



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Subject: Staff Recommendations for the April 15, 2021 Planning Board Meeting
Date: April 12, 2021 (rev April 14)

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Site Plan Review approval.

Planning Department Recommendation

Vote to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.

SUBDIVISION REVIEW

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Preliminary and Final Subdivision (Lot Line Revision) approval.

Planning Department Recommendation

Vote to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

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

A motion is required to consider these items together.

- A.** The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a Conditional Use Permit for shared parking on separate lots as permitted by Section 10.1112.62 of the Zoning Ordinance and Site Plan Review approval for the demolition and relocation of existing structures and the construction of 152 dwelling units in 3 buildings, and associated community space, paving, lighting, utilities, landscaping and other site improvements. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.
- B.** The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Wetland Conditional Use Permit Approval in accordance with Section 10.1017 of the Zoning Ordinance for work within the 25-foot, 50-foot, and 100-foot wetland buffers to North Mill Pond which includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new buildings which will result in a net overall reduction in impervious surfaces of 28,792 square feet. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.
- C.** The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a Lot Line Relocation as follows: Tax Map 157, Lot 1 increasing in area from 61,781 s.f. to 205,804 s.f.; Tax Map 157, Lot 2 decreasing in area from 102,003 s.f. to 81,645 s.f.; Tax Map 164, Lot 1 increasing in area from 51,952 s.f. to 52,289 s.f.; Tax Map 164, Lot 4-2 decreasing in area from 249,771 s.f. to 119,519 s.f. and the existing right-of-way increasing in area from 69,624 s.f. to 75,792 s.f. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

Description

The applicant proposes to demolish and relocate existing structures on-site and to construct 152 multi-family dwelling units in three (3) buildings. The project proposes to designate 25% of the proposed property as Community Space which will allow for the future construction of the North Mill Pond Trail project. This project will have impacts in the 25-foot, 50-foot, and 100-foot wetland buffer areas to the North Mill Pond, but will result in a net overall reduction in impervious surfaces. In addition, the project proposes to modify the lot lines approved for the previously approved subdivision relocating the cul-de-sac for the private road.

Conditional Use Permit for Shared Parking

According to Section 10.1112.62 of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow off-street parking to be provided on separate lots through a shared parking arrangement. In this case, the minimum parking requirement for the project is 210 spaces. The applicant is proposing to locate 190 of the spaces on the development lot as both surface parking and underground parking. The remaining 20 spaces will be located along the private roadway, which is technically a separate lot from the development lot. The Ordinance requires that the shared parking arrangement must be secured by a covenant acceptable to the City.

Site Plan Review

Technical Advisory Committee Review

The TAC reviewed the site plan review application at the February 2, 2021 meeting and voted to recommend approval with the following stipulations:

To be Completed Prior to Planning Board Review

1. Applicant shall submit a plan of Bartlett Street in the area where the extra water main is being eliminated, for review and approval by DPW. The plan shall delineate the existing water connections and note those proposed for elimination.
2. A note shall be added to the plan and Engineer shall confirm that porous pavement will be able to support design load of fire truck if required.
3. Change note for the telephone manhole at Bartlett Street to say 'alter the manhole structure as necessary to construct tip down. The same note will be required for the City's drainage manhole on the edge of the existing driveway.
4. Plans shall note that the sleeve under the RR will likely need to be replaced, to be verified by the water capacity analysis.
5. Placement and design of the Loading zone needs to be updated in coordination with DPW and the Fire Department per comments provided at the meeting.
6. Update plans to comply with ADA standards for provision of accessible parking spaces per guidance provided by City's Transportation and Parking Engineer.
7. Bicycle Route guide sign should be posted at the beginning of the multi-use path to indicate to cyclists that this is the point to enter the path, rather than continuing into the site parking lots. Likewise an END BIKE ROUTE sign should be placed in the same area facing the opposite direction.
8. A double yellow center line should be added to the area above the 4 parallel parking spaces to the south of the circular drop off area, to reinforce that there is two way traffic flow in this section.
9. Applicant to provide the trash management program for review.
10. Sharrow pavement markings should be thermoplastic, not paint.

11. Plans shall be updated to note fence or other security measures planned for the lumberyard area on the plan.
12. The truck turning template shall include a legend to more clearly delineate the template lines and what they signify.
13. The detail for PDMH9 on Sheet C-506 shall be updated to the satisfaction of DPW.
14. The plan should note either signage or pavement markings that signify fire and emergency access locations on the trail.
15. The lighting plans and details shall updated to include screening of light trespass onto abutting properties, as necessary.
16. The plans shall be updated to reflect that the applicant shall either complete the greenway trail connection to the lot line on the northeast side of the lot as part of this project or the applicant shall agree to contribute a fee for the design, permitting and construction of the trail to be completed by the City in the future.

To be included in conditions of Planning Board approval

17. Prior to building permit issuance, the applicant shall provide a water main capacity analysis for the proposed water line in order to determine pipe sizes needed for the water main and the connection to McDonough Street system.
18. The analysis of water demand shall include irrigation in addition to domestic use.
19. Prior to building permit issuance, the applicant shall coordinate with the Planning Department and DPW to determine a fair share cost contribution for sidewalk improvements at the Bartlett Street intersection.
20. Prior to building permit issuance, the applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
21. Third party inspection shall be required during installation of utilities including sewer, water, and drainage.
22. Provide written certification from a registered engineer that the installation of the stormwater system complies with the plan and should perform as designed.

The applicant has submitted revised plans addressing TAC stipulations 1 to 16 to the satisfaction of the Planning Department. The remaining stipulations have been incorporated into the Planning Department recommendation below. For item 19, the applicant met with the Planning and DPW Director to review the fair share allocation for the Bartlett Street improvements. The stipulation included in the recommendation below has been approved by all parties.

Traffic Analysis Peer Review

TAC required a third party review of the Traffic Analysis prepared for this project. The City selected TEC to complete the third party review at the expense of the applicant. TEC's final review letter is included in the packet provided to the Planning Board. The review concurs with the conclusions of the project's traffic generation review. In addition, TEC recommended the following:

- The Applicant should confirm that that delivery vehicle of the size WB-62 will be restricted to entering and exiting the site to/from the south only on Bartlett Street.
- The Portsmouth Fire Department shall confirm that the fire trucking turning movements and circulation plans are sufficient.

- The Applicant should commit to remove and maintain vegetation along the site frontage consistently to ensure that sight lines remain unobstructed at the site access intersection.

In response to the first item above, once the new Hodgdon Way road has been completed connecting lower Bartlett Street to the US Route 1 Bypass, the City plans to restrict truck access on upper Bartlett Street past the site access road. With final review and approval by the DPW, the applicant shall add signage at the site driveway indicating that trucks may not turn right when exiting the site access road. The Fire Department has confirmed that the truck turning and circulation plans are sufficient. The third item above has been added to the recommended stipulations below.

Additional City Staff Comments

In addition, the City Arborist provided the following comments on the landscaping plan.

- The (6x) American Elms should be replaced with *Nyssa Sylvatica*.
- Applicant should follow the City's planting detail, which is available on the City's web page -- <https://www.cityofportsmouth.com/publicworks/parksandgreenery/urban-forestry>.
- Applicant should provide a watering plan for a minimum of one season.

These recommendations have been incorporated into the Planning Department recommendation below.

Wetland Conditional Use Permit

Conservation Commission Review

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration. This project is located in an area along the North Mill Pond that has not been maintained and has not been accessible to the public. While public access was not allowed by the former owner there were numerous camps a large amount of trash and other debris and a mix of invasive and opportunistic vegetation. Also there was an active business with a large gravel parking area, a number of abandoned buildings and a site access road paved to the bank of the pond with no stormwater treatment throughout the site. It is reasonable for this area to be redeveloped and the project is consistent with City Zoning for this location.*
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. The location has been selected as it is an unused railroad area which has not been maintained. The applicant sees this area as ready for redevelopment and has provided a feasible approach for that development and has been able to demonstrate a reduction of impacts in the 100' wetland buffer.*

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The buildings are no closer to the edge of wetland than existing buildings and the design has been modified to reduce the amount of building area in the wetland buffer. The amount of pavement and other impervious surfaces has been reduced by over ½ an acre in this proposal, stormwater treatment has been added to the design, the public is being brought onto the site with a proposed porous pavement trail and an extensive invasive species removal and native planting program has been proposed. The project provides community space that will allow people to walk along the pond on a safe accessible trail. Since the last meeting with the Conservation Commission building volume has been reduced in the 100 foot buffer parking has been pulled back from within the 100 foot buffer, and a more complete planting plan has been provided. Overall this plan reduces the deteriorated buildings and site conditions as well as the quantity of invasive species, and the proposal will enhance the area generally given its current condition. This design is an improvement from the current site conditions as it reduces impervious surfaces, provides community access, treats stormwater, and reduces the amount of invasive species.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project will be impacting some natural vegetation on the site especially in the footprint of the new buildings. The applicant has provided an invasive species removal approach and extensive planting plan for the entire site that includes the removal of invasives provides the opportunity for re-establishment of existing native vegetation and planting of new native vegetation.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has worked to enhance the site and overall impacts from the project. Impervious surfaces have been reduced with each subsequent revision of this project to a total reduction of 28,792 square feet from what exists on the site today. The applicant has made the site resilient to climate change by elevating the structures above the floodplain provided an extensive native planting plan and detailed and effective stormwater treatment plan and has provided community space to invite the public onto and through the site.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant provided a landscape plan which includes plantings around the proposed building and within the 100' tidal wetland buffer. The use of native trees and plantings within the 100 foot buffer and removal of invasive species on this site along with a protected 15' vegetated buffer will provide an enhancement to the buffer of the North Mill Pond.

Planning Department staff recommended approval of the application as the application represents a net reduction in impacts to the tidal buffer zone and provides public access through a location that has been left to deteriorate. The staff also found that the applicant has complied with the requirements of section 10.1017.24.

The Conservation Commission reviewed the wetland conditional use permit application at the February 10, 2021 meeting and voted 6 to 1 to recommend approval with two stipulations:

1. That the bike/ped path be porous pavement and include an operation and maintenance plan which includes no salting or sanding
2. That the site use only dark sky friendly lighting.

The applicant has submitted revised plans addressing the recommended Conservation Commission stipulations to the satisfaction of the Planning Department.

Subdivision (Lot Line Revision) Approval

The applicant is requesting a lot line revision, which will modify the location of the cul-de-sac from what was approved by the Planning Board in November of 2018.

Prior Planning Board Approval

In November 2018, the Planning Board approved the subdivision that created the proposed private roadway and the lots as they exist today. There were a number of conditions subsequent attached to the prior approval. Any which have not yet been addressed are listed below and are rolled into the conditions of approval for the lot line revision. The City still holds the original subdivision bond and the applicant is required to complete these conditions before the bond can be returned.

1. The applicant shall coordinate with the City's consultant to complete a Water Capacity Analysis using the City's capacity modeling and shall modify the water service design as required in coordination with the City's Water Division and subject to final review and approval by DPW and the Fire Department.
2. Any proposed easements to the City shall be reviewed and approved by the Planning and Legal Departments prior to final acceptance by the City Council.
3. Applicant shall provide documentation of ownership rights and responsibilities for the private driveway to be improved and converted to a private road.

These stipulations have been incorporated into the Planning Department recommendation below.

Planning Department Recommendation

Conditional Use Permit for Shared Parking

1. *Vote to grant a Conditional Use Permit for 210 spaces of shared parking located on the development lot (Map 157 Lot 1) and the private road with the following stipulation:*
 - 1.1 *A shared parking arrangement shall be secured by a covenant in a form acceptable to the City's Legal and Planning Departments to be recorded at the Rockingham County Registry of Deeds.*

Site Plan Review Approval

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

Conditions Precedent (to be complete prior to building permit issuance)

- 1.1 *The applicant shall coordinate with the City's third party consultant to complete a Water Capacity Analysis using the City's capacity modeling and shall modify the water service design as required in coordination with the City's Water Division and subject to final review and approval by DPW and the Fire Department. The analysis of water demand shall include irrigation in addition to domestic use.*
- 1.2 *For the Bartlett Street water line replacement and paving project which shall be undertaken by the City, the applicant shall contribute \$65,000. The contribution shall be returned to the developer if the improvements are not constructed, under construction or designed and scheduled for construction by December 31, 2023.*
- 1.3 *The applicant shall update the recordable site plan to note that the property owner(s) responsible for the private road shall remove and maintain vegetation along the Bartlett Street frontage consistently to ensure that sight lines remain unobstructed at the site access intersection.*
- 1.4 *The landscaping plan shall be updated to replace the American Elms with Nyssa Sylvatica, shall reference the City's planting details (available on the City's web page -- <https://www.cityofportsmouth.com/publicworks/parksandgreenery/urban-forestry>) and shall note that a watering plan shall be provided for a minimum of one season.*
- 1.5 *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 1.6 *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site utilities including sewer, water, and drainage.*
- 1.7 *Owner shall provide an access easement to the City for water valve access and leak detection.*
- 1.8 *Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.*

Conditions Subsequent

- 1.9 *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;*
- 1.10 *Subject to final review and approval by the DPW, the applicant shall add signage at the site driveway indicating that trucks may not turn right when exiting the site access road;*

- 1.11 *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.*

Wetland Conditional Use Permit

2. *Vote to grant a Wetland Conditional Use Permit as presented.*

Subdivision Approval (Lot Line Revision)

3. *Vote to grant Preliminary and Final Subdivision Approval for a Lot Line Revision with the following stipulations:*
 - 3.1. *Applicant shall provide documentation of ownership rights and responsibilities for the private driveway to be improved and converted to a private road.*
 - 3.2. *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
 - 3.3. *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
 - 3.4. *The final plat and any easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The request of the **Islamic Society of the Seacoast Area, Owners**, for property located at **686 Maplewood Avenue** for a second 1-year extension of Site Plan Review Approval to construct a 2-story building for religious assembly with a building footprint of 3,880 s.f. and gross floor area of 5,333 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements that was originally granted on April 18, 2019 and was granted an initial 1-year extension on April 9, 2020.

Description

The application was previously granted Site Plan Review approval in April 2019 and has already received one 1-year extension to April 18, 2020. The original approval included the following stipulations to be completed prior to the issuance of a building permit:

- 1) The Site Plan shall be updated to include metes and bounds information.
- 2) The Site Plan shall be updated to include the note required by Section 2.5.4.2E of the Site Plan Review Regulations.
- 3) The Site Plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 4) The Elevation Plan labeling shall be corrected as the right-side elevation was incorrectly labeled as “Rear.”
- 5) The Stormwater Management Maintenance Plan shall be included as part of the official record.

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

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

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

Planning Department Recommendation

Vote to grant an additional one-year extension of Site Plan Review approval as requested.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- A. The application of **The Martha B. Masiello Revocable Trust of 2004, Owner**, for property located at **239 Gosport Road** requesting a Wetland Conditional Use permit in accordance with Article 10 Section 10.1017 of the Zoning Ordinance to permit, after the fact, yard disturbance including grading and fill of approximately 4,790 square feet and installation of 350 square feet of new impervious surface in the wetland buffer. All work was completed by a prior owner. Said property is shown on Assessor Map 224 Lot 10-10 and lies within the Single Residence A (SRA) District.

Description

This application is being submitted by the current owners of the property for work completed on the property by the prior owners without appropriate approvals for the addition of fill and a retaining wall to create a lawn area and garden in the wetland buffer.

1. *The land is reasonably suited to the use activity or alteration.* The land behind the house was filled to create a level lawn area behind the house. While it is not directly adjacent to the wetland area the addition of lawn in this area has led to the loss of natural wetland buffer vegetation. The land where the work has been completed is not reasonably suited to the activity.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* This is an after the fact application in an area that is not suited for this type of fill and new impervious surface.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The impacts to this area have been done by the previous owner. There is clearly loss of natural wetland buffer habitat.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* Alteration of the natural vegetative state was completed by the previous property owner and the area is currently lawn and garden with a retaining wall where there was previously natural buffer area.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposal is not the least adverse impact but the work has been done.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The area within the buffer has been altered and a retaining wall constructed.

While it is unfortunate that this work was done without a permit, Planning Department staff have recommended approval given that the removal of the retaining wall would require considerable disturbance and expense to the current owners to remove. It is not clear that restoration to the original condition would result in a net benefit, at least in the short term.

The Conservation Commission reviewed this application at the March 10, 2021 meeting and voted unanimously to recommend approval with the following stipulations:

1. The property shall be maintained according to NOFA (Northeast Organic Farming Association) standards.

2. Wetland boundary markers shall be installed at the edge of the rain garden to define the wetland buffer.
3. The area in the rear of the property near the retaining wall shall be allowed to be natural or be planted with additional plantings.

Planning Department Recommendation

Vote to approve the Wetland Conditional Use Permit application as presented with the following stipulations:

1. *The property owners shall endeavor to utilize NOFA (Northeast Organic Farming Association) approved practices (or comparable equivalent) within the wetland buffer area.*
2. *Wetland boundary markers shall be installed at the edge of the rain garden to define the wetland buffer or as deemed appropriate by the Planning Department.*
3. *The area in the rear of the property near the retaining wall shall be allowed to be natural or be planted with additional plantings as approved by the Planning Department.*

V. CITY COUNCIL REFERRAL – PUBLIC HEARING

- A.** Request of **Todd Buttrick, Owner**, for the restoration of involuntarily merged lots at **900 Middle Road** to their pre-merger status pursuant to NH RSA 674:39-aa.

Description

The City Assessor has requested additional time to review this request.

Planning Department Recommendation

Vote to postpone the public hearing to the May Planning Board meeting.

VI. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Dagny Taggart, LLC, Owner** for property located at **93 Pleasant Street** requesting Preliminary Conceptual Consultation for a proposed mixed use development consisting of office space and 61 residential units that will involve the renovation of an existing commercial building and new construction of a 2 1/2 story building in the existing parking lot with associated site improvements. Said property is shown on Assessor Map 107 Lot 74 and lies within the Character District 4 (CD4) District.

Description

As authorized by NH RSA 676:4,II, the Site Plan Review Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows:
[Preliminary conceptual consultation]... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

VII. OTHER BUSINESS

- A. The request of **4 Amigos LLC, Owner** for property located at 1400 Lafayette Road requesting a 1-year extension of 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. The original approval was granted on April 30, 2020. Said property is shown on Assessor Map 252 Lots 7, 4 & 5 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

Description

This application received Planning Board approval on April 30, 2020. The Site Plan Review approval expires one-year from the date granted. The Planning Board may, for good cause shown, extend such period by as much as 1-year if requested and acted upon prior to the expiration date. The original letter of decision and approved site plan are included in the packet for reference.

Planning Department Recommendation

Vote to grant a 1-year extension of the Conditional Use Permit and Site Plan Review approval.

VII. OTHER BUSINESS (cont.)

B. City Council referral regarding Chevrolet Avenue Easements

In response to resident requests and referral from the Parking and Traffic Safety Committee, the Department of Public Works is designing a new sidewalk on Chevrolet Avenue between Cass Street and Chinburg's new apartments. This sidewalk is critical to address pedestrian safety concerns. In order to construct the sidewalk the City needs to secure rights to a section of land that is currently owned by the Malt House Exchange. Based on a recent boundary survey, the City determined that a section of the City's original road right-of-way includes the Malt House Exchange parking lot. On February 24, 2021 a meeting was held with Gary Dziama, the property owner, and his property manager, Sandy Dewing, to discuss the possibility of a land swap. Based on that meeting, the property owner preliminarily agreed to an easement swap that will enable the City to construct the sidewalk. In exchange for roughly 2,547 square feet of area to be granted by the City, the City would acquire access to roughly 3,002 square feet of area.

At the April 5, 2021 City Council meeting, the Council voted to refer the proposed easements to the Planning Board for a recommendation.

Planning Department Recommendation

Vote to recommend that the City Council approve the proposed easements.