such as masonry, glass, and metal are proposed. High quality windows, storefront systems and awning assemblies are proposed.
4. Building Scaling Elements – Scaling elements, detail and massing techniques that focus on the pedestrian experience have been implemented such as step-backs, horizontal bands, eave bands and decorative building caps, awning, pilasters and columns as well as varied window and door sizes and multiple points of entry along the sidewalk.

6. DESIGN CHANGES/ MODIFICATIONS:

City Council Licenses, Easements and Approvals - Should the City Council not grant any easements or approvals necessary to provide any of these project elements then the Applicant shall be relieved of the requirement to provide the public elements listed above. All other project elements shall be in substantial compliance with the proposed design submitted and presented.

Program or Design Changes – Any subsequent design change to the exterior of the building from the approved plans, elevations or details shall be reviewed by the Planning Director. The Director shall determine whether the proposed change is in substantial compliance with the approved plans, elevations or details. Any change determined not to be in substantial compliance with the approved plans, elevations or details shall require an amendment to the CUP.

End-----