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**MEMORANDUM**

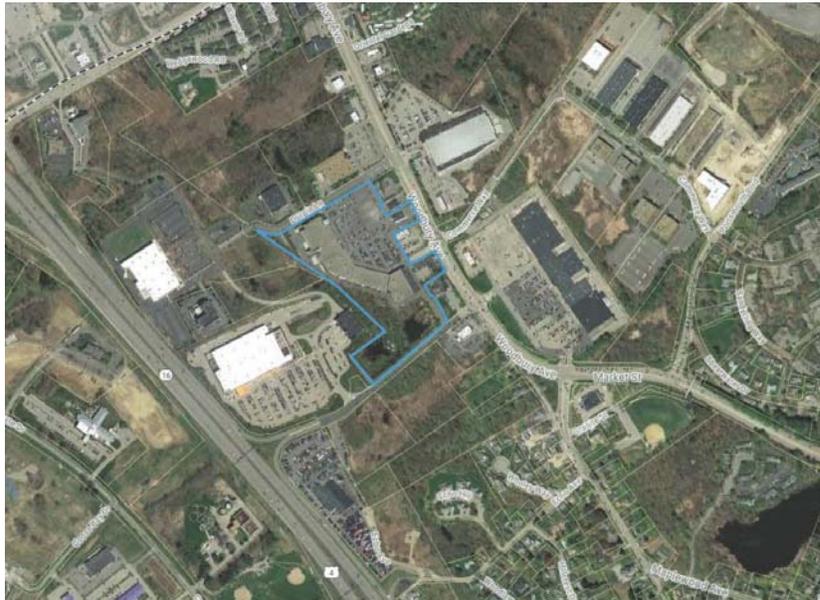
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**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner 1  
**Subject:** Staff Recommendations for the April 16, 2020 Planning Board Meeting  
**Date:** 04/10/20

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**I. PUBLIC HEARINGS – OLD BUSINESS**

- A.** The application of **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval to demolition an existing building and upgrade the existing shopping center with new and additional signage, a new driveway entrance off of Woodbury Avenue, and repurposing of the former supermarket space to separate retail space and new grocery space with accessory cafe/food court. Said property is shown on Assessor Map 238 Lot 16 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.



Description

The applicant proposes to repurpose the existing vacant supermarket for a new grocery store with accessory café/food court and separate retail space. The proposal includes upgrades to the existing shopping center with new and additional signage, the demolition of an existing retail building and a new driveway entrance off of Woodbury Avenue.

Technical Advisory Committee Review

The TAC reviewed the site plan application at the March 3, 2020 meeting and voted to recommend approval with the following stipulations:

- 1) The water service for 1618 Woodbury Avenue needs to be terminated at the main in the road;
- 2) The gas service for 1618 Woodbury Avenue will need to be terminated. The gas main is located under the existing sidewalk;
- 3) The sewer service to 1618 Woodbury Avenue is shown capped at sewer manhole, please add onto note, 'water tight';
- 4) The existing ramp at the corner of Durgin Lane and Woodbury is already fully ADA compliant. It does not need to be replaced;
- 5) The privately owned catch basin in the north east corner of 1618 Woodbury Avenue is 20" below grade. This basin should be raised up to grade;
- 6) Provide a stay right sign for the island extension on a breakaway post, remove old sign foundation/post;
- 7) Call out 'bull nose' style curb pieces for the end of the new island;
- 8) Correct typical parking lot striping lot detail math error;
- 9) Do not use welded wire fabric in any sidewalks that are in the ROW;
- 10) Use thermoplastic markings for crosswalks, lane symbols and stop bars in the ROW;
- 11) Provide easement for signal equipment and tip down at 1574 Woodbury Avenue driveway.
- 12) Woodbury Avenue has new pavement. Any pavement impacted by utilities or island construction will be milled and repaved after 12 months to the satisfaction of the Public Works department. This shall be noted on the plans.
- 13) The revised driveway curblines and sidewalk should stay as true to the existing layout as possible as discussed at the TAC meeting;
- 14) Truncated dome panels are not necessary at driveway crossings;
- 15) Add the missing R1-3P sign on the revised driveway;
- 16) Add recommended snow removal contractor be "Green Snow-Pro Certified" in the stormwater maintenance plan;
- 17) Note on plans that the annual stormwater maintenance documentation shall be submitted annually to Portsmouth DPW and Planning Departments;
- 18) Shade trees should be considered within the open lawn area to reduce the heat island effect of the larger site.

On March 11, 2020 the applicant submitted revised plans addressing stipulations 1-10 and 12-18 above to the satisfaction of the Planning Department and DPW. An additional stipulation has been added below related to requirements for compliance with the Site Plan Review Regulations.

**Planning Department Recommendation**

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

- 1.1) Plans shall be updated to include the required notes per Section 2.5.4.2E, 2.13.3 and 2.13.4 of the Site Plan Regulations.*
- 1.2) Easement plans and deeds shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*
- 1.3) The site plan and easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department.*



## II. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **4 Amigos, LLC, Owner**, for properties located at **1400 Lafayette Road, Peverly Hill Road and 721 Peverly Hill Road** requesting Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 s.f. and 122,000 GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space Said properties are shown on Assessor Map 252 Lots 7, 4 & 5 and lie within the Gateway Neighborhood Mixed Use Center (G2) District



### Description

The applicant proposes to construct a 53-unit Garden and Townhouse Style residential development on a site where there is currently an existing retail development. The development site will include both garage and outdoor parking and community space.

### Development Site Conditional Use Permit

Allowed by Conditional Use Permit granted by the Planning Board under Section 10.5B40 of the Zoning Ordinance, a development site is any lot or group of contiguous lots owned or controlled by the same person or entity and assembled for the purpose of a single development and including more than one principle building or building type.

By proposing this project as a development site there are additional standards that have to be met that would not be required if this was proposed as a single lot development. In particular, a development site is required to provide a minimum coverage of community space (in the G2 District, the minimum coverage is 20% of the entire development site).

Prior to granting a conditional use permit for development sites in the Gateway Neighborhood Mixed Use Districts according to the requirements of Section 10.5B43.10, the Planning Board must make the following findings:

- 1) The development project is consistent with the Portsmouth Master Plan.
- 2) The development project has been designed to allow uses that are appropriate for its context and consistent with the City's planning goals and objectives for the area.
- 3) The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.
- 4) The project is consistent with the purpose and intent set forth in Section 10.5B11 as listed below.

*10.5B11.10 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.*

*10.5B11.20 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.*

#### Technical Advisory Committee Review

The TAC reviewed the application at the March 3, 2020 meeting and voted to recommend approval with the following stipulations:

- 1) Prior to submission to Planning Board, the plans shall be updated to address the following:
  - a. Instead of tying OCS1 into the existing CB, install a new DMH just downstream from the existing CB and tie OCS#1 into that new DMH.
  - b. The water service for the front 23-unit building is very long. This may lead to poor water quality. Instead, consider running services under floor slab inside of sleeves from the courtyard side. Coordinate review of the design with Portsmouth Water Department;
  - c. All water lines to be installed to Portsmouth Standards;
  - d. All sewer lines installed to be to State and City standards;
  - e. All utilities being installed will be witnessed by a third party Inspection Company to be determined by the City;
  - f. Confirm from Eversource that both poles proposed to have service drops are able to provide them (i.e. there is nothing else on the poles that they will not allow a service drop);
  - g. Wherever possible, the end stalls in a row of parking should be a bit wider;

- h. Truncated dome panels are not to be used except for street crossings or signalized driveways in the ROW;
  - i. Coordinate addressing and numbering of the buildings with Portsmouth DPW and Fire Department. Proposed sign locations shall be added to the plan set;
  - j. Follow City of Portsmouth standard planting details available on the City's web page -- [https://www.cityofportsmouth.com/sites/default/files/2020-01/Tree%20Planting%20Detail\\_0.pdf](https://www.cityofportsmouth.com/sites/default/files/2020-01/Tree%20Planting%20Detail_0.pdf);
  - k. The 'Halka' Honey locusts planned for the frontage to Peverly might be too big of a species to fit under the wires. Please consider alternatives;
  - l. The location of Maple and Elm trees at intersections could block the view of both drivers and pedestrians. Low plantings may be more suitable at these internal intersections;
  - m. Princeton American Elms are susceptible to Dutch Elm Disease (it's a common misconception they are not). They should be replaced with native species such as Black Gum, Swamp White Oak, Bald Cypress, or Zelkova (nonnative), or any combination thereof. Avoiding monoculture is generally a good idea;
  - n. The speed table and raised intersection detail can be removed from the plan set if they are not proposed anymore;
  - p. Copies of the Stormwater Inspection and Maintenance Log shall be forwarded to DPW and Planning at least annually;
  - q. The so-called "Square" should be relabeled as a pocket park;
  - r. The sidewalk adjacent to Complex C still needs a connection to the sidewalk along the southern edge of the building. This connection provides access to the sidewalk leading to Peverly Hill Road;
  - s. Update Architectural Plans to address egress concerns from the Fire Dept;
- 2) A blanket easement to allow the Portsmouth Water Dept. to access valves, meters and for leak detection will be required for the site.
  - 3) Easements shall be provided for the sidewalks along Peverly Hill Road. Plans shall be updated to reflect easement area.
  - 4) The applicant should provide a pedestrian crossing of Peverly Hill Road at the West Road intersection, along with an RRFB, and design (engineered) plans for a sidewalk along Peverly Hill Road between West Road and the Market Basket driveway. Plan shall be reviewed and approved by DPW.
  - 5) The applicant shall replace the water main in Peverly Hill Road as required per Portsmouth DPW requirements.

On March 11, 2020 the applicant submitted revised plans addressing stipulations 1 (a,c-d & g-s) above to the satisfaction of the Planning Department and DPW. The remaining stipulations have been included in the recommended stipulations of approval.

Planning Department Recommendation

Conditional Use Permit – Development Site

- 1) *Vote to find that the application meets the requirements of Section 10.5B43.10 and to grant the Conditional Use Permit for a development site in the Gateway Neighborhood Mixed Use District.*

Site Plan Review

- 2) *Vote to grant Site Plan Review Approval with the following stipulations:*

2.1) Conditions precedent (to be completed prior to building permit issuance):

- a) Water service design shall be reviewed and approved by the Portsmouth Water Department;
- b) Applicant shall confirm with Eversource that both poles proposed to have service drops are able to provide them. Plan revisions shall be reviewed and approved by Portsmouth DPW, as required;
- c) Applicant shall coordinate addressing and numbering of the buildings with Portsmouth DPW and Fire Department. Proposed sign locations shall be added to the plan set and separate sign permits may be required;
- d) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council;
- e) Owner shall provide a sidewalk public access easement to the City subject to review and approval by the Planning and Legal Departments prior to acceptance by City Council;
- f) The site plan and any easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department.

2.2) Conditions subsequent (to be completed subsequent to building permit issuance):

- a) The applicant shall design and construct a pedestrian crossing of Peverly Hill Road at the West Road intersection, along with an pedestrian activated signal. Plans shall be reviewed and approved by DPW;
- b) The applicant shall provide engineered plans for a sidewalk along Peverly Hill Road between West Road and the Market Basket driveway for future construction by the City. Plans shall be reviewed and approved by DPW;
- c) The applicant shall replace the water main in Peverly Hill Road as required per Portsmouth DPW requirements;
- d) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed according to the approved plans and specifications and will meet the design performance;
- e) All utilities being installed shall be witnessed by a third party inspection company to be determined by the City.

## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- B.** The application of **Nickerson Home Improvement Co. Inc.** and the **Linette and James Revocable Trust of 2000, Owners** and **Perley Lane, LLC, Applicant**, for properties located at **95 Brewster and 49 Sudbury Streets** requesting Site Plan Review approval to demolish the existing structures and construct 3 dwelling units in two structures, with related grading, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor's Map 138 Lots 57 and 58 and lie within the General Residence C (GRC) District.



### Description

The applicant proposes to demolish the existing structures, including a commercial building a single-family residential structure, to merge the parcels and to construct 3 new dwelling units in two structures on the site.

### Technical Advisory Committee Review

The TAC reviewed the site plan application at the March 3, 2020 meeting and voted to recommend approval with the following stipulations:

- 1) There is not enough clearance on the pole at the corner of Sudbury and Brewster to run conduit up the pole. Sidewalk will need to be widened to accommodate this design;
- 2) An ADA accessible ramp shall be added to the sidewalk at the Brewster Street / Sudbury Street intersection;
- 3) Show with grading that Unit #3's driveway goes up in grade at 2% in the sidewalk area to conform to the ADA and to keep the storm water from Sudbury Street out of the yard;

- 4) Show a swale along the common borders of Rock Street park to bring the stormwater out around units 1 and 2 and out to Brewster Street. Grading on the City land may be allowed for the common good if necessary as long as plants are reestablished;
- 5) Show the existing sewer heading to #31 Sudbury to be removed on the demolition plan;
- 6) There are two water services shown going into the existing warehouse building. The one shown nearest the sewer does not exist. Please remove from plan;
- 7) The elevation 12 contour behind units 1 and 2 should tie into the 12 contour behind unit 3 and through the infiltration area. A retaining wall should not be needed here. Drain the infiltration overflow into the swale along the property lines out to Brewster Street;
- 8) Existing drainage connection to the Nickerson Remick building should be shown on the plans if it is to remain;
- 9) Add note that the City will require street milling and paving in areas damaged by utilities or construction;
- 10) Add note that all invasive species to be removed in accordance with best management practices;
- 11) There is a section of curb with very low reveal near the intersection of Brewster Street and Sudbury Street. This section should be reset to match the reveal of the rest of the sidewalk, so that it is not used as a driveway to the parcel;
- 12) Install NO PARKING signs along Brewster Street frontage;
- 13) The sidewalk should be constructed to the east of the driveway on Sudbury Street and include the area in front of the abutting shed;
- 14) The width of the driveway should be narrowed on the Sudbury Street house to 24 ft;
- 15) The language found in the Landscaping notes should be consistent with the tree planting detail notes (e.g. planting note 4 calls for all burlap and cages to be pulled open in planting hole--not removed--, while tree planting detail calls for all cage and burlap to be removed);
- 16) City trees along the property boundaries in in the ROW should be protected during demolition, excavation, and construction via the City's tree protection zone (TPZ) standards. Add a note to the Landscaping plan that replacement of trees is required, at cost to the developer, if they are damaged or destroyed during construction;
- 17) Add street trees along Brewster Street frontage subject to approval by the Trees and Greenery Committee.
- 18) Coordinate addressing of proposed units with the Fire Department and DPW.

On March 11, 2020 the applicant submitted revised plans addressing stipulations 1-16 & 18 above to the satisfaction of the Planning Department and DPW. Upon further review of final plans submitted, additional stipulations have been added below.

Planning Department Recommendation

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

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

- 1.) *Plans shall be updated to show curbing for the proposed sidewalk and to add a note to "refer to DPW for actual field placement of the tile;"*
- 2.) *A drainage easement for the swale behind unit 1 to drain onto public property shall be reviewed and approved by the DPW and Legal Departments prior to acceptance by the City Council;*

- 3.) *If required, a sidewalk easement for any portions of the public sidewalk that cross private property shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council;*
- 4.) *Proposed street trees along Brewster Street frontage shall be reviewed and approved by the Trees and Greenery Committee;*
- 5.) *The site plan and easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.*

*Conditions Subsequent (to be completed after the issuance of a building permit)*

- 6.) *A stormwater maintenance and inspection report shall be conducted annually and provided to the City's Planning and Public Works Departments.*
- 7.) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*



## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- C. The application of **Millport Inc., Owner and Thomas Bath, Applicant**, for property located at **1001 Islington Street** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an outdoor Dining and Drinking Area as an accessory use. Said property is shown on Assessor Map 172 Lot 4 and lies within the Character District 4-W (CD4W) District.



### Description

The applicant requests a Conditional Use Permit for an outdoor drinking and dining area as an accessory use to its currently permitted principle use as a brewery and eating/drinking establishment. This property is in Character District CD4-W where this accessory use requires a Conditional Use Permit from the Planning Board.

The proposed outdoor drinking and dining area is located on the abutting property which requires a variance from Section 10.1530 to allow an accessory use as defined in this section to be conducted on a lot adjacent to the lot containing the principal use or building. The variance request is scheduled to be heard at the April 21, 2020 Board of Adjustment meeting.

The applicant will need to apply for any applicable City Health Department permitting for operation of an outdoor dining area separately. Approval by the Planning Board of the Conditional Use Permit for the outdoor dining area would be for the use alone, any other land use or inspection approvals required would be subject to a separate permitting process.

Section 10.243 of the Zoning Ordinance outlines the general approval criteria that the Board must consider in the determination for granting a Conditional Use Permit for this accessory use.

<b>Conditional Use Permit Criteria</b>	<b>Planning Department Comments</b>
<i>10.243.21 - The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.</i>	The applicant notes that the proposed concrete slab is small, fits in with the character of the area and enhances the area.
<i>10.243.22 - All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.</i>	The applicant notes that this criteria will be met.
<i>10.243.23 - The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.</i>	The applicant notes that this criteria will be met and access will be from the front entrance to the brewery as is currently the case.
<i>10.243.24 - The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.</i>	The applicant notes that the liquor board agreed to this finding and plans to approve the patio pending planning board approval.
<i>10.243.25 - The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.</i>	The applicant notes there are no wetlands in the area and there will be no adverse effects to neighboring properties.
<i>10.243.26 - The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.</i>	There should be no significant impact on the property values of adjacent properties.

<b>Conditional Use Permit Criteria</b>	<b>Planning Department Comments</b>
<i>10.243.30 - Where specific standard or criteria are set forth in this Ordinance for the particular use permitted by conditional use permit, those standards and criteria shall apply in lieu of general standards in Section 10.243.20.</i>	There are no specific standards and criteria set forth in the Ordinance that would apply beyond the general criteria set forth by Section 10.243.20.

**Planning Department Recommendation**

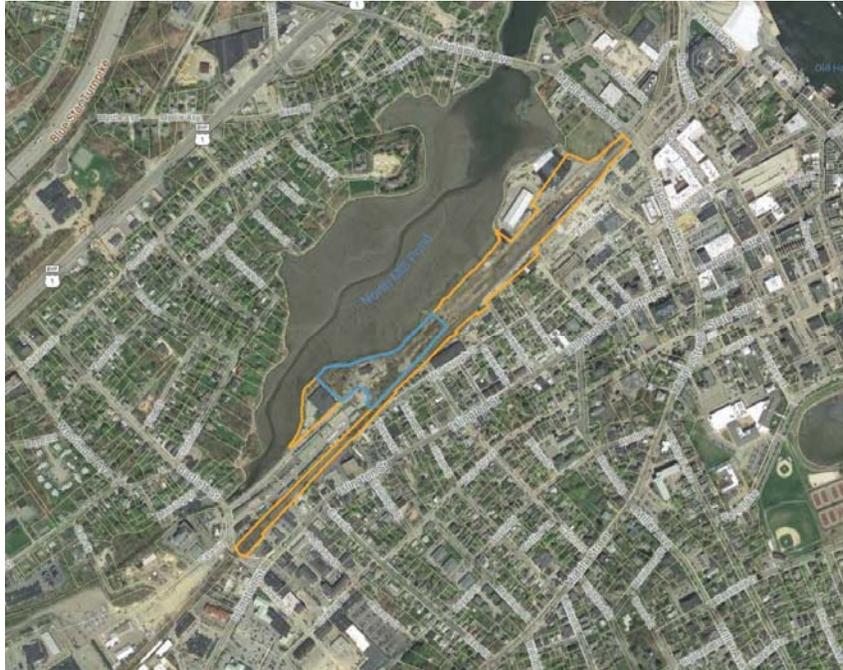
- 1) *Vote to find that the proposal meets the conditional use permit criteria as listed in Section 10.243.20 of the Zoning Ordinance.*
- 2) *Vote to approve the conditional use permit as presented with the following stipulations:*
  - 2.1) *A variance is required to be granted by the Board of Adjustment to allow an accessory use as defined in this section to be conducted on a lot adjacent to the lot containing the principal use or building.*



#### IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- D. The request of **Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC and Iron Horse Properties, LLC, Owners**, for properties located on **105 Bartlett Street and Bartlett Street** for Design Review for the construction of 174 dwelling units in two (2) multi-family apartment buildings and one (1) mixed-use building with first floor office, amenity space and upper story apartments. The project will designate 25% of the proposed property as Community Space. Said properties are shown on Assessor Map 157 Lots 1 and 2, Map 164 Lots 1, 2 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.



#### Description

This item is a request for Design Review under the Site Plan Review Regulations. Under the State statute (RSA 676:4,II), the Design Review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is not mandatory and is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this pre-application phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

The process as outlined in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and, if so, vote to accept the request and schedule a public hearing. The Board voted to accept the application at the February 27, 2020 meeting.

Design review discussions must take place in a public hearing. At the conclusion of the public hearing process, the Board makes a determination that the design review process for the application has ended. Completion of the design review process also has the effect of vesting the project to the current zoning.

**Planning Department Recommendation**

*Vote to find the Design Review Process is complete.*