

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearings begin

June 16, 2022

AGENDA

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the May 19, 2022 regular meeting minutes.
- B. Approval of the March 30, 2022 and May 5, 2022 special meeting minutes.
- C. Approval of the May 19, 2022 site walk minutes.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **North Church of Portsmouth (Owner)**, for property located at **355 Spinney Road** requesting Preliminary and Final Subdivision approval

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. **REQUEST TO POSTPONE** The request of **Mastoran Restaurants Inc. (Owner)**, and **Granite State Convenience (Applicant)**, for property located at **2255 Lafayette Road** requesting Site Plan review and Conditional Use Approval for use 19.40 under Section 10.440 to allow a drive-thru facility as an accessory use to a permitted principal use in the Gateway Corridor Zone. Said property is shown on Assessor Map 272 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-22-13) **REQUEST TO POSTPONE**
- B. The request of **North Church of Portsmouth (Owner)**, for property located at **355 Spinney Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 146,666 square feet of lot area and 10,429.68 feet of frontage into two lots as follows: Proposed Lot 1 with 17,817 square feet of lot area and 117.6 feet of frontage, and Proposed Lot 2 with 128,849 square feet of lot area and 360.62 feet of lot

frontage. Said property is located on Assessor Map 169 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-49)

- C. The request of **404 Islington Street LLC (Owner)**, for property located at **404 Islington Street** requesting a Conditional Use Permit under Section 10.1112.14 of the Zoning Ordinance to provide ten (10) parking spaced where thirteen (13) are required. Said property is shown on Assessor Map 145 Lot 33 and is located in the Historic District and the Character District 4L-2 (CD4-L2). (LU-22-74)
- D. **REQUEST TO POSTPONE** The request of **James and Gail Sanders (Owners)**, for property located at **445 Marcy Street** requesting Preliminary and Final Subdivision approval to subdivide one lot with 14,947 square feet of lot area and frontage on Marcy Street, Pray Street, and Partridge Street into two lots as follows: Proposed Lot 1 with 6,127 square feet of lot area and 102.43 feet of frontage on Marcy Street and 67.83 feet of frontage on Pray Street, Proposed Lot 2 with 8,820 square feet of lot area and 802 feet of frontage on Pray street and 62.44 feet of frontage on Partridge Street. Said property is located on Assessor Map 101 Lot 3 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-79) **REQUEST TO POSTPONE**

IV. CITY COUNCIL REFERRALS

- A. **REQUEST TO CONTINUE AND POSTPONE** Public Hearing and consider a recommendation to the City Council for Zoning Ordinance Amendments to Building Height standards **TO THE JUNE 23, 2022 PLANNING BOARD MEETING**
- B. Consider a report back to the City Council on how to improve the work of the Demolition Committee.

V. OTHER BUSINESS

- A. Consider a recommendation to City Council to accept a right-of-way easement which would incorporate a section of proposed roadway into the City's existing Sagamore Grove right of way.
- B. Consider a recommendation to City Council to accept a right-of-way easement located on Albany Street requested by the Planning Board on January 27, 2022, as part of the project located at 89 Brewery Lane.
- C. Chairman's Update/Discussion

VI. ADJOURNMENT

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City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board
From: Beverly Mesa-Zendt, Planning Director
Stefanie L. Casella, Planner
Date: June 10, 2022
Re: Recommendations for the June 16, 2022 Planning Board Meeting

I. APPROVAL OF MINUTES

- A. Approval of the May 19, 2022 regular meeting minutes.
- B. Approval of the March 30, 2022 and May 5, 2022 special meeting minutes.
- C. Approval of the May 19, 2022 site walk minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision making process that occurred at the May 19, 2022 meeting, and vote to approve the meeting minutes with edits if needed.

2) Board members should determine if the draft minutes include all relevant details for the Special Meeting that occurred on March 30, 2022 and May 5, 2022, and vote to approve meeting minutes with edits if needed.

3) Board members should determine if the draft minutes include all relevant details for the Site Walk that occurred on May 19, 2022, and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **North Church of Portsmouth (Owner)**, for property located at **355 Spinney Road** requesting Preliminary and Final Subdivision approval.

Planning Department Recommendation

1) Vote to determine that the application is complete according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section III of the agenda) and to accept the applications for consideration.

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. REQUEST TO POSTPONE** The request of **Mastoran Restaurants Inc. (Owner) and Granite State Convenience (Applicant)**, for property located at **2255 Lafayette Road** requesting Site Plan review and Conditional Use Approval for use 19.40 under Section 10.440 to allow a drive-thru facility as an accessory use to a permitted principal use in the Gateway Corridor Zone. Said property is shown on Assessor Map 272 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-22-13) **REQUEST TO POSTPONE**

Planning Department Recommendation

- 1) Vote to postpone consideration of this item until the June 23, 2022 Planning Board meeting.*
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III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- B. The request of **North Church of Portsmouth (Owner)**, for property located at **355 Spinney Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 146,666 square feet of lot area and 10,429.68 feet of frontage into two lots as follows: Proposed Lot 1 with 17,817 square feet of lot area and 117.6 feet of frontage, and Proposed Lot 2 with 128,849 square feet of lot area and 360.62 feet of lot frontage. Said property is located on Assessor Map 169 Lot 1 and lies within the Single Residence B (SRB) District. (LU-22-49)

Background

The 3.37 acre lot is currently the site of a church parish house and a parsonage. The applicant is proposing subdividing to provide a separate lot for the parsonage. The SRB district requires the following minimum lot dimensional standards:

- 15,000 SF lot area per dwelling unit.
- 100' of continuous street frontage.

The proposed subdivision complies with these dimensional standards.

Project Review, Decisions, and Recommendations

This application has been before the Technical Advisory Committee. Please see below for more information.

Technical Advisory Committee (TAC) Review

This item was reviewed by TAC on June 7, 2022 where the application was recommended for approval by the Planning Board as presented.

Planning Department Recommendation

1) *Vote to approve Preliminary and Final Subdivision as presented with the following stipulations:*

- 1.1) *Lot numbers as determined by the Assessor shall be added to the final plat prior to recordation with the Registry of Deeds.*
- 1.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 1.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

1.4) The final plat and all easement deeds (if applicable) shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- C. The request of **404 Islington Street LLC (Owner)**, for property located at **404 Islington Street** requesting a Conditional Use Permit under Section 10.1112.14 of the Zoning Ordinance to provide ten (10) parking spaced where thirteen (13) are required. Said property is shown on Assessor Map 145 Lot 33 and is located in the Historic District and the Character District 4L-2 (CD4-L2). (LU-22-74)

Project Review, Decisions, and Recommendations

This application has been before the Technical Advisory Committee, the Historic District Committee, and is required to go before the Zoning Board of Adjustments prior to use of the property as a 10-unit Inn.

Staff Review

It has been determined by staff that this is a change of use and that the proposed project, at 404 Islington Street, will require a special exception. Upon receipt of the Conditional Use Permit and review of the land use files it was determined that there are no approvals on file for the current use, leading staff to believe that this is an existing non-conforming use. The current building houses seven (7) guest units including a permanent care takers unit which is currently owner occupied, similar to a Bed and Breakfast. As the application proposes the expansion on the units from 7 to 10 with the elimination of the care takers unit, staff concluded that the proposed use qualified as an "Inn" use and should go before the Zoning Board of Adjustment for the proper review and noticing as identified in the [Zoning Ordinance](#) (See Section 10.440 Table of Uses). Under Section 10.232 Special Exceptions, the Zoning Board of Adjustment reviews and approves special exceptions.

Section 10.1530 of the Zoning Ordinance provides the following definition for Bed and Breakfast and Inn uses.

Bed and breakfast. The provision of short-term lodging and breakfast within an owner-occupied dwelling. The capacity of the dining facilities shall accommodate no more than 25 persons. (See also: hotel, motel, inn.) Bed and Breakfast 1 A bed and breakfast with between 1 and 5 guest rooms. Bed and Breakfast 2 A bed and breakfast with between 6 and 10 guest rooms.

Inn. A building offering lodging for transient boarders with up to 15 sleeping rooms. An inn may have a caretaker residence but does not have to be occupied by the owner, and shall not serve food to the public. (See also: bed and breakfast, hotel, motel.)

Technical Advisory Committee (TAC) Review

On May 3, 2022 the Committee review the proposed project. Per section 10.1112.143 of the [Zoning Ordinance](#), the TAC is required to review the parking demand analysis provided by the applicant. As a result of this review and consideration the Committee voted to recommend approval to the Planning Board with the following stipulations:

Items to be addressed prior to Planning Board approval:

1. Applicant explores and identifies supplemental parking opportunities to meet parking requirements as defined in the ordinance and present findings to Planning Board.

Prior to Building Permit Issuance:

2. Applicant obtains special exception approval per section 10.440 (10.30) of the Zoning Ordinance.

Condition 1 listed above has been satisfied with the preparation of an overflow parking plan (included in the submission materials). It will be up to the Planning Board to determine if the proposed overflow agreement is needed and/or adequate for the request at hand.

Condition 2 addresses the special exception for the use of an Inn which will be considered by the Zoning Board of Adjustment.

Historic District Committee (HDC) Review

On May 4, 2022 the Historic District Commission (HDC) review the proposed exterior renovations of an existing structure. The renovations under review included the removal and infill of a door, the installation of mechanical equipment, and the installation of an ADA compliant ramp. As a result of this consideration the HDC voted to grant the Certificate of Approval as Presented.

Zoning Board of Adjustment

Applicant has not yet requested a special exception for the use of an inn in the CD4-L2 District (See Section 10.440 Table of Uses in the [Zoning Ordinance](#)). A special exception will be a requirement for the applicant to obtain a building permit and has been listed below as a recommendation of approval.

Planning Board Consideration

10.1112.14 *The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61 or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.*

10.1112.141 *An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's*

Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use.

10.1112.142 *An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/microtransit services or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62.*

10.1112.143 *The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.*

10.1112.144 *At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.*

Planning Department Recommendation

1) Vote to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to grant the conditional use permit as presented with the following stipulation:

Prior to Building Permit Issuance:

1.1) Applicant obtains special exception approval per section 10.440 of the Zoning Ordinance.

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

D. REQUEST TO POSTPONE The request of **James and Gail Sanders (Owners)**, for property located at **445 Marcy Street** requesting Preliminary and Final Subdivision approval to subdivide one lot with 14,947 square feet of lot area and frontage on Marcy Street, Pray Street, and Partridge Street into two lots as follows: Proposed Lot 1 with 6,127 square feet of lot area and 102.43 feet of frontage on Marcy Street and 67.83 feet of frontage on Pray Street, Proposed Lot 2 with 8,820 square feet of lot area and 802 feet of frontage on Pray street and 62.44 feet of frontage on Partridge Street. Said property is located on Assessor Map 101 Lot 3 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-79) **REQUEST TO POSTPONE**

Planning Department Recommendation

1) Vote to postpone consideration of this item until the June 23, 2022 Planning Board meeting.

IV. CITY COUNCIL REFERRALS

- A. REQUEST TO CONTINUE AND POSTPONE** Public Hearing and consider a recommendation to the City Council for Zoning Ordinance Amendments to Building Height standards **TO THE JUNE 23, 2022 PLANNING BOARD MEETING**

Planning Department Recommendation

- 1) Vote to postpone consideration of this item until the June 23, 2022 Planning Board meeting.*
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IV. CITY COUNCIL REFERRALS

- B.** Consider a Report Back to the City Council on how to improve the work of the Demolition Review Committee (DRC).

Please reference the attached *Planning Board Report Back on the Demolition Committee Memo* and related recommendations.

Planning Department Recommendation

1) *Vote to recommend that the City Council consider implementing the recommendations of the DRC subject to a detailed legal analysis to ensure that the recommendations are in conformance with state law, case law, and best practices with the following change:*

- *Rather than extending the stay of demolition to 180 days, it would be advisable to commence the 90-day demolition delay period from the date of the public hearing required under Section 14.205. Additionally, expanded notification procedures to abutters would serve the purpose of broadening public awareness of impending demolitions and it would provide opportunities to affected community members to gain photographic records, influence the property owner to consider other courses of action, and to consider alternatives to demolition.*
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V. OTHER BUSINESS

- A.** Consider a recommendation to City Council to accept a right-of-way easement which would incorporate a section of the proposed roadway into the City's existing Sagamore Grove right-of-way.

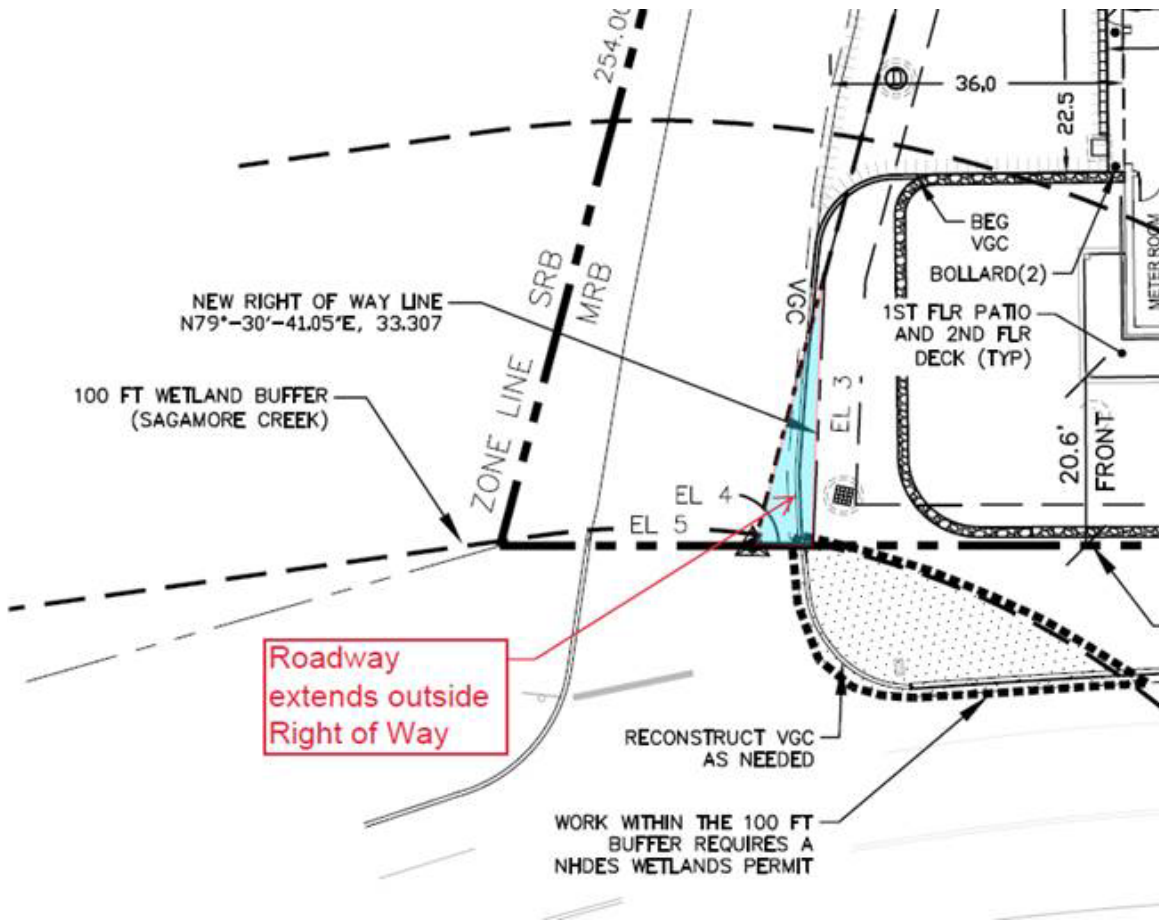
Staff Review

On January 27, 2022, the Portsmouth Planning Board granted Site Plan Approval to demolish the existing mixed-use structure and construct a 6-unit residential structure totaling 21,066 square feet of gross floor area, 21 parking spaces as well as associated utilities, lighting, landscaping, and site improvements. Said property is shown on Assessor Map 201 Lot 2 and is located in the Mixed Residential Business (MRB) district.

Subsequent to the approval, City staff identified that the existing Sagamore Grove Right of Way (ROW), as articulated in the exiting Easement Deed, does not include approximately 124 square feet of the new, proposed roadway approved on January 27, 2022. The enclosed easement deed would incorporate this section of proposed roadway into the City's existing Sagamore Grove right of way. The attached drawing depicts the area to be added to the right of way.

The consideration before the Planning Board is to review the drafted easement and make a recommendation to the City Council. The drafted easement included in the June 16, 2022 meeting packet was prepared by the project engineer representing Sagamore, LLC and reviewed by the City Planning and Legal staff. The new easement accounts for the post construction location of Sagamore Grove and establishes the new boundaries of the ROW. Adoption of this document will allow for the continued public access and city maintenance of the road.

Please review the drafted easement language and the map identifying the new easement boundaries and make a recommendation to the City Council.



Planning Department Recommendation

1) Vote to recommend that City Council accept a right-of-way easement which would incorporate a section of the proposed roadway into the City's existing Sagamore Grove right of way.

VII. OTHER BUSINESS

- B.** Consider a recommendation to City Council to accept a right-of-way easement located on Albany Street, requested by the Planning Board on January 27, 2022 as part of the project located at 89 Brewery Lane.

Staff Review

Please reference the *Albany Street Right of Way Planning Board Recommendation Memorandum* and attachment from Staff Attorney Trevor P. McCourt, staff attorney, dated June 2, 2022 included in the Planning Board Packet.

Planning Department Recommendation

1) Vote recommend that the City Council accept a right-of-way easement, located on Albany Street, requested by the Planning Board on January 27, 2022 as part of the project located at 89 Brewery Lane.

VII. OTHER BUSINESS

C. Chairman's Update/Discussion

VIII. ADJOURNMENT

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

May 19, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joe Almeida, Facilities Manager; Beth Moreau, City Councilor; Greg Mahanna; Peter Harris; Jane Begala; James Hewitt; Andrew Samonas, Alternate;

ALSO PRESENT: Beverly M. Zendt, Planning Director; Peter Britz, Environmental Planner; Stefanie Casella, Planner 1

MEMBERS ABSENT: Franco DiRienzo, Alternate

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I. APPROVAL OF MINUTES

A. Approval of April 21, 2022 Minutes

Chairman Chellman noted that the April Minutes would be voted on at the June Planning Board Meeting.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

A. The request of **Elizabeth B Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Preliminary and Final Subdivision approval.

Vice Chairman Clark moved to determine that the application was complete according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration, seconded by City Council Representative Moreau. The motion passed unanimously.

- B. The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting Preliminary and Final Subdivision approval.

Vice Chairman Clark moved to determine that the application was complete according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration, seconded by City Council Representative Moreau. The motion passed unanimously.

SITE PLAN REVIEW

- A. The request of **Elizabeth B. Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Site Plan Review approval.

Mr. Hewitt moved to determine that the application was complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the application for consideration, seconded by Vice Chairman Clark. The motion passed unanimously.

III. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** requesting Conditional Use Permit under section 10.814 of the Zoning Ordinance and modification of the standards set forth in Sections 10.814.40 or 10.814.52 through 10.814.56, to construct a new single family residence and convert the existing residence into a Detached Accessory Dwelling Unit totaling 886 square feet of living area. Said property is shown on Assessor Map 222 Lot 69 and lies within the Single Residence B (SRB) district. (LU-22-34)

City Council Representative Moreau moved to consider Agenda Items III. A and IV. A together and vote on them separately. The motion passed unanimously.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering and Chris Mulligan spoke to the application. Mr. Chagnon commented that the application was for a CUP for an ADU and a CUP for wetland buffer impact.

Mr. Mulligan commented that the request for the CUP for the DADU was a little unorthodox in that they were proposing to construct a new free standing primary dwelling and utilize the existing dwelling as the ADU. In order to take advantage of the existing 862 sf dwelling they will need 3 waivers on dimensional requirements. They feel that all of the criteria is satisfied with the waivers. The structures will be on the same lot and conform to all zoning regulations.

They have a variance from the ZBA to put in a second driveway on the site. The plan meets the principle building setbacks. The primary residence will be in common ownership and Mr. Stickney will occupy it. They will not use either dwelling for business purposes and they do have a State approved septic plan. The plan meets the minimum lot area. The DADU regulations limit it to 2 bedrooms and less than or equal to 750 sf. This existing structure is slightly larger than that, so they are asking for a waiver. The next waiver request is for the façade area. The regulations say that it must be less than 40% of combined façade and this is 42%. The structure height will be less than the primary dwelling and the architecture will be consistent. The separation between the two structures will be 20 feet. The last waiver they are requesting is the front wall of the DADU being set back 10 feet further from the front of the primary dwelling. The only way they could comply with that would be to move the primary dwelling forward and get a variance or move the existing structure back. The ADU will maintain a compatible relationship with the primary dwelling and it will not alter or reduce the privacy of the abutters. There will not be excessive noise or parking. The ADU is already existing and integrated into the neighborhood. They had letters of abutter support included in the packet.

Chairman Chellman commented that the plan showed the structure as 886 sf. Mr. Mulligan confirmed that he misspoke. It is 886 sf.

Ms. Begala questioned if the new driveway would change where front yard is located. Mr. Mulligan responded that it would not. The existing drive is to the west of the ADU, and the new primary driveway will be in front of the ADU. The front yard of the property fronts on Jones Ave. It will continue to do that tomorrow. Ms. Begala questioned if the new structure would be closer to Jones Ave. Mr. Mulligan responded that the closest point was just over 30 feet. Ms. Begala requested clarification on how they measure the living square footage of an ADU. Ms. Begala questioned if the patio should be counted or not. Mr. Mulligan responded that they counted the floor area from the tax card. It does not include the patio. Ms. Begala questioned if that was correct. Chairman Chellman confirmed it was the gross floor area of the building space. It would not include the patio.

Mr. Samonas questioned if they evaluated the low spot on this land that collected water. Mr. Chagnon responded that they did include a drainage plan and he could present the information on the wetland CUP.

Mr. Chagnon commented that there would be 776 sf of impact on the buffer. They will be introducing a new State approved septic and eliminating the existing septic. Mr. Stickney has planted a lot of trees in the buffer area already and is planning to add more to the buffer area. The wetland comes across the back and has a finger that goes up into the lot. It is an oddly shaped buffer line. The runoff will drain from the back to the front to a 15-inch culvert on Jones Ave. They will retain the flow before it goes to the culvert. The buffer is in the back which means they cannot place the house in the back of the lot. That is why it is placed toward the front. They will slow down the flow by constructing a berm across the back portion of the lot to intercept and hold back water from coming down the front of the lot. Mr. Chagnon reviewed the wetland CUP criteria. The first is that the land is reasonably suited to the use, activity or alteration. Mr. Chagnon noted that this was a residential structure and the ADU is in the

residential zone. The second is that there is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. Mr. Chagnon commented that the structure is in the front of the lot, and they need to work in the buffer for storm water treatment. The third is that there will be no adverse impact on the wetland functional values of the site or surrounding properties. Mr. Chagnon commented that the work was entirely in the buffer. There was no direct wetland impact. There will not be any adverse impacts to the functions and values. The fourth is that the alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. Mr. Chagnon commented that they need to place the berm from one elevation to another elevation. That's the minimum length to adequately detain the runoff. The fifth is that the proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section. Mr. Chagnon commented that they met with the Conservation Commission with an alternative design that had more buffer impact. They worked with the Commission to redesign the proposal to this, and they recommended approval. The sixth is that any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. Mr. Chagnon commented that the berm will be a planted berm and it will go back to a natural state.

Vice Chairman Clark noted that there was a chicken coop, gravel walk, and garden in the buffer and questioned if those would be moved. Mr. Chagnon responded that they were not proposed to be moved at this time.

Ms. Begala commented that there was a large septic system and leach field area on the map. The proposal is to remove the existing dry well and septic. Ms. Begala questioned if they would be putting something back in to help with the flow of water. Mr. Chagnon responded that the existing septic is most likely under sized and closer to the water table than is allowed. The size of the septic system is based on the perk of the soil and the water table. The driveway and house grading are detailed on the grading sheet. There is a culvert under the driveway. Water will still be able to move and go to the culvert on Jones Ave. Ms. Begala commented that the septic area looked even larger. Mr. Chagnon commented that was the current septic. The proposed septic was designed to comply with DES rules.

Mr. Hewitt questioned if the second driveway complied with sight line distances. Mr. Chagnon confirmed that they would have 200 feet of sightlines. They will move the fence back to allow for that. The variance was granted on Tuesday, but they still need a driveway permit from DPW.

PUBLIC HEARING

Bob McDonald of 246 Jones Ave. spoke in support of application. Mr. Stickney maintains the property well and this is a good use of the ordinance.

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

City Council Representative Moreau moved to find the application satisfies the criteria set forth in Section 10.107.50 of the Zoning Ordinance, seconded by Vice Chairman Clark. The motion passed unanimously.

City Council Representative Moreau moved to grant a modification to the requirements set forth in section 10.815.30, seconded by Mr. Mahanna.

City Council Representative Moreau commented that she looked at the tax card gross floor area which is 36' by 24'. That comes out to 864 sf. This is a unique property because of all the wetlands. The setbacks and zoning are compliant. It looks more like 2 lots than one. It is not a perfect DADU especially with two separate driveways, but because of the unique circumstance City Council Representative Moreau was fine to allow the modifications.

The motion passed unanimously.

City Council Representative Moreau moved to find that the application meets the requirements set forth in Section 10.814.60 of the Zoning Ordinance and to grant the Conditional Use Permit, seconded by Vice Chairman Clark. The motion passed unanimously.

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A.** The request of **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** requesting Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to construct a new single family residence and convert the existing residence into a Detached Accessory Dwelling Unit totaling 886 square feet of living area. Said property is shown on Assessor Map 222 Lot 69 and lies within the Single Residence B (SRB) district. (LU-22-34)

DISCUSSION AND DECISION OF THE BOARD

City Council Representative Moreau moved to grant the Wetland Conditional Use Permit as presented, seconded by Mr. Hewitt.

Vice Chairman Clark commented that there were existing things out there close to the wetland and it would be good to move them back. The berm will be a good definition of where the wetlands are on the site. It will prevent creep into the wetlands. Chairman Chellman added that the new septic system will be better for the water as well.

The motion passed unanimously.

- B.** The request of **2422 Lafayette Road Associates, LLC (Owner)**, and **Waterstone**

Properties Group Inc. (Applicant), for property located at **2454 Lafayette Road, Unit 9** requesting Amended Site Plan Review Approval for the alteration of the commercial pad and sidewalk, rerouting the existing sewer line, relocation of bicycle racks, and the expansion of Unit 9 from an existing footprint of 1,833 s.f. to 3,650 s.f +/- and to then divide the space into two units equaling 1,155 s.f. +/- and 2,400 s.f. +/- . Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-22-46)

SPEAKING TO THE APPLICATION

Neil Hanson from Tighe and Bond spoke to the application. Mr. Hanson commented that they were looking to amend the end of the building, which is the current location of the diner. They will remove the diner and replace it with two retail units. Along with this reconfiguration the existing bike racks near the diner will be relocated and they will realign the curb. There is not a lot of work relating to drainage and utilities. The biggest piece is that they will relocate the sewer around the corner of the new building. The existing water service does not need any modification. They will be adding a roof drain connection and tying into the existing drain line. TAC had 3 stipulations. One was to replace the existing sewer manhole, and that has been included in the plan. They expanded the plan view to show the water tie in and included a trip generation memo for the change of use on the site. The weekday am peak will be reduced by 9 trips, the pm will be increased by 7 trips, and the Saturday will be increased by 4 trips. There will be a minimal change in traffic use. The Staff Memo includes a few recommendations that don't seem to apply to this. Portions of 1.1 relate to offsite and private easements needing to be recorded. There are no new easements proposed with this. 1.2 and 1.6 are also easement related. 1.4 requires a written report by a certified engineer. The only storm water change is the addition of the roof drain connection. It probably does not need to be engineer certified. 1.5 deals with reporting inspection and maintenance. There is a current inspection and maintenance plan that is part of this site from a prior approval. They should already be complying with that.

Chairman Chellman questioned if they needed an easement adjustment because they were rerouting the sewer line. Mr. Hanson responded that they did not because it was on private property and the City did not have rights to it.

Mr. Hewitt questioned if the proposal would be on the existing paved surface, so the impervious surface would remain the same. Mr. Hanson responded that it was. There may be a slight increase to the impervious surface but there was no change to the flow or treatment needed.

Ms. Begala questioned if there would be an increased parking demand. There's a bottleneck past the diner now. Ms. Begala questioned how they would prevent that from becoming more of a bottleneck. Mr. Hanson responded that they were not modifying the intersection at all. The change in trips will not change the site significantly. It's an increase of 4 trips overall. The diner generates 20 trips, and the retail use generates 24 trips. Ms. Begala commented that the diner was closed. Mr. Hanson responded that the trip generations were based off the ITE data which considers the square footage of the building and use of the building. Ms. Zendt commented that a traffic impact analysis was completed for the diner when that was built, so they have accounted for that parking, and it was considered. Even though it is closed today, those conditions still

exist. Mr. Hanson added that the retail use has a lower parking demand than a restaurant use. The parking demand decreases. That's how it's calculated through the City Ordinance and ITE.

Vice Chairman Clark questioned if the AOT permit for the whole site had been closed out. Mr. Hanson confirmed it had.

Ms. Begala commented that she did not see a pedestrian analysis. There are no sidewalks for pedestrians to make it across the sea of parking. Mr. Hanson responded that the site has two main pedestrian crossings which were put in as part of the original approval. When Chipotle was added they added connections to connect all of it. The site was designed under the old Gateway Ordinance that had a pedestrian walkability component to it. The site was designed with a pedestrian orientation in mind.

Mr. Harris questioned if the demands for parking took the new apartments into account. Mr. Hanson confirmed it did. They have a CUP for the site using the ITE data. That was revised and reapproved as part of the condo proposal.

City Council Representative Moreau questioned if the previous approval had any storm water maintenance reporting requirements. Mr. Hanson confirmed it did for the Veridian in 2016. City Council Representative Moreau question if that was still happening. Mr. Hanson responded that it should be, but that is the ownership's responsibility.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Clark moved to grant amended site plan approval, seconded by City Manager Conard with the following stipulations:

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

1.1 The site plan, any new off-site easements to benefit the development, and any other new public or private easements shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

1.2 The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

Conditions Subsequent:

1.3 The Engineer of Record shall submit a written narrative (with photographs and engineer stamp) certifying that the stormwater infrastructure was not altered from previously approved plans and specifications that meets the design performance;

1.4 A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments. 1.6 Any easement plans and deeds for which the City is a grantor or grantee shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

- C. The request of **Elizabeth B Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Preliminary and Final Subdivision approval to subdivide 1 existing lot with 81,046 square feet of lot area, and 69.83 feet of street frontage into 3 lots as follows: Proposed Lot 1 with 18,646 square feet of lot area and no street frontage; Proposed Lot 2 with 18,756 square feet of lot area and no street frontage; Proposed Lot 3 with 43,644 square feet of lot area and 69.83 feet of street frontage. The existing buildings will remain and be on Proposed Lot 3. Said property is shown on Assessor Map 147 Lot 18 and lies within the General Residence A (GRA) and Historic Districts. (LU-21-23)

City Council Representative Moreau moved to consider Agenda Item IV. C and IV. D, seconded by Vice Chairman Clark. The motion passed unanimously.

SPEAKING TO THE APPLICATION

Mike Garrepy spoke to the application. This is a unique site with 2 acres on Middle St. It is bifurcated in part by the Historic District. They are not proposing to do anything to the existing 3-unit structure on Middle St. Beyond the Historic District there is a single-family dwelling with a 2-car garage. That is accessed via a shared driveway with the 3 unit building and off Chevrolet Ave. The proposal is to do a 3-lot subdivision. There will be duplexes on the two new lots and the remaining lot will have the existing structures. The easement plan includes an existing easement on Chevrolet Ave. It is a private way that is maintained by the City. Today it is partially located on two different properties. They will provide easements to the City for this parcel and the abutting parcel is amenable to provide one for the right of way. There is a shared easement for a shared driveway. The original proposal was a denser development. That was not well received by the neighbors. They worked with abutters to revise it and create a better plan. The existing structures will still have access off Middle St. and Chevrolet Ave. A variance was granted for the frontage. Each duplex will be 2,700 sf of living space per unit. They will have a shared drive off Chevrolet Ave. The drainage plan includes a small rain garden on one of the lots. They will tie into the drain system on Chevrolet Ave. This has gone through several iterations at TAC for the subdivision and site plan.

Ms. Begala questioned where the new driveway was compared to the exit from the Malt Exchange. Mr. Garrepy responded that the Malt Exchange exit was further down from this location. Ms. Begala requested clarification on the encroachment on this driveway. Mr. Garrepy responded that part of the end of the driveway slightly encroaches on the abutting property. They are going to make a slight adjustment at the entrance to avoid that. Ms. Begala questioned if the single-family home would continue to have access on Middle St. and Chevrolet Ave. Mr. Garrepy responded that the single-family home had access from Middle St. and a driveway off Chevrolet Ave for their 2-car garage. That will be maintained. Ms. Begala questioned if major trees would be eliminated as part of this project. Mr. Garrepy responded that there is one pine

tree in the middle of the existing drive that they will keep. Anything that is existing on the two lots will probably need to be removed. The site will be revegetated.

City Council Representative Moreau clarified that these would not be made condos. Mr. Garrepy confirmed that was correct. Only the existing properties will be condos.

Mr. Hewitt requested more information on the variances they have received. Mr. Garrepy responded that variances 1 and 3 went together. They asked for the second variance out of an abundance of caution because it is an existing condition. The ordinance requires that the frontage be on a City street and Chevrolet Ave. is not technically not a City street. They needed a variance to have frontage on a private way. One was to create the lot and the other was to build on the lot with access.

Mr. Samonas commented that they proposed the mailbox on Chevrolet Ave., but that may cause traffic congestion. Mr. Garrepy responded that location was suggested by DPW. Mr. Samonas suggested adding reflectors on that to make it more visible.

Vice Chairman Clark questioned how package deliveries would be made. Mr. Garrepy responded that the delivery van would pull into the driveway and then back out to head out. Vice Chairman questioned why they did 2 lots. Mr. Garrepy responded that they had to in order to put 4 dwellings on the lots without more variances.

Ms. Begala questioned who would bear the burden of the cost for milling and overlaying the street. Ms. Zendt responded that was a condition that the DPW requested be included and the applicants would bear that cost.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Clark moved to grant preliminary and final subdivision approval, seconded by City Council Representative Moreau with the following stipulations:

2.1 Milling and overlay of the full road width for length of the disturbance area shall be required and, the sidewalk shall be repaired or replaced (as needed and determined by the DPW).

2.2 Subject to DPW review and approval temporary pavement shall be required at time of construction. Such paving shall be to the existing pavement depth and, after a winter season the street shall receive a full mill and overlay.

2.3 Lot numbers as determined by the Assessor shall be added to the final plat.

2.4 Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.5 GIS data shall be provided to the Department of Public Works in the form as required by the City.

2.6 The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

- D.** The request of **Elizabeth B. Larsen Trust of 2012 (Owner)**, for property located at **668 Middle Street** requesting Site Plan Review approval for the construction of two two-unit structures and improvement to the existing structures to create a total of eight units on three lots with associated utilities, connections and site improvements. Said property is shown on Assessor Map 147 Lot 18 and lies within the Historic and General Residence A (GRA) Districts. (LU-21-23)

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Clark moved to grant Site Plan approval, seconded by Vice Chairman Moraeu with the following stipulations:

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

2.1 Prior to the issuance of a building permit, three sets of condominium documents total shall be submitted to the City for review by the Legal Department.

2.2 The site plan, any off-site easements to benefit the development, and any other new private or public easements shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.3 The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

Conditions Subsequent:

2.4 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;

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

The motion passed unanimously.

- E.** The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting Preliminary and Final Subdivision approval to subdivide one existing lot with 223,416 square feet of lot area and 789.91 feet of frontage on Peverly Hill Road and 576.28 feet of frontage on Lafayette Road into two lots as follows: Proposed Lot 1 with 111,415 square feet of lot area and 467.63 feet of frontage on Peverly Hill Road, Proposed Lot 2 with 137,276 square feet of lot area with 325.59 feet of frontage on Peverly Hill Road and 576.28 feet of frontage on Lafayette Rd. Said property is located on Assessor Map 252 Lot 7 and lies within the Gateway Center (G2) District. (LU-22-80)

City Council Representative Moreau moved to consider agenda item IV. E and IV. F, seconded by Vice Chairman Clark. The motion passed unanimously.

SPEAKING TO THE APPLICATION

Chris Tymula spoke to the application. They are seeking approval for a 1-year extension, amendment to the site plan approval and a lot line consolidation. They previously received an extension in 2021. In order to receive any additional extensions, they need to go back to TAC and this Board. They scaled back the number of units, parking, building footprint, and building coverage. This project was started in 2020. Then the pandemic hit, and the market has changed. They eliminated the 4 story apartment complexes that were previously along Peverly Hill Rd. Now there are 3 story townhouse style units. They went from 53 to 32 units. The footprint has been reduced from 37,775 sf to 25,600 sf and the parking has been reduced from 106 spaces to 93 spaces. This proposal reduced the impervious by 3,900 sf. The previous application met all the conditions of approval. They kept the architecture designs. They are separating the commercial in the front from the residential component in the back. The subdivision plan separates the front portion of the site from the rear portion. The front lot will be 1400 Lafayette and the remaining will be consolidated to 951 Peverly Hill Rd. The project meets all the zoning requirements, and no variances are needed. They do need a waiver for the location of the dumpster. This was addressed in the TAC comments. The only outstanding item is note 2. They just need to confirm that with DPW. They also need to add a sprinkler room on the final building plans.

Vice Chairman Clark commented that the paved area on complex B looked a lot bigger and is not striped for parking. Mr. Tymula responded that each one of the units has a 2-car garage. They wanted to provide more room to allow for parking in front of it. They eliminated the U-shaped building which eliminated some of the impervious coverage. They did add more parking in that area but overall, there is a reduction in impervious. Vice Chairman Clark questioned if the applicant looked to change the seating area in between building A and B into an actual playground. That could be a good addition to the site. Mr. Tymula responded that they looked at putting in a playground on the development during initial discussions with Staff but moved away from that. They will have an outside patio area and added bike racks on the site too.

Mr. Hewitt questioned if the pedestrian improvements along Peverly Hill Rd. changed at all. Mr. Tymula responded that there was no change. They are still providing an RRFB and crosswalk. There is also a design included for an additional sidewalk on the west side of Peverly Hill Rd. If the City wants to move forward on that, then they can use that to build it.

Ms. Begala clarified that there would be 2 entrances off Peverly Hill Rd. and one on Lafayette Rd. Mr. Tymula confirmed that was correct. Ms. Begala questioned what side the west side of Peverly Hill Rd. was. Mr. Tymula responded that was along the Market Basket side. The crosswalk and flashing beacons will get pedestrians to the other side where the existing sidewalk is on West Rd. They included a design for a sidewalk on the west side but did not include it in the plans because they would need to get easements to complete it. Ms. Begala questioned if

they did a trip generation or traffic analysis for this site. Mr. Tymula confirmed that was done. There was some discussion about whether or not they should put the crosswalk closer to the intersection, but from a traffic safety perspective it did not make sense. They will have less traffic now because there has been a reduction in units. It is consistent with the original approvals. Ms. Begala questioned if they discussed the idea of putting in a sidewalk along the side of their development. Mr. Tymula responded that they were proposing a 10-foot-wide sidewalk that will connect to the sidewalk on Five Guys.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Clark moved to grant Preliminary and Final Subdivision approval, seconded by City Council Representative Moreau with the following stipulations:

- 2.1 Lot numbers as determined by the Assessor shall be added to the final plat.
- 2.2 Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2.3 GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 2.4 The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Vice Chairman Clark commented that all in all this was similar to what the Board saw in 2020. The subdivision is just a technicality.

The motion passed unanimously.

- F. The request of **4 Amigos LLC (Owner)**, for property located at **1400 Lafayette Road** and **951 Peverly Hill Road** requesting an amendment and a 1-year extension for the previously approved Site Plan and Conditional Use Permit 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 property is located on Assessor Map 252 Lots 4, 5, and 7 and lies within the Gateway Center (G2) District. (LU-20-12)

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Clark moved to grant waiver to section 9.3.5 of the Zoning Ordinance to allow the dumpster to be located within 20 feet of the property line, seconded by City Council Representative Moreau.

The motion passed unanimously.

Vice Chairman Clark moved to grant a 1-year extension of the Site Plan and Conditional Use Permit approval with presented amendments and all original conditions (as approved on April 30, 2020 under LU-20-12), seconded by City Council Representative Moreau in addition to the following stipulations:

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

2.1 The sprinkler and riser room will be included in the building plans and will be incorporated within the existing footprint.

2.2 The site plan, any new off-site easements to benefit the development, and any other new public or private easements shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.3 Summary narrative describing the general location and purpose of the easement.

2.4 A location map identifying the general location of the easement.

2.5 The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

Conditions Subsequent:

2.6 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;

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

Vice Chairman Clark commented that this is a better development than what they originally saw. Before it was very dense. Some of the community space is just landscaped areas. They are not a big benefit to the community. Overall, it is a better project. City Council Representative Moreau agreed with Vice Chairman Clark. The community space is disappointing but there is more green space. It is a less dense development.

Ms. Begala agreed with the previous comments. There should be a lot of trees and shrubs put into this development to make it a high-quality living space. They should make it really good green space.

Mr. Hewitt made a general comment. When the site was rezoned to G2 the hope was that density bonuses would be granted for affordable housing. At the time they felt that residential homes on Route 1 would be more affordable. They reduced the number of units, but now they are larger condos. It's unfortunate more people not taking advantage of WFH density bonus.

The motion passed unanimously.

V. DESIGN REVIEW APPLICATION – PUBLIC HEARING

- A. The request of **EightKPH LLC (Owner)**, for property located at **161 Deer Street** to be known as **88 Maplewood Avenue** Design Review for the demolition of the existing one story commercial building and the construction of a four story building with a penthouse. Said property is shown on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5). (LUPD-22-7)

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering, Carla Goodnight and Tom Ballon spoke to the application. Mr. Chagnon commented that these were the same plans presented for the conceptual design meeting. The desire here is to get any additional feedback from the public before going into final design. The subdivision was approved to create 6 lots on Deer St. They obtained an easement from the railroad for additional space along the north side. They will be removing the existing building and construct a new larger building. It will have some underground parking.

Chairman Chellman questioned if there were any changes to the plan. Mr. Chagnon responded there was not. They wanted to get additional feedback and tracked the comments from last month.

Vice Chairman Clark questioned if they were going for an incentive to build the 58-foot building. Mr. Chagnon responded that they were contemplating a variance for the building height. They are still looking at the options. They pulled the basement level to be above the water table. They are also proposing higher floor to ceiling heights. They don't want to artificially raise the building, but they think this fits.

Mr. Samonas questioned if the delivery area on Maplewood Ave. would create a choke point. Mr. Chagnon responded that location right now is the entrance to the site. There is an existing collection of utility gear like a transformer in that area. They will be adding a transformer to that area. They need to maintain access for Eversource and are talking to the City about making it a delivery point. Mr. Samonas questioned where the trash area would be and how they would bring it out. Mr. Chagnon responded that the trash will be stored in the building with the underground parking. Putting trash in the basement is a good way to deal with it in urban environments. The space would be accessible and easily transferred to a smaller truck. The frequency of the pick-ups will match the demand.

Mr. Hewitt questioned if the plan was still to have 3 floors of residential space with 6 units per floor at 2,400 sf each. Mr. Chagnon confirmed that was correct. Mr. Hewitt questioned if there would be a penthouse on top. Mr. Chagnon confirmed there would be a penthouse and additional common area. There will be a total of 19 units.

Ms. Begala questioned if the penthouse made this a 4.5 story building or if it counted as a fifth story. Mr. Chagnon responded that the building is 4 stories with a penthouse. The ordinance defines it as a penthouse not a story. It allows for 4 stories and a penthouse. Ms. Begala

questioned if this originally had a trade off with workforce housing. Ms. Goodnight responded that the original approval had a 5-story building with a workforce housing component. This proposal is for a 4-story building with a penthouse that meets the ordinance. They are working with the Historic District Commission on the context and massing of the building. Ms. Begala requested more information on the concrete ramp on the Deer St. side. Ms. Goodnight responded that the civil engineer has drawn it in a very utilitarian way which the HDC will not approve. They will make it into an elevated brick plaza. It may go back into the building for a coffee area. It will be for pedestrians. Ms. Begala questioned if the fire truck access had been assessed for this site. Mr. Chagnon commented that the building will be sprinkled, so they won't have to go around the whole building. Ms. Zendt added that the Deputy Fire Chief sits on TAC, so that will be reviewed then.

Vice Chairman Clark commented that this proposal needs to work to activate the site. The first-floor commercial area should be engaging and encourage people to stop in. Ms. Goodnight responded that the raised area will potentially be covered to service more retail spaces. They are looking to create that interface. It will have a presence for the public.

Ms. Begala requested more information on the parking. Mr. Ballon responded that they were reducing it to 19 units and would have tandem parking to meet the requirements. Ms. Begala questioned if they would be garage level. Mr. Ballon confirmed that was correct. Chairman Chellman questioned if there would be 2 spaces per residential unit. Mr. Ballon confirmed that was correct. They were not required to provide parking for the commercial space.

Chairman Chellman questioned if there were concerns about ground water and contamination on the site and that was driving the height. Mr. Ballon responded that there were two issues. The contamination is not a concern because the majority of that was on lots 3 and 4. The main storm drain for all of Portsmouth runs across the front and down Deer St. There is a 20-foot easement out to North Mill Pond. DPW has told them that they cannot pump into that system because it is full. The originally proposed building would have needed to pump. The outfall pipe is halfway covered at high tide and completely covered during a storm surge. The new FEMA map shows the base flood elevation at 8 feet. This site has detention tanks to control the water. The existing ground water table is at 6 feet. The base flood elevation is 8 feet. It would be prudent to put the garage floor elevation at 8 feet to prevent pumping. That puts the upper floor at 18 feet. That would make the elevated patio at 3 feet above the curb on one end and 6 feet on the other. It will create a floating patio above the parked car line. The parking garage has to be 10 feet high to accommodate an ADA van.

Chairman Chellman questioned if the geo tech report for DSA was across the site. Mr. Ballon responded that they did 40 borings across the whole site. Chairman Chellman noted that there were some serious technical questions. There are a lot of ways to address it. The Planning Board should request that TAC require a third-party engineer review.

Mr. Hewitt commented that they allow parking below flood elevations. Chairman Chellman confirmed that was correct. Mr. Hewitt agreed they should have an engineer review it. Chairman Chellman commented that the pipe has been studied in the past. Mr. Chagnon

confirmed that there was a study, but they have not seen the results of that study. Chairman Chellman commented that could be a starting point.

Chairman Chellman commented that they have seen other projects with an underground retention gallery under the whole building. There are options that could be considered. 46 Maplewood has parking below the ground water table. Mr. Chagnon responded that garage is lower. The geo tech report identified a different water table on that lot.

PUBLIC HEARING

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Clark moved to find the design review process was complete, seconded by City Council Representative Moreau with the following recommendation:

1.1 During the Technical Advisory Committee review, the Committee consult with a 3rd party to review the geotechnical study and drainage analysis or perform a new study if needed.

Mr. Harris commented that he appreciated the additional information about the water table. Storm events have been significant in the past and that should be considered as part of that review. Chairman Chellman noted that historic events are not necessarily part of the design criteria.

The motion passed unanimously.

VI. CITY COUNCIL REFERRALS

City Council Representative Moreau moved to take Agenda Item VI. B out first, seconded by Vice Chairman Clark. The motion passed unanimously.

- A.** Hold a Public Hearing and consider a recommendation to the City Council for Zoning Ordinance Amendments to Building Height standards.

SPEAKING TO THE APPLICATION

The Planning Board agreed to go past 10 pm.

Nick Cracknell from the Planning Department provided an overview of the updated amendments. Phase 1 is amendments to the building height standards. The goal is to provide consistency across the Character Districts, remove typos, and clarify intentions on lots where there are cuts and fills. The building height map is street based. Buildings are taller in the Cd-5 and CD-4 districts and lower in the CD-4-L1 and L2 districts. The updates will clarify the building height standards on corner lots, through lots, and waterfront lots. They will also add developmental controls for civic and municipal properties. They will address grading and how

the building height is measured. Right now, municipal and civic properties don't have a building height standard around them. Adding them will provide better readability and comparison for when they have project proposals. The update will add in new streets like Foundry Place. It will also adjust the building height on High St. and Haven Court. The proposed changes to the building height map will address gaps in the height standards. They are not changing the incentive overlay district. People can still provide incentives to get 10 more feet or one extra story. There are buildings currently approved lot 3 and 6 from Deer Street Associates. Both have active permits. They are vested in the City's opinion. Hill St. is on the back of lot 6. Hill St. It was made deliberately brown when the Character Districts were adopted. They wanted to make sure Foundry had the building height then take another pass on what makes sense for the surrounding neighborhoods. The hotel on lot 3 already uses the brown line and lot 6 is on a brown line as well. They are allowed 2-4 stories in the overlay. They are intended to be taller buildings to create an urban neighborhood along Foundry Place. The proposed change is to move it from brown 50 feet to green 40 feet tall. Developers can get an additional 10 feet for either. The community has not weighed in on what they would like to see in this corridor yet. This proposal is just stepping down 10 feet along Hill St. High St. and Haven Court are existing conditions. The parking garage is 45 feet on Haven Court. The existing building heights are an example of where more thought could have gone into this area. There are a lot of 3 stories with short 4th. The short 4th floor is no taller than 80% of floor below it. Right now, an applicant is trying to link internal buildings, so they need 45 feet to match them all up. It's not about the style of the building it's about the scale. HDC will determine what the building looks like. This is purely about whether they add 5 feet to the area to match that. They are proposing to do that. It is only a 5-foot increase.

Ms. Begala questioned if the garage was 4 stories. Mr. Cracknell confirmed it was. The garage exists today and is grandfathered. Ms. Begala questioned if the property was squeezed between 45 feet and 40 feet. Mr. Cracknell responded that the property was surrounded by 45 feet tall buildings and there were some lower buildings in the area. There is no discernable difference between 40 feet and 45 feet from the ground. It's how they finish the top of the building and the ground floor that will have the biggest impact on the pedestrians. Pedestrians will not see over the building if it is more than one story. Mr. Cracknell did not think a 5-foot addition was worth a lot of discussion. The building design will be critical and that is in the HDC's hands. Ms. Begala questioned what it meant when they said they tested the view corridor. Ms. Begala questioned if it meant they looked at different heights of the building that went back to the garage and noted that the view corridor couldn't be improved. Mr. Cracknell responded that he did not say it that way but that is the conclusion. Two stories are the minimum height in that area. If a pedestrian is in a 20-foot corridor, then they will not be able to see over the building. Right now, they are allowed to have 3.5 stories. A 40-foot building is allowed by right and they can have 45 feet at a pitched roof. Chairman Chellman agreed that from a pedestrian perspective there was no change. They have a deflected view of the North Church. The change is to make it consistent with the other side of High St.

Mr. Cracknell commented that municipal and civic properties aren't defined now. They are simply proposing to fill in the gaps and make them consistent with the surrounding context. There is a typo that needs to be corrected in the incentive overlay.

Mr. Cracknell commented that they were also trying to make it clear to the reader that the HDC has jurisdiction over the maximum building height in the Historic District. Just because the ordinance says they can build 50-60 feet does not mean that the HDC will authorize that if it doesn't fit in the context of the neighborhood. It won't be less than the lowest, but it may not be the maximum. There's been an internal debate over the code with the merging of the Congress St. lots. They are proposing to make sure the building height standard along the front lot line of the street shall apply to the portion of the lot for 50 feet. If a building is on a street with a 50 feet and 40 feet building height, then the building can only step up to the higher height 50 feet into the lot. That will protect the lower building heights.

Vice Chairman Clark noted that they discussed setting the limit at 25 feet. Mr. Cracknell responded that they were sticking with 50 feet for now.

Mr. Cracknell commented that part 3 of the proposed changes was to apply dimensional standards to civic properties. That will create setbacks and footprints. It doesn't have all the dimensional controls, but it will allow owners of civic properties to make alterations and additions. This would just add dimensional controls for height and setbacks. They are also proposing an update to measuring the building height to deal with back filling. Today developers are building a first story on the ground level and back filling to make it a basement. That makes the buildings taller than intended. Today they are all as of right heights. The remedy will be changing the measuring from the finished grade to measuring from the existing grade. There was a question about how they would handle it if there was a cut instead of a fill. They will measure from the existing grade or the finished grade, whichever is lower. Mr. Cracknell clarified that when there was a hip top mansard roof, then it won't be measured to the top of the roof. It is measured to the midpoints. A flat top is measured at the top. Today a parapet wall can only be 2 feet higher than the roof. That height does not allow a developer to articulate the building well. They cannot create something with a grand entrance without a variance. It would be good to allow for more.

Mr. Samonas questioned if the City utilized shadow or massing studies to determine the height maps. Mr. Cracknell responded that they did not. They use shadow studies to review new buildings but did not use it in 2015 to develop the map. They want to use shadow studies when people want to build something. There is no point in doing one on something that exists. Mr. Samonas commented that they wanted to make the pedestrian alleyways attractive for pedestrians to use all day. A shadow study would show if 5 feet makes a difference. Mr. Cracknell responded that they do have the tool and use it. Chairman Chellman questioned if it was hard to create a 3D massing. Mr. Cracknell responded that it was not. DPW does it with the graphics file they get from developers. The Planning Department and HDC needs to be more diligent in asking for it earlier in the process.

Chairman Chellman commented that they got a lot of information tonight and it would be good to have some time to digest that. Mr. Cracknell agreed. There was no urgency on this item, so people can take time to review this.

Vice Chairman Clark questioned if the height measurements were for a flat plain or if it accounted for a curved surface as well. Mr. Cracknell responded that even then it would still be

a flat plain because they measure every 5 feet around the building to get the average plain. Chairman Chellman noted that they would need to discuss that more at a different time because that was not entirely accurate.

Ms. Begala questioned what the purpose and rationale behind this change was. They are only looking at certain proposed areas of building height instead of the whole City. City Council Representative Moreau responded that the Land Use Committee came up with 3 different phases of zoning categories and are looking at them at different times. This is the code clean up and unintended consequences clean up. They are working to clarify definitions to prevent people from interpreting the ordinance in a different way than they intended for them to. They want to make sure that they properly define the grades and measurements to make sure it is properly handled. During the other phases, they will look at more throughout the year. Ms. Begala commented that they should be looking at what the City is getting from these developments when they choose an incentive to get an extra story. Mr. Cracknell responded that he did a presentation on this topic to the past City Council in November and can forward that to Ms. Begala. City Council Representative Moreau added that the Land Use Committee was planning to look at the incentives in phase 3. Mr. Cracknell commented that the only substantive changes were the map change on Hill St., High St. and Haven Court, changing how they are calculating the building height, and the parapet. Everything else is minor clean up.

Mr. Mahanna commented that the agenda says that this is a public hearing with the intention to recommend this to City Council. This is not ready to go to City Council yet.

PUBLIC HEARING

Kim Rogers, manager of Foundry Place LLC and DSA commented that they just heard about this zoning change but thought it was further along than it is. They put together a letter addressing their concerns. They currently have a development with site plan approval and a permit. Changes in zoning on Hill St. can impact that. The garage is a fairly imposing structure. It lights up the neighborhood pretty well from the roof of the garage. They looked at this in a 2015 charrette and analyzed the area. The thought was to build something that helps screen the neighborhood from the garage. The 4-story proposed building would step down to the four-plexes. Hill St. should stay brown. It doesn't make sense to have to step the building at this point. They are also measuring the height in the resilient flood plain area. If a developer is building in the resilient flood plain area, then the City should not discourage them from raising the grades up. That is something that should be considered. They could add an exception for properties in the flood plain area.

Tom Ballon of 233 Vaughn St. commented that he would like to see the penthouse allowed in 4-6-foot range. Also there could be a conflict if the BOA grants a variance for height because then the HDC would not have the power to revoke that variance.

Robin Husselage of 27 Rock St. commented that this was a neighborhood with mostly 2 story homes. Many of them are single family homes. The four-plexes are 2.5 stores. Ms. Husselage was in favor of the change in height on Hill St. A 50-foot building does not belong across the street from 2 story homes. Also, the Overlay District should be removed from Islington Creek

Neighborhood. This neighborhood already struggles with parking. They don't need a large footprint building with reduced parking allowances. This overlay will incentivize the demolition of homes and addition of new larger buildings. The neighborhood will change

Chairman Chellman asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Cracknell clarified that the overlay district stopped at the Heineman Building. It does not go into the Islington Creek Neighborhood. There are no single-family homes in the overlay district. A parapet does not have anything to do with a penthouse. They are uninhabitable places that add interest to a building. When looking at Hill St. they made the assumption that those projects have building permits and are fully vested. If they have a vested project, then this has no impact unless they decide to redesign the project. Hill St. wasn't 50 feet plus the 10 to screen garage. They are trying to build a vibrant urban neighborhood on Foundry Place. Their building is not the same height as the parking garage.

City Council Representative Moreau suggested that they continue the review to next month's meeting and reopen the public hearing because there were a lot of additions and last-minute changes. That will give time for them to take additional public feedback and time for the Board to review this further.

Mr. Mahanna commented that the motion for this should be to table actions until there was 3D modeling and aerial photos to help the Board envision and prepare for the changes.

Mr. Mahanna commented that he found the modeling tool on the City's web site. It was useful to evaluate some of the City, but it doesn't include the new garage area. The Board should be able to review that. This is all good work and good clean up but all the aerial photos were one dimensional drawings. They are contemplating actual changes. There is a conflict in trying to give Mark McNabb a gift of 5 feet when he has a pending application for a project on that spot. It is his job to ask for 5 feet not the City's job to give it to him. They need more time to work on this.

Chairman Chellman commented that he would hesitate to speak on a specific application. There is currently a difference of opinion on that with the landowner and Staff. That is still a pending disagreement. Chairman Chellman questioned how much of a burden to Staff the motion's request would be. Mr. Cracknell responded that the proposed substantive changes for building height are only for Hill St., Haven Court, and High St. They can get the proposed building from the applicant and upload that into the model for Haven Court and High St. Hill St. will be trickier because they only have what has been designed by a third party. They can show the Board the building Kim Rogers talked about. It will not comply, but it will be close. Mr. Mahanna commented that making substantial changes to height allowances should not go in with clean up. Mr. Mahanna added that he would also like aerial photos of the City, like from Google

Maps, with the height allowance lines on them. Instead of a black and white street with the lines. Mr. Cracknell confirmed they could do that.

Ms. Begala questioned if they were just capturing what already existed for civic buildings. Ms. Begala questioned how they determined how many stories churches were. Mr. Cracknell responded that those changes were less for building height and more for dimensional controls. They are already non-conforming.

City Council Representative Moreau moved to continue considerations of the zoning amendments to the June 16, 2022, regularly scheduled Planning Board meeting, seconded by City Manager Conard.

The motion passed unanimously.

Mr. Mahanna to request staff provide additional information including aerial imagery, any available three-dimensional modeling related to affected buildings, and additional review of the definition changes, seconded by Ms. Begala

The motion passed unanimously.

- B.** Consider a recommendation to City Council for an application from **Sherilyn Burnett Young of Rath Young, and Pignatelli** on behalf of the applicant **Margot Thompson and Edward Thompson** to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at **57 Salter Street**, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River.

SPEAKING TO THE APPLICATION

James Steinkrauss from Rath, Young, Pignatelli represented Margot and Edward Thompson and spoke to the application. They are asking for an urbanized shoreland exemption. In April of this year, they requested an urbanized shoreland exemption from the City Council and they referred it to the Planning Board. They have submitted the information requested by the Planning Department. It is unique because the exemption request has to come from the City. If granted it would exempt the property from some shoreland requirements. It would not have an impact on the water. They have made this request at the recommendation of DES. Ultimately it would allow the owners to use the building as a primary residence. They have been in the community for 40 years. The construction and renovation of this property is part of their retirement plan. If this is granted, then the Thompson's would need to relocate the building 5 feet back. That would remove it from the wetland protection act zone. Any further renovation and movement would need city permits. The City would apply for this request because urbanized conditions exist. Urbanization shows concentrated development found in cities and towns where there is intensive building for residential or commercial uses. It means that all vegetated barriers are depleted, the impervious is in excess of 50%, and there are 10 buildings per acre. This exemption would only apply to 57 Salter St. They submitted documents as part of the record that the City would submit to the State. They show the current and past building density, the utilities for the site. 57 Salter

St. has 2 condo units and the other properties in the area are historic buildings. They are dense small lots and largely single-family homes. There is no vegetated buffer. The impervious area for the parcel is over 50%. The Thompsons have worked to reduced it from 57% to 52%. This is in the waterfront district, and it is zoned to accommodate business dependent on the river. It was previously used for a mix of residential and commercial. Now it is residential. Both units are served by public utilities. There is no septic on the property. This is subject to zoning article 10 and review by HDC. It is in the flooding district zone, and which is under the Conservation Commission's jurisdiction. The application is supported by the abutting owners of unit 2. They are asking a favorable recommendation.

Vice Chairman Clark commented that there were two permits issued by DES in 2019 and 2020 for this work and questioned if the issue was that they did not identify as residential. Mr. Steinkrauss confirmed that was correct. There were references to making it a residence in the application but that was not caught by DES. They have caught it now and issued a letter to cease and desist. The appeal is stayed pending this application.

Mr. Hewitt questioned if this was only the second time this has been requested in Portsmouth. Mr. Steinkrauss responded that it would be the second time it was granted if it is allowed. 99 Bow St. had an exemption was granted in 2007. Mr. Hewitt questioned if the Conservation Commission had purview on this. Ms. Zendt responded that this was discussed with Staff and City Attorney. They did not need to come here. It could have only gone to City Council. It does not fall under their jurisdiction. The Council was interested in hearing what the Planning Board had to say. Staff believes that the applicant submitted this in good faith and have been transparent with the State. It may not have been discussed, but it was never concealed. They operated in good faith. It was a surprise to them when the State issued a cease and desist. It was Council's decision that the Planning Board should receive this.

Chairman Chellman questioned if they were proposing to move the building 5 feet back. Mr. Steinkrauss responded that would be part of settling the appeal. It would be in the agreement to relocate the building, so it is no longer over the water. The exemption would let them maintain a residence on the property. They would have to come back for the relocation.

Ms. Begala commented that she was struggling with this. Ms. Begala wanted to believe that this was done in good faith, but they don't seem to be downsizing. It was a boat repair house on the river with 600 sf of space. Ms. Begala questioned what the new square footage was. Mr. Steinkrauss responded that it was a downsize for his clients because they sold their other property. Ms. Begala questioned if they upsized the structure over time. Mr. Steinkrauss responded that the square footage of the property was 640 sf. It is two stories. Ms. Begala commented that it looked like they added a floor. Chairman Chellman commented that the Board was being asked to make a recommendation on the urban exemption for City Council. Ms. Begala questioned if the Conservation Commission could weigh in on this. It is in the flood plain that was established in 2005. In 2018 the structure was converted to a residential structure. Ms. Begala had a lot of questions about that. This should move back more than 5 feet. It should be moved 50 feet or 250 feet to be out of the buffer. The Conservation Commission would inform the decision about the urban exemption.

Mr. Steinkrauss commented that a flood plain analysis was performed and submitted in a permit application. It was reviewed by DES in July 2020. There were two separate permit applications one was in 2019 and the other in 2020. The request for an urbanized exemption requires them to present enough evidence for the City to support the application and move it on to the State for approval. They evaluate and make the recommendation. Ms. Begala clarified that they were requesting their support for the application. Mr. Steinkrauss confirmed that was correct but also the City needs to submit the application to the State. Ms. Begala commented that she had a lot of questions about this and was not in a position to make a recommendation. City Manager Conard clarified that DES was supportive of the City submitting the application to them. Mr. Steinkrauss responded that DES recommended that the City file the application for the exemption. After that they will settle the appeal and move the building back.

City Manager Conard moved to recommend the Portsmouth City Council submit the application for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River. to rec city council submit application, seconded by City Council Representative Moreau.

Chairman Chellman commented that he has done a lot of work on Lake Winnepesaukee with boat houses that have a history of residential uses over the water. The State does not take it lightly. If there was anything untoward, then they would have discovered that.

Ms. Begala commented that she still did not understand why the house would only move back 5 feet. It is right on the bank of a river. Ms. Begala was concerned about liability for the City in supporting this application when this does is a flood plain area. Ms. Begala did not support this request.

The motion passed by an 8-1 vote. Ms. Begala opposed.

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Mr. Mahanna moved to adjourn the meeting at 11:05 p.m., seconded by Vice Chairman Clark. The motion passed unanimously.

Respectfully submitted,

Becky Frey,
Secretary for the Planning Board

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:00 PM Special Meeting Begins

March 30, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark Vice Chair; Karen Conard, City Manager; Ray Pezzulo, Assistant City Engineer; Beth Moreau, City Councilor; Greg Mahanna; Peter Harris; James Hewitt; Andrew Samonas, Alternate

ALSO PRESENT: Beverly M. Zendt, Planning Director; Stefanie Casella, Planner 1

MEMBERS ABSENT: Jayne Begala; Franco DiRienzo, Alternate;

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I. 6-6:30 PM

Call to Order and discussion with the Board regarding rules, regulations, upcoming meetings, and upcoming training topics.

DISCUSSION OF THE BOARD:

Chairman Chellman introduced the opportunity for Board Members to propose items for discussion. Member Mahanna requested workshop time to review agenda items prior to regularly scheduled Planning Board meetings. Member Hewitt suggested the Board look at the CIP for improvements, establishing an impact fee program, revising the abutter notification process, and revisiting the North End Visioning plan created in 2000. Alternate Member Samonas suggested revisiting the way the Board evaluates Design Review applications to create a more interactive process than is currently existing. The Board discussed Design Review and the history of the Planning Boards review process, post approval process, and potential work shop meeting times and topics.

II. 6:30-7:30 PM

Training Session with Attorney Stephen Buckley, *NH Municipal Association* regarding Planning Board roles and responsibilities.

PRESENTATION:

Attorney Buckley introduced himself and his role at the New Hampshire Municipal Associate where he provides legal services to member communities around the State. Attorney Buckley's

presentation incorporated the basic responsibilities of a Planning Board with the applicable state statutes with specific attention to the following:

- Right-to-Know law,
- duty to assist,
- quasi-judicial and legislative actions,
- conflicts of interest,
- subdivision and site plan regulations,
- zoning amendments,
- innovative land use controls,
- workforce housing,
- pre-application review,
- application review processes,
- and appeals.

QUESTIONS FROM THE BOARD:

Member Hewitt asked if individual members could visit proposed project sites outside of a defined public meeting. Attorney Buckley answered that this specific instance would not be classified as ex-parte communication but the information gathered at that visit should be disclosed during a public meeting so all the Board members have access to the same information as it may impact the outcome of the decision.

City Councilor Moreau asked for clarification on the Board's duty to assist. Attorney Buckley elaborated that it is the job of the Planning Board to "get to yes" with the applications presented to them and encouraged the Board to use Preliminary Conceptual Review and Technical Advisory Committee Review as a time to work out issues and assist the applicant move forward towards an approval.

Planning Director Zendt asked if the thresholds that trigger site plan review could be broader than that provided for under state law. Attorney Buckley replied that everything requires site plan review but encouraged municipalities to set a minimum standard so as to exempt the smaller scale projects as appropriate for each community.

Planning Director Zendt asked if State Law set a planning horizon for Master Plans. Attorney Buckley responded that State Law encourages updates every 5 years but does not require it.

Member Hewitt asked for clarification on the State law requiring notification to residents when they have within a Zoning district where a Zoning amendment is being proposed. Attorney Buckley explained that RSA 675:7 requires each property owner to be noticed by first class mail if the changes proposed are in relation to zoning district boundaries and will affect 100 or less properties. He then went on to explain that there is different State statute with similar requirements for minimum lot size and permitted uses, he will follow up on details if requested by the Board.

The Board then discussed the process the City uses to propose and adopt zoning amendments. Attorney Buckley reviewed the language provided in state law which addresses the responsibility of the Planning Board to recommend changes to the City Council.

Chairman Chellman asked what authority the Planning Board has over reviewing aesthetics of a project. Attorney Buckley explained that the Supreme Court has made it clear that there is a realm of authority that attaches to the Planning Board to review impacts to surrounding properties which includes aesthetics but further added it is always best to have requirements and standards articulated in the City regulations.

Member Hewitt asked about votes that result in a tie. Attorney Buckley answered that a tied vote is not a decision and the Board must make a decision to move forward.

III. 7:30-8:30 PM

Q&A session with Stephen Buckley and members of the Board.

DISCUSSION OF THE BOARD

Member Hewitt asked about Developments of Regional Impacts (DRI), the unique relationship between Pease Development Authority and the City of Portsmouth, and how if the City had any jurisdiction on Planning and Zoning in the Pease Development Authority. Attorney Buckley cited RSA 674:54 and went on to explain that entities created by the State of New Hampshire enjoy zoning and land use regulatory immunity, but he did not want to make a determination on if Pease was subject to that immunity and the DRI statute as he has not researched that matter. The Board then discussed the issue and cited local examples.

IV. ADJOURNMENT

The Board Adjourned at 7:56 pm

Respectfully submitted by Stefanie Casella, Planner for the City of Portsmouth.

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:00 PM Special Meeting Begins

March 30, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark Vice Chair; Beth Moreau, City Councilor; Peter Harris; James Hewitt; Andrew Samonas, Alternate

ALSO PRESENT: Beverly M. Zendt, Planning Director; Nick Cracknell, Principal Planner; Stefanie Casella, Planner 1

MEMBERS ABSENT: Jayne Begala; Greg Mahanna; Franco DiRienzo, Alternate; Karen Conard, City Manager

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I. Receive and discuss the Land Use Committee Existing Conditions and Strategy Report.

PRESENTATION TO THE BOARD

Chairman Chellman called the meeting to order at 6:04 pm and sat Member Samonas in the absence of Member Mahanna. Chair Chellman introduced the topics for the evening including the strategy report and the proposed Zoning Amendments. Planning Director Mesa-Zendt introduced the evening's presentation that will have sections from herself, Councilor Moreau, and Principal Planner Nick Cracknell. Director Mesa-Zendt started with the Summary of Existing Conditions and Strategy Report which was developed by the Land Use Committee, noting that the report had been before the City Council, and is now before the Planning Board. Director Mesa-Zendt presented the report findings to the Board and highlighted populations changes, the number of cost burdened renters and homeowners, housing and ownership types, and project trends.

Councilor Moreau presented the Regulatory Workplan. Councilor Moreau's section of the presentation articulated the three phases of zoning amendments and how the Land Use Committee has worked through their process and the future steps that are to be taken including stakeholder meetings, public input sessions, and public hearings.

QUESTIONS FROM THE BOARD

Member Hewitt asked how the population data was broken down. Director Zendt explained that specific migration data was not available but through the Assessing department Staff was able to

identify that 10% of the population has a primary mailing address in a different State indicating that the population may be moving toward a second residence community. Member Samonas added that there may be a lag time for primary residence records to be fully up to date. Director Zendt added that the 2020 Census data would be helpful for this analysis when it comes out.

II. Review and discuss the following amendments to the zoning ordinance.

- A. Building Height Map. Section 10.5A21B: Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.*
- B. Building Height Standards. Section 10.5A21B: Clarify the standards for corner, through or waterfront lots.*
- C. Civic Districts. Section 10.5A52.40: Apply the CD4 development standards to civic properties.*
- D. Definitions. Section 10.153: Add definitions for public places and modify building height to be based on existing versus finished grade.*

PRESENTATION TO THE BOARD

Principal Planner Cracknell was the last presenter of the evening and walked the Board through the Phase 1 Zoning amendments including updates and changes to the Building Height Map and Standards (Section 10.5A21B of the Zoning Ordinance), the Civic Districts (Section 10.5A52.40 of the Zoning Ordinance), and the Definitions (Section 10.153 of the Zoning Ordinance). The presentation included specific examples in the City and how these changes will create a more consistent Ordinance and close the current height standards gaps.

QUESTIONS FROM THE BOARD

Councilor Moreau asked why there were varying heights in the Hill Street area and suggested looking into that area further to evaluate if that was an appropriate conditions for each side of the street. Principal Planner Cracknell responded that there are many areas in the City where there are varying heights from one side of the road to another but agreed that further evaluation is needed.

Member Hewitt asked how the Heinemann property will be effected if the rear of the lot has a different height standard being proposed than the front. Principal Planner Cracknell answered that the Heinemann property is a through lot that has specific standards as articulated in the Zoning Ordinance.

Member Hewitt asked how a civic property is defined. Principal Planner Cracknell said that it is defined in the Code.

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Member Harris asked how the specific heights were assigned on Haven Ct and High St as they differ. Principal Planner Cracknell responded that original assignments were conservatively determined according to the building and conditions in that area at the time.

Member Samonas asked if the form and function of the short 4th floor have any influence on the height that is allowed. Principal Planner Cracknell answered that it would not affect the maximum height. Following discussion then included maximum height and floor standards and the prevue of the Historic District Committee in relation to building height.

Member Hewitt asked about the owner of Haven Court. Principal Planner Cracknell explained the City's position on the ownership and right of way.

Member Harris asked how the changes in building height would affect the existing Newbury Building. Principal Planner Cracknell explained that the building would be held to the new height standards should a new building or addition be proposed.

Member Hewitt asked why different roof types translate into different ways of measuring building height. Principal Planner Cracknell explained that architecturally the different types of rooves can read differently from the street level and this is a very common way of determining building heights.

Vice Chairman Clark asked for clarification on measuring parapets and asked if a sloped roof has a maximum pitch. Principal Planner Cracknell clarified that parapets are not included in the height calculation if they are 2 feet or shorter and answered that there are slope standards in the character districts but would have to look into maximum slopes outside the character districts. Member Hewitt asked how other communities address height standards. Principal Planner Cracknell explained that height standards are complicated and it is not "one size fits all." Portsmouth is unique in its approach but due to the unique nature of the City it is believed to be better that a generic standard than some other communities use.

The board discussed general clarification of the code and the desired outcomes for the proposed changes.

PUBLIC COMMENT

Easter Kennedy, 41 Picking Ave, commented on the picture in the presentation and elaborated to the Board that people like the idyllic small houses and to keep that in mind when defining these new standards.

Petra Huda, 280 South Street, asked to have the materials as posted online updated to match the materials presented during the meeting.

Elizabeth Bratter, owner of 159 McDonough St., asked why the proposed changes to Zoning Ordinance Section 10.5821.22(C) had changed from 25ft to 50ft on the posted meeting materials.

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Principal Planner Cracknell explained that originally the standard was proposed to be dropped to 25ft but with the input and analysis over the last couple of days the proposed change was removed and was returned to the original value of 50ft.

III. ADJOURNMENT

Meeting was adjourned at 7:43 pm.

Respectfully submitted by Stefanie Casella, Planner.

**SITE WALK MEETING OF THE
PLANNING BOARD
1 CONGRESS STREET
PORTSMOUTH, NEW HAMPSHIRE**

10:00 A.M. Site Walk Begins

May 19, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice-Chairman; Beth Moreau, City Councilor; Greg Mahanna; Jayne Begala, Peter Harris, James Hewitt; Joe Almeida

ALSO PRESENT: Beverly M. Zendt, Planning Director; Nicholas Cracknell, Principal Planner; Robert Sullivan, City Attorney; Sean Clancy, Assistant City Manager – Economic Development

MEMBERS ABSENT: Karen Conard, City Manager, Andrew Samonas & Franco DiRienzo Alternates

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The Planning Board **convened on Thursday May 19, 2022, at 10:00 A.M.** for the purpose of conducting a site walk at the above referenced property.

City Attorney Robert Sullivan provided an overview to the regulatory intent of a site walk emphasizing the importance of avoiding deliberation and using the opportunity to gain contextual and situational information that would facilitate a greater understanding of the information presented before the Planning Board as part of the record.

The property owner, Mark McNabb, led a tour around the site and provided an overview of the project showing locations of proposed key project components, anticipated pedestrian and vehicular circulation improvements, and anticipated public space enhancements.

DISCUSSIONS WITH THE BOARD:

Members of the Board generally discussed the following topics with Mr. McNabb, the project engineer, John Chagnon, and the project architect Tracy Kozak:

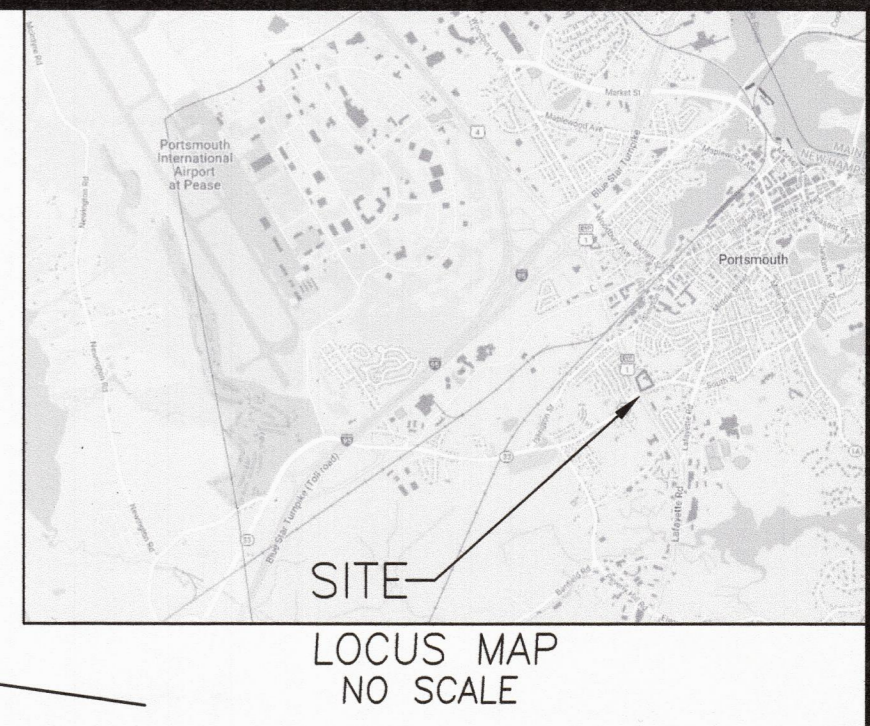
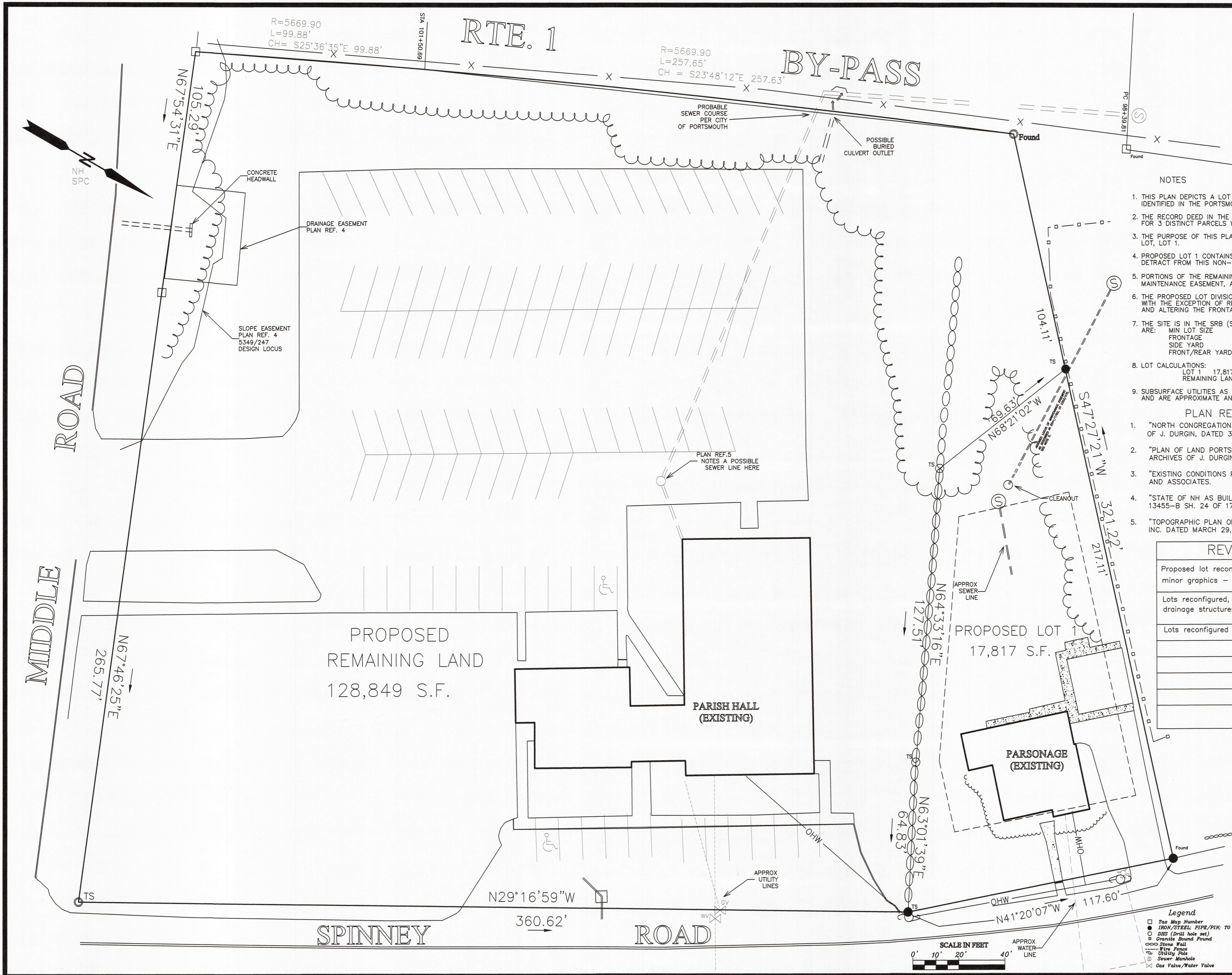
- Traffic and circulation,
- View impacts of proposed site improvements,
- Nature and location of possible nearby improvements to streets and buildings,
- Public/private participation,
- Pedestrian Circulation, and
- Solid Waste Management.

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IV. ADJOURNMENT

The Board Adjourned at 11:25 AM

Respectfully submitted by Beverly Mesa-Zendt, Planning Director



- NOTES**
- THIS PLAN DEPICTS A LOT DIVISION AT 355 SPINNEY RD, PORTSMOUTH, NH. THE SITE IS IDENTIFIED IN THE PORTSMOUTH ASSESSING DATABASE AS MAP 169 LOT 1.
 - THE RECORD DEED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS BK2158 P262 CALLS FOR 3 DISTINCT PARCELS WHICH COMPRISE THE SITE.
 - THE PURPOSE OF THIS PLAN IS TO PORTRAY A LOT DIVISION TO REDEFINE THE PARSONAGE LOT, LOT 1.
 - PROPOSED LOT 1 CONTAINS A NON-CONFORMING STRUCTURE. THIS PLAN DOES NOT ADD OR DETRACT FROM THIS NON-CONFORMITY.
 - PORTIONS OF THE REMAINING LAND WILL CONTINUE TO BE ENCUMBERED BY AN ACCESS/ MAINTENANCE EASEMENT, AS DESCRIBED IN 5541/1792.
 - THE PROPOSED LOT DIVISION RE-CREATES THE PARSONAGE LOT AS DEFINED IN NOTE 2, WITH THE EXCEPTION OF REMOVING THE SOUTHERLY PORTION THAT ABUTS THE RTE.1 BY-PASS, AND ALTERING THE FRONTAGE.
 - THE SITE IS IN THE SRB (SINGLE RESIDENCE B) DISTRICT. THE ZONING REQUIREMENTS ARE:
MIN LOT SIZE 15,000 S.F.
FRONTAGE 100'
SIDE YARD 10'
FRONT/REAR YARD 30'
 - LOT CALCULATIONS:
LOT 1 17,817 S.F.
REMAINING LAND 128,849 S.F.
 - SUBSURFACE UTILITIES AS DEPICTED HAVE NOT BEEN DEFINITELY MAPPED BY THIS OFFICE, AND ARE APPROXIMATE AND ASSUMED LOCATIONS.
- PLAN REFERENCES**
- "NORTH CONGREGATION CHURCH" PROGRESS DWG PROVIDED BY THE ARCHIVES OF J. DURGIN, DATED 3-15-61.
 - "PLAN OF LAND PORTSMOUTH, NH LUCY A. HOYT ET ALS" FILE NO. 1131 IN THE ARCHIVES OF J. DURGIN.
 - "EXISTING CONDITIONS PLAN SPINNEY ROAD SIDEWALK PROJECT" BY JAMES VERRA AND ASSOCIATES.
 - "STATE OF NH AS BUILT PLANS GENERAL PLAN 01 MIDDLE ROAD" STATE PROJECT 13455-B SH. 24 OF 178 IN THE STATE OF NH DOT RECORDS.
 - "TOPOGRAPHIC PLAN OF NORTH CONGREGATIONAL CHURCH" BY DOUCETTE SURVEY INC. DATED MARCH 29, 2001, SUPPLIED BY THE OWNERS.

REVISIONS	
Proposed lot reconfigured, north arrow, minor graphics - 04/01/22	
Lots reconfigured, overhead utilities, drainage structures 4/18/22	
Lots reconfigured 5/18/22	

NO. 208
NEHEMY
H. AMSDEN
Henry H. Amstden
05/18/22

Not Valid Unless Sealed and Signed

Land of
NORTH CHURCH PORTSMOUTH
355 SPINNEY RD
PORTSMOUTH, NH

SUBDIVISION PLAN

H.H. AMSDEN & SONS
Land Surveyors, Planners & Boundary Consultants
103 Francesstown Road
Greenfield, N.H. 03047
(617) 905-3531

Field Work: March, 2022
Field Notes: LEICA ROBOTIC
Drawn by: NCA
Checked by: HA, 03/30/22

Scale: 1" = 20'
Acreage: AS SHOWN
Dwg. No. 2409

AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

25 May 2022

Rick Chellman, Planning Board Chair
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application for Parking CUP Approval, Tax Map 145, Lot 33, Martin Hill Inn, 404 Islington Street

Dear Chair Chellman and Planning Board members:

On behalf of 404 Islington Street, LLC, we submit herewith the attached package for a Parking Conditional Use Permit at the site. In support thereof, we are submitting a Site Plan set with the associated exhibits and requirements. This proposal is to expand the number of guest units at the inn from seven to ten. Currently there is a caretaker cottage that will be converted to guest units. The parking required for the use will be provided on site, however the Portsmouth Zoning Ordinance requires 1.25 spaces per unit which requires 13 spaces. Since 11 spaces will be provided this application is before you for approval. The project received HDC Approval for an exterior ramp. The only other exterior revision is the addition of one parking space. The project received TAC Approval (CUP) at the May 3, 2022 Technical Advisory Committee Meeting subject to stipulations. The stipulations, as well as our responses to the stipulations in **bold** text, are listed below:

Items to be addressed prior to Planning Board approval:

1. Applicant explores and identifies supplemental parking opportunities to meet parking requirements as defined in the ordinance and present findings to Planning Board.

Included in this submission is a letter from the owner of 54 Court Street who is willing to enter into an agreement to provide overflow parking, as needed, and if required by the Board. The property is a location that is 6 blocks from the Martin Hill Inn. As part of the facility operations, guest who are required to park in overflow parking will have a choice of either valet service or Uber to get back and forth to their vehicles. Both services will be free of charge for any guests of the Martin Hill Inn. As described in the letter from Bosen and Associates, the Inn works on a remote check-in model, whereby vehicle parking demand will be known well in advance of arrivals.

Prior to Building Permit Issuance:

2. Applicant obtains special exception approval per section 10.440 of the Zoning Ordinance

As noted this requirement will be applied for after Planning Board approval of the CUP; determined to be the proper procedure by the TAC Committee and Planning Staff.

The following plans are included in our submission:

- Standard Boundary Survey – This shows the existing boundary of the parcel. Please note that the property has frontage on Islington *and* Union Streets. Parking is located directly off Union Street and also via an access from Union Street in an easement.
- Existing Conditions Plan C1 – This plan shows the current property improvements on the property and highlights the removal of an existing tree to create an additional parking space.
- Site Plan C2 – This plan shows the location of a proposed additional parking space. The 10 existing parking spaces have functioned for many years.

Please also find the attached in support of this proposal:

CUP Request Rationale
Trip Generation Memo
Parking Demand Memo
Letter indicating available off-site parking (Google Map location)
Site Photographs
HDC Approval

We look forward to your review of this submission and our in person presentation at the Planning Board meeting. For the reasons stated, we respectfully request the Planning Board grant the Parking Conditional Use Permit. Thank you for your time and attention to this proposal.

Sincerely,

John Chagnon

John R. Chagnon, PE
CC: 404 Islington Team



Bosen & Associates
ATTORNEYS AT LAW

May 25, 2022

Mr. Rick Chellman, Chair
Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: 404 Islington Street, Tax Map 145, Lot 33
REQUEST FOR CONDITIONAL USE PERMIT

Dear Mr. Chellman:

This office represents 404 Islington Street, LLC. Please accept this correspondence as our request for a Conditional Use Permit pursuant to 10.1112.14 provide less than the minimum number of off-street parking spaces otherwise required under Section 10.1112.30 relative to the proposed renovation of the Martin Hill Inn at the above location. The proposed renovation will expand the number of guest units at the inn from seven to ten.

Submitted herewith are updated site plans, floor plans, trip generation report and a parking demand analysis as required under section 10.1112.141.

The parking configuration on site as it presently exists consists of ten spaces. As proposed, the parking will increase to eleven spaces. The ordinance requires 13 spaces. The parking demand analysis suggests that, under ITE guidelines, peak parking required would be for eight vehicles. Given the site has eleven spaces, which is between the ITE and city ordinance requirements, we believe the parking provided is sufficient.

The applicant maintains that the approval criteria set forth in Section 10.1112.14 are met:

10.1112.141. See Ambit Engineering parking demand analysis submitted herewith.

10.1112.142. The applicant believes that available on street parking along Islington Street, as well as nearby access to downtown public and private parking lots, mitigates the need to meet the ordinance requirements.

The property is .4 miles from the Bridge Street and Worth public lots and the Foundry Place garage. The High-Hanover garage is .6 miles away. The applicant is exploring the possibility of entering into an appropriate shared parking arrangement with the owner of 54 Court Street utilizing that property, should the board require it. There are additional private

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Austin Mikolaities
Admitted in NH

Bernard W. Pelech
1949-2021

surface lots within easy walking distance that may afford the opportunity in the future to provide additional parking, if necessary.

The applicant's operation of the inn shall be on a remote check-in model, whereby guests will be provided in advance with access codes to the building and individual rooms. When guests secure a room they are required to provide vehicle information (make, model, etc.). Each unit will have a designated parking space with the space corresponding with the guest unit. Video of access and location will be provided with check-in material and available through the Inn's website. Check-out will be 11AM and Check-in will be 4PM allowing for any delivery, maintenance, or janitorial vehicle requirements to take place within that five hour period. There will be no on-site custodial so there will not be a need for any more parking than the unit count.

This model will provide sufficient opportunities for the applicant to provide guests with multiple parking options in advance and coordinate the actual parking demand should that be necessary.

10.1112.143. The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above. In addition, guests will be based in the vibrant west end with easy pedestrian and bicycle access to a variety of services and attractions. Private services, such as ride sharing, will also likely be available for guests.

Thank you for your attention.

Sincerely,

John K. Bosen

John K. Bosen

JKB/

Enclosures

cc: 404 Islington Street, LLC (w/ encls.)
Ambit Engineering, Inc. (w/ encls.)

AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

18 April, 2022

Trip Generation Calculation Site Redevelopment 404 Islington Street Portsmouth, NH

The purpose of this calculation is to identify the net change in vehicle trips expected to be generated by the site redevelopment at 404 Islington Street in Portsmouth, NH. Currently the property is developed with a 7 room Inn with a Caretaker Apartment in a total of two buildings. The plan is to remodel the Caretaker Apartment into 2 rooms and add another room for a Proposed 10 room Inn on the lot.

In developing the expected trips, Ambit Engineering considered the standard trip generation rates and equations published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition (2021). The land use category that best correlates with the existing use is Motel (ITE Land Use Code 320) for the Inn. The Caretaker Apartment land use category that best correlates with the existing use is Single-Family Attached Housing (ITE Land Use Code 215). The trip rates are based upon the existing and proposed uses within the project. They are summarized below for the **Weekday AM and PM Peak Hour, & Daily Weekday. (Data not supplied for Saturday trips)**

Trip Generation Summary

Existing – Weekday AM Peak Hour

Single Family Attached Housing (0.55 trips per dwelling unit)	<u>0.55 x 1 unit = 1 trip</u>
Motel (0.40 trips per dwelling unit)	<u>0.40 x 7 rooms = 3 trips</u>
Total	4 trips

Proposed – Weekday AM Peak Hour

Motel (0.40 trips per dwelling unit)	<u>0.40 x 10 rooms = 4 trips</u>
Total	4 trips

Existing – Weekday PM Peak Hour

Single Family Attached Housing (0.61 trips per dwelling unit)	<u>0.61 x 1 unit = 1 trip</u>
Motel (0.41 trips per dwelling unit)	<u>0.41 x 7 rooms = 3 trips</u>
Total	4 trips

Proposed – Weekday PM Peak Hour

Motel (0.41 trips per dwelling unit)	<u>0.41 x 10 rooms = 4 trips</u>
Total	4 trips

Existing – Weekday

Single Family Attached Housing (7.20 trips per dwelling unit)	<u>7.2 x 1 unit = 7 trips</u>
Motel (3.35 trips per dwelling unit)	<u>3.35 x 7 rooms = 23 trips</u>
Total	30 trips

Proposed - Weekday

Motel (3.35 trips per dwelling unit)	<u>3.35 x 10 rooms = 34 trips</u>
Total	34 trips

Trip Generation Impact

There is **no increase** in anticipated peak hour trips for both the **AM and PM peak hour**.

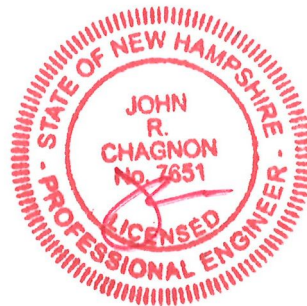
Weekday total trip increase is 4 trips. The anticipated increase in traffic is negligible and does not substantially alter the traffic conditions. The adjacent street network is designed for uses such as the proposed project.

Please feel free to call if you have any questions or comments.

Sincerely,

John Chagnon

John Chagnon, Project Manager



Single-Family Attached Housing (215)

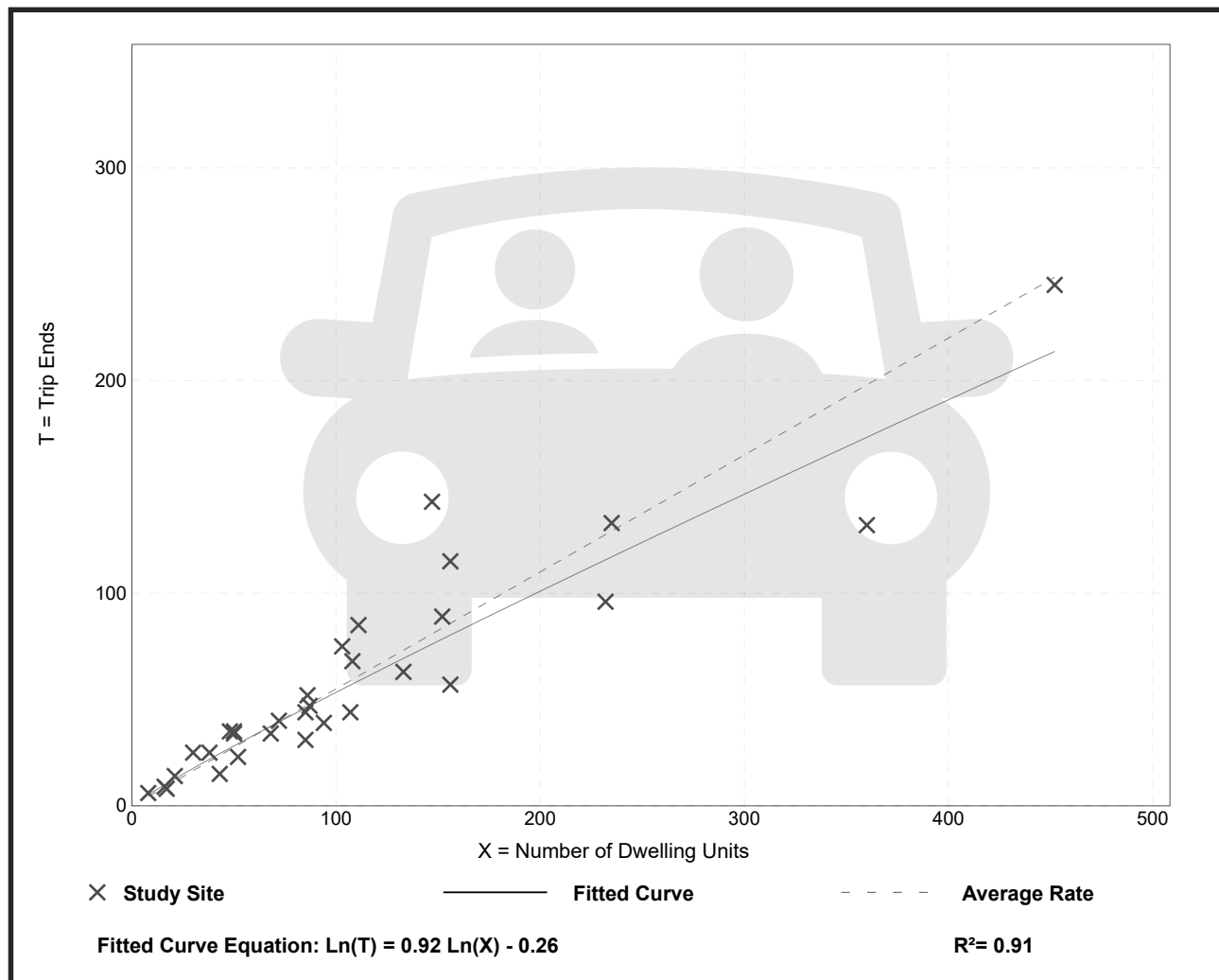
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
 Number of Studies: 31
 Avg. Num. of Dwelling Units: 110
 Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.55	0.35 - 0.97	0.16

Data Plot and Equation



Motel (320)

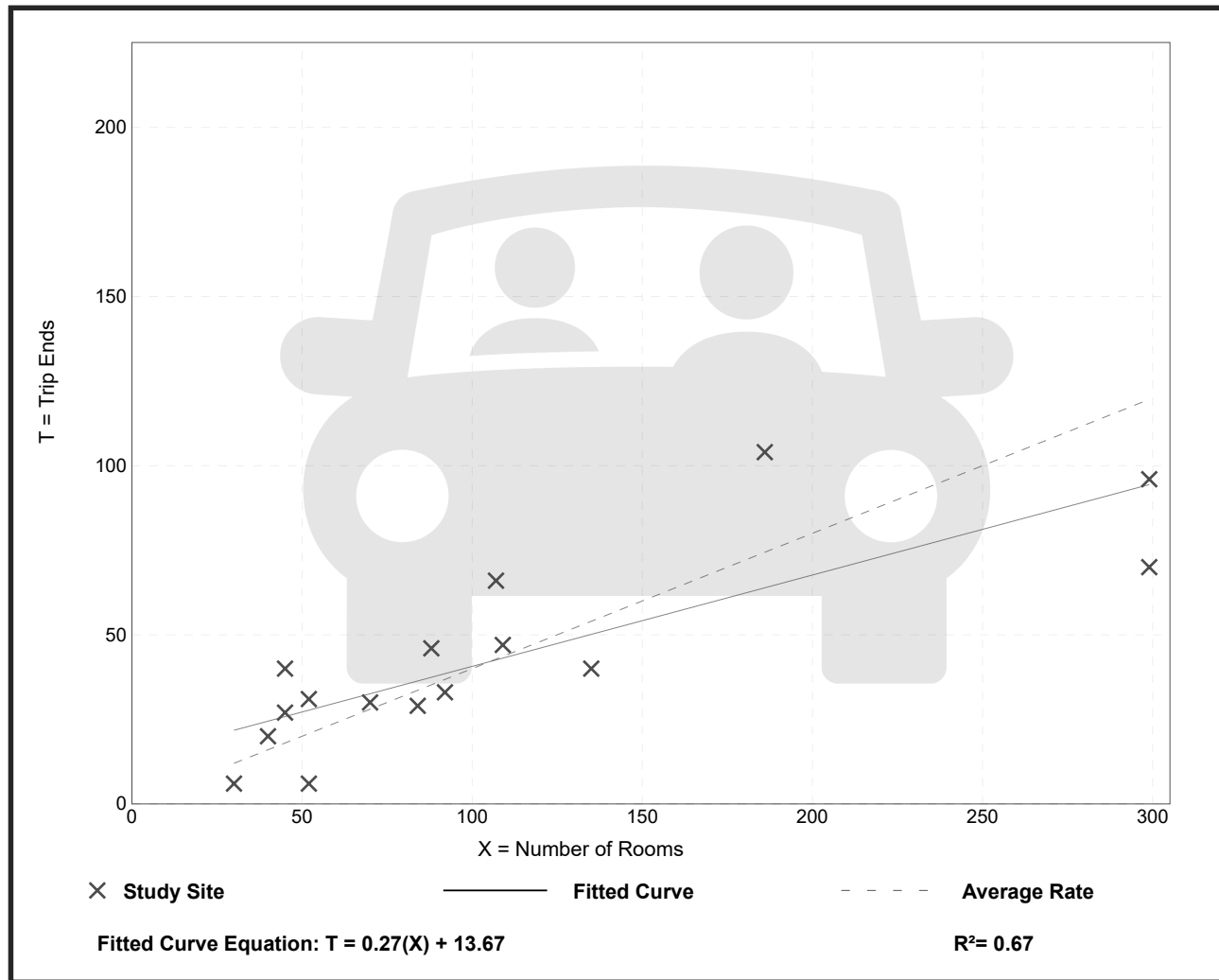
Vehicle Trip Ends vs: Rooms
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
 Number of Studies: 16
 Avg. Num. of Rooms: 108
 Directional Distribution: 41% entering, 59% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.40	0.12 - 0.89	0.16

Data Plot and Equation



Single-Family Attached Housing (215)

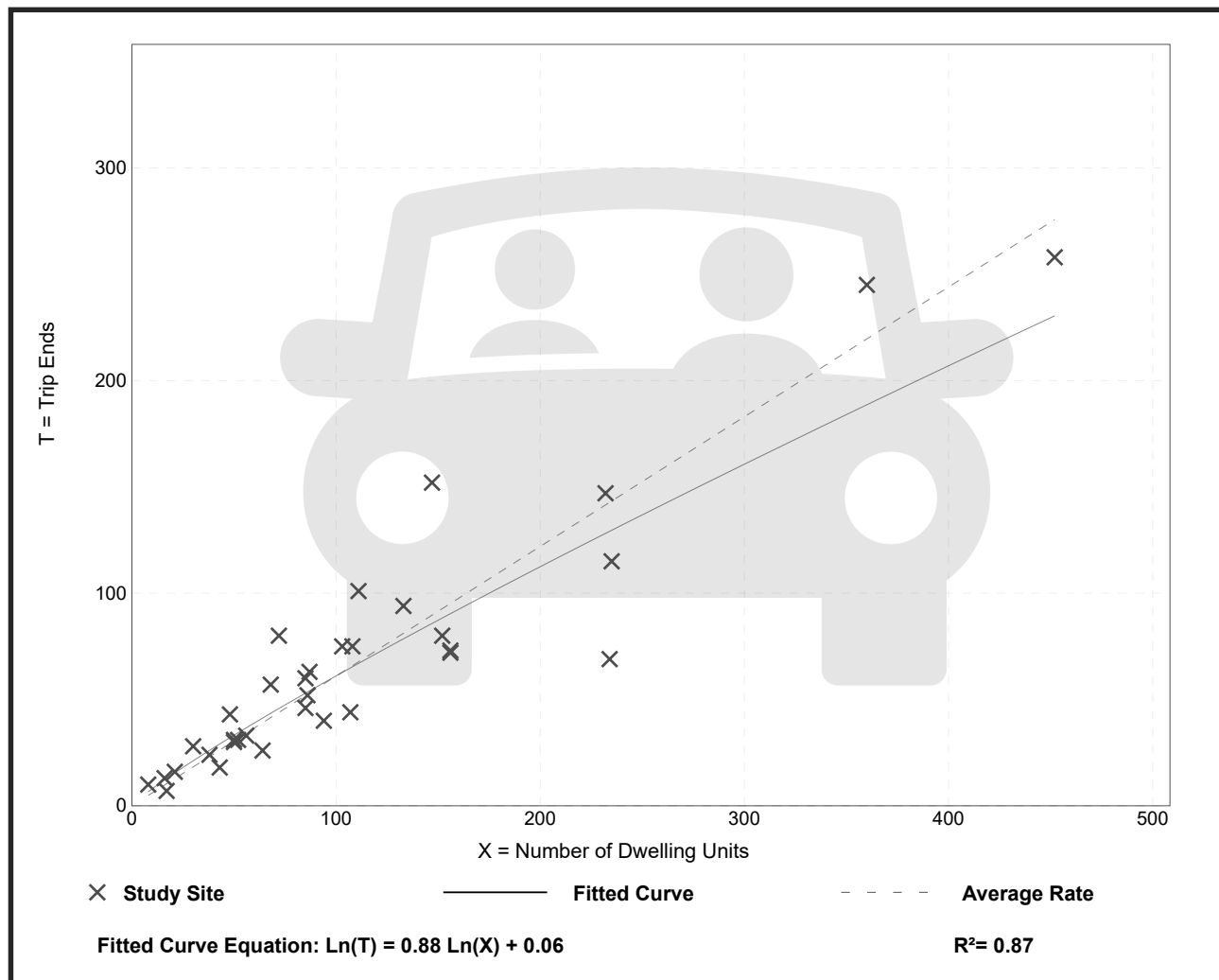
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
 Number of Studies: 34
 Avg. Num. of Dwelling Units: 110
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.61	0.29 - 1.25	0.18

Data Plot and Equation



Motel (320)

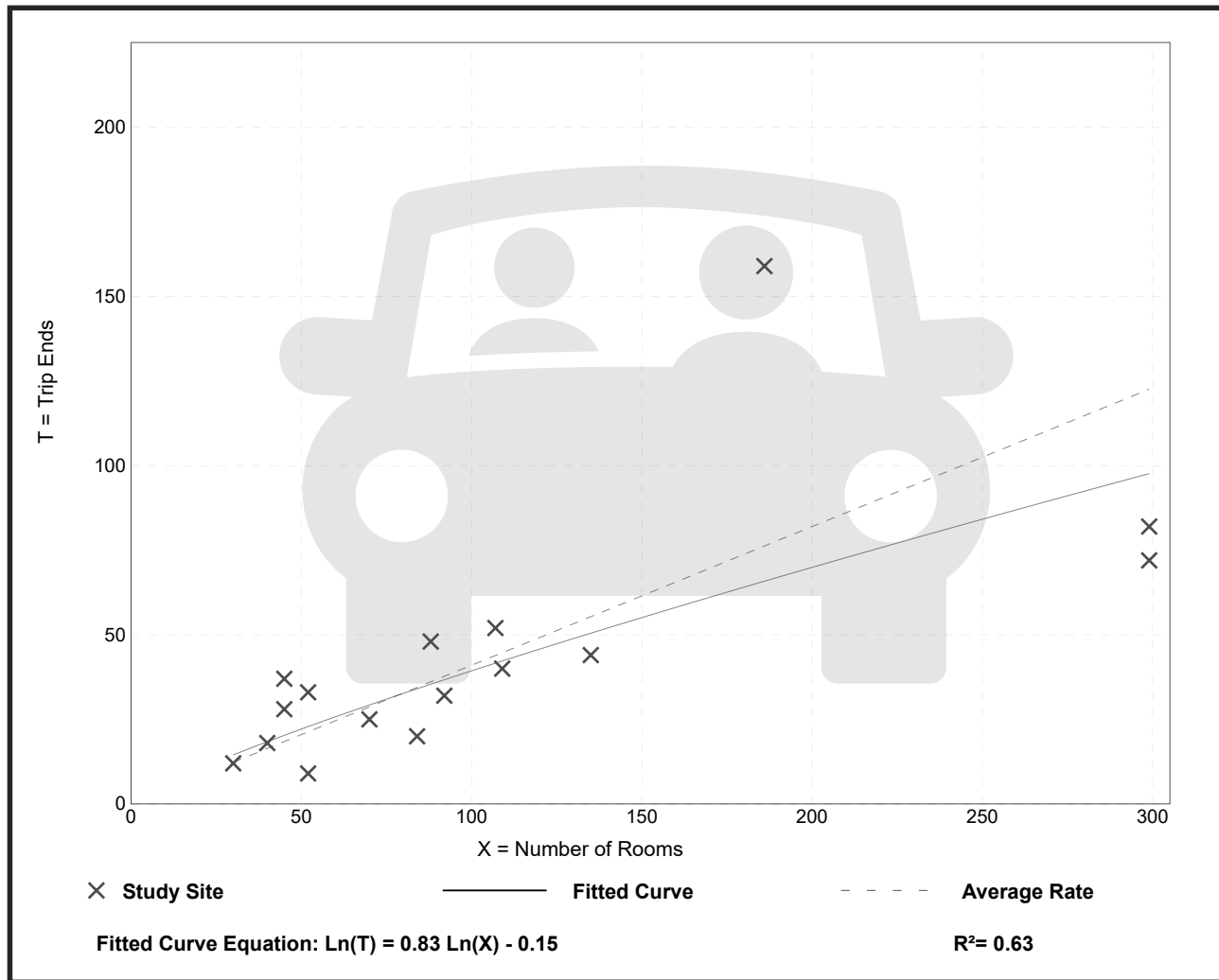
Vehicle Trip Ends vs: Rooms
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
 Number of Studies: 16
 Avg. Num. of Rooms: 108
 Directional Distribution: 55% entering, 45% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.41	0.17 - 0.85	0.21

Data Plot and Equation



Single-Family Attached Housing (215)

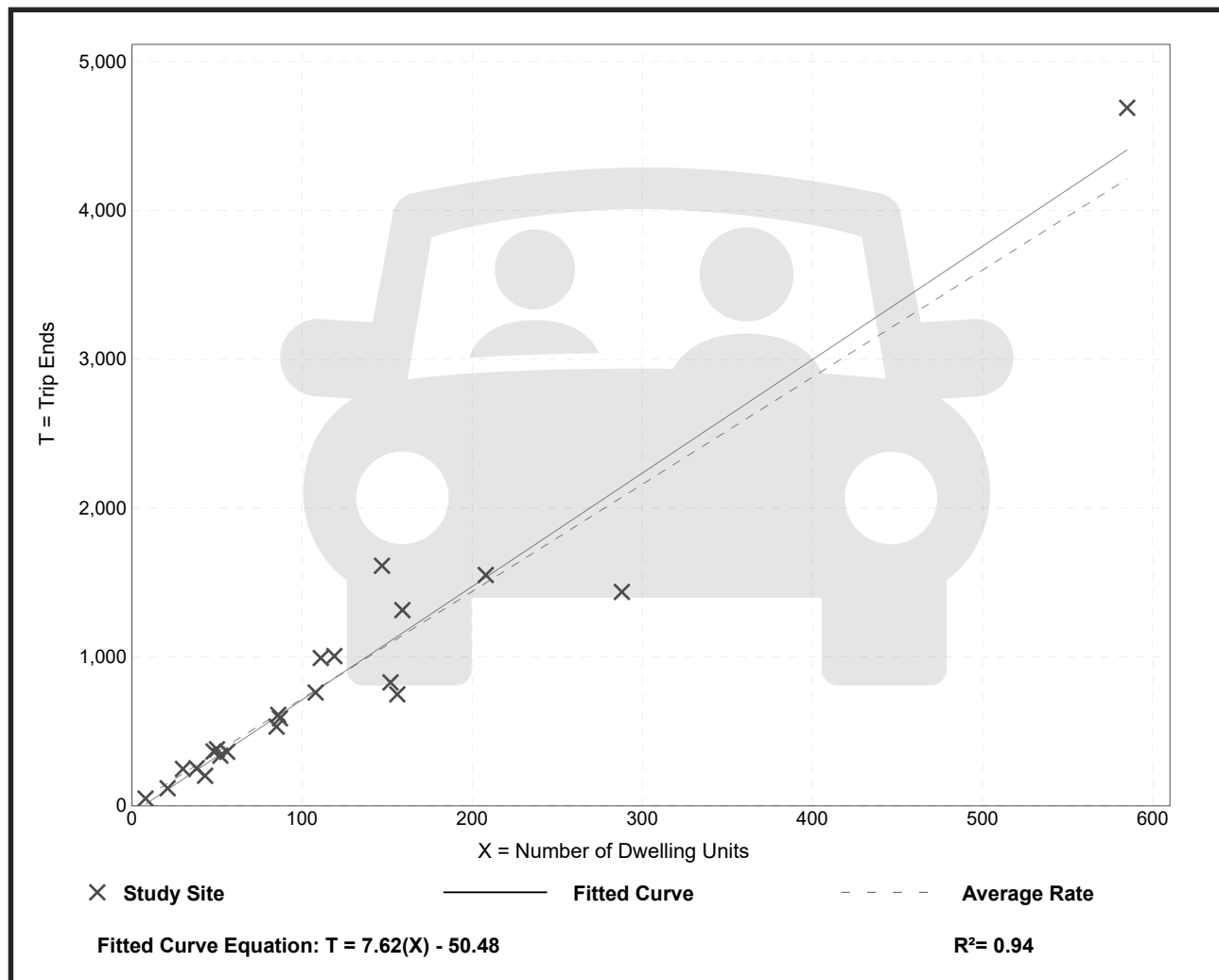
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 120
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.20	4.70 - 10.97	1.61

Data Plot and Equation



Motel (320)

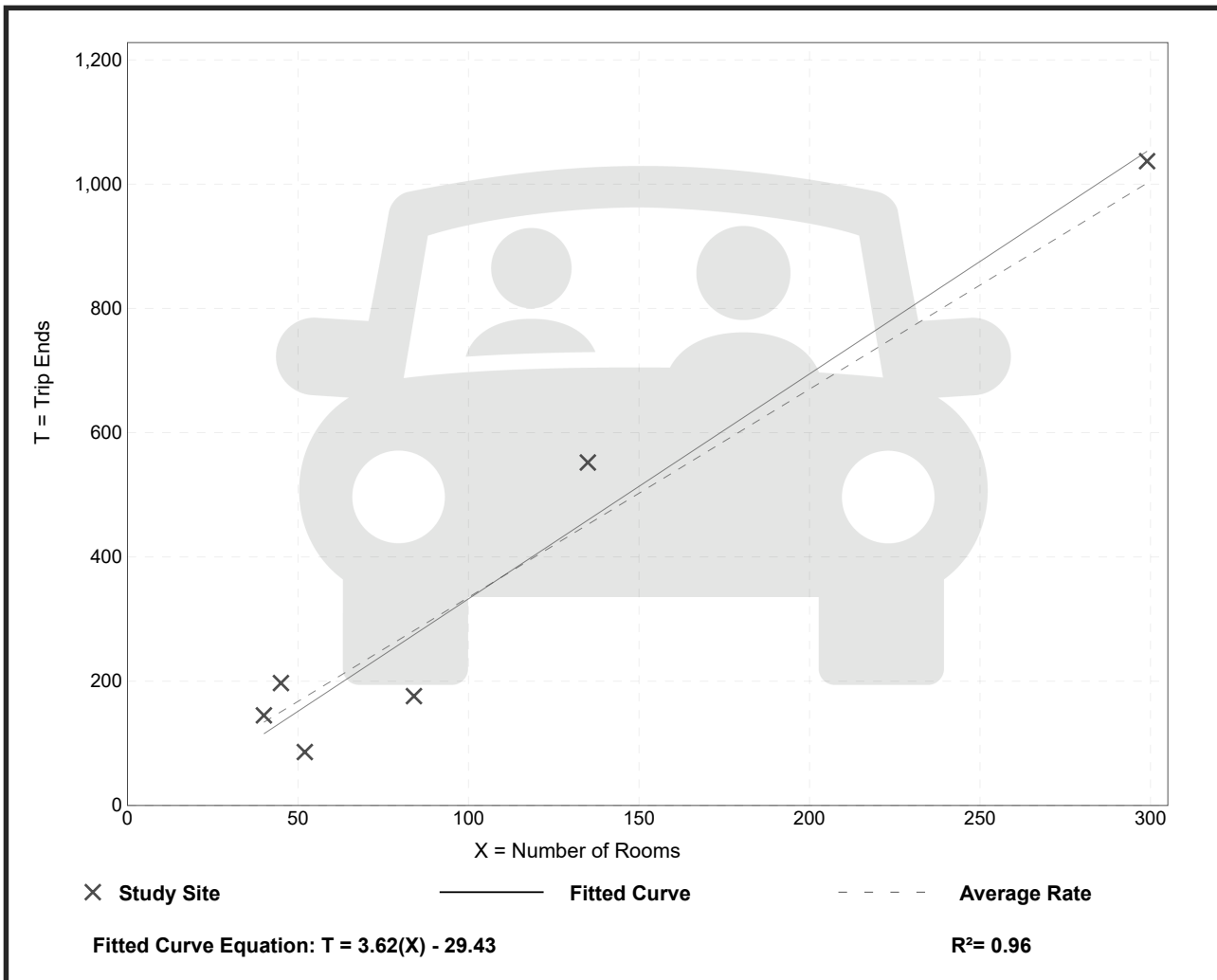
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Rooms: 109
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
3.35	1.65 - 4.38	0.87

Data Plot and Equation



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

18 April, 2022

Parking Demand Memo Site Redevelopment 404 Islington Street Portsmouth, NH

The purpose of this document is to compare the parking demand based on ITE Source Data with the City of Portsmouth Ordinance parking requirements for the site redevelopment at 404 Islington Street in Portsmouth, NH. The net change in parking demand expected to be generated by the redevelopment, compared to the existing condition, will be detailed. Currently the property is developed with a 7 room Inn with a Caretaker Apartment in a total of two buildings. The plan is to remodel the Caretaker Apartment into 2 rooms and add another room for a Proposed 10 room Inn on the lot.

In developing the expected parking demand, Ambit Engineering considered the standard parking generation rates and equations published in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition (2010). The land use category that best correlates with the existing use for the Inn is Motel (ITE Land Use Code 320). The Caretaker Apartment land use category that best correlates with the existing use is Low / Mid Rise Apartment (ITE Land Use Code 221). The parking generation is based upon the peak period of parking for the existing and proposed uses within the project. They are summarized below for **Weekday Peak Period**.

Parking Summary

Existing – Weekday Peak Parking

Low / Mid Rise Apartment (1.2 vehicles per dwelling unit)

$$\underline{1.2 \times 1 \text{ unit} = 1 \text{ vehicles}}$$

Motel (0.71 vehicles per occupied room)

$$\underline{0.71 \times 7 \text{ rooms} = 5 \text{ vehicles}}$$

Total

6 vehicles

Proposed – Weekday Peak Parking

Motel (0.71 vehicles per occupied room)

$$\underline{0.71 \times 10 \text{ rooms} = 8 \text{ vehicles}}$$

Total

8 vehicles

Existing City of Portsmouth Parking Demand

Apartment - over 750 SF (1.3 vehicles per unit)

$$\underline{1.3 \times 1 = 1.3 \text{ vehicles}}$$

Inn (1.25 vehicles per guest room)

$$\underline{1.25 \times 7 \text{ rooms} = 8.75 \text{ vehicles}}$$

Total

10 vehicles

Proposed City of Portsmouth Parking Demand

Inn (1.25 vehicles per guest room)

Total

1.25 x 10 rooms = 12.5 vehicles

13 vehicles

Parking Impact

There is **an increase** in anticipated parking required for the site redevelopment. The increase is between 2 (ITE) to 3 (COP) vehicles. The proposed includes the addition of one parking space to the site. The anticipated increase in parking demand is negligible and does not substantially alter the parking conditions in the neighborhood. As mitigation to a potential impact the developer is working to find acceptable and suitable potential off-site parking arrangements, should the demand exceed the on-site parking supply.

Please feel free to call if you have any questions or comments.

Sincerely,

John Chagnon

John Chagnon, Project Manager

Land Use: 221

Low/Mid-Rise Apartment

United States:

Suburban:

Skokie, IL (1964); Glendale, CA (1978); Irvine, CA (1981); Newport Beach, CA (1981); Dallas, TX (1982); Farmers Branch, TX (1982); Euless, TX (1983, 1984); Baytown, TX (1984); Syracuse, NY (1987); Devon, PA (2001); Marina del Rey, CA (2001); Milburn, NJ (2001); Parsippany, NJ (2001); Springfield, NJ (2001); Westfield, NJ (2001); Beaverton, OR (2002); Hillsboro, OR (2002); Portland, OR (2002); Vancouver, WA (2002); Goleta, CA (2008); Ventura, CA (2008); Englewood, CO (2009)

Urban:

Dallas, TX (1982, 1983); San Francisco, CA (1982); Syracuse, NY (1984, 1987); Santa Barbara, CA (1994); Long Beach, CA (2000); Santa Monica, CA (2001); San Diego, CA (2001)

4th Edition Source Numbers

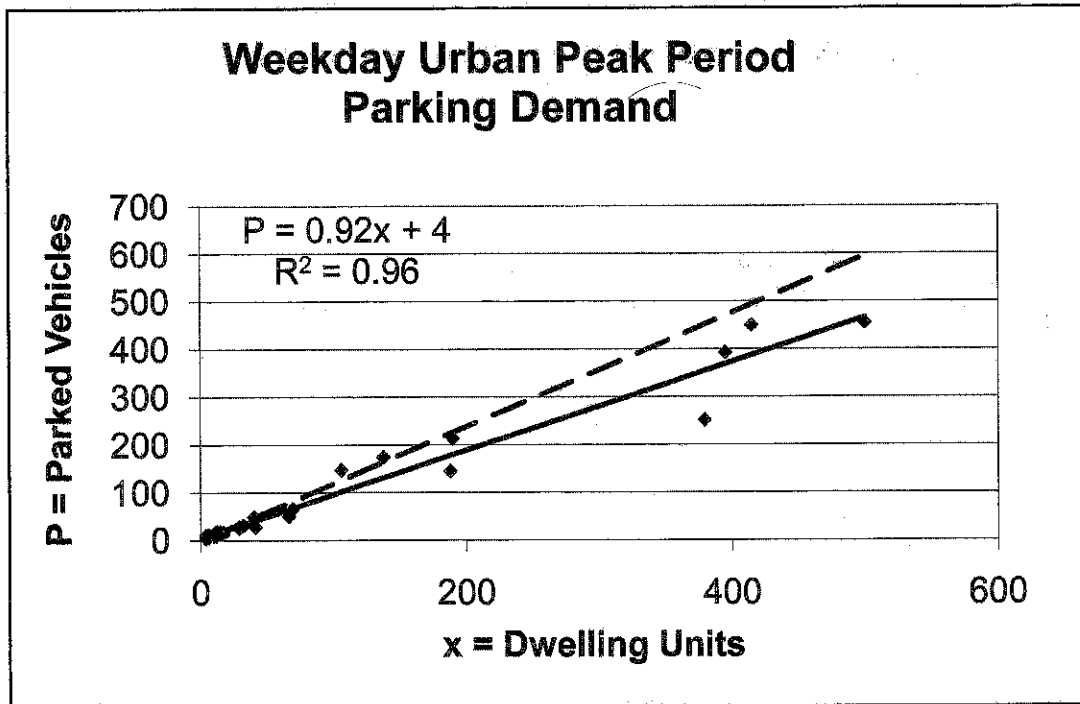
1007, 1015, 1114, 1137

Land Use: 221

Low/Mid-Rise Apartment

Average Peak Period Parking Demand vs. Dwelling Units
On a: Weekday
Location: Urban

Statistic	Peak Period Demand
Peak Period	10:00 p.m.–5:00 a.m.
Number of Study Sites	40
Average Size of Study Sites	70 dwelling units
Average Peak Period Parking Demand	1.20 vehicles per dwelling unit
Standard Deviation	0.42
Coefficient of Variation	35%
95% Confidence Interval	1.07–1.33 vehicles per dwelling unit
Range	0.66–2.50 vehicles per dwelling unit
85th Percentile	1.61 vehicles per dwelling unit
33rd Percentile	0.93 vehicles per dwelling unit



◆ Actual Data Points

— Fitted Curve

---- Average Rate

Land Use: 320 Motel

Description

Motels are places of lodging that provide sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space and few (if any) supporting facilities. Exterior corridors accessing rooms—immediately adjacent to a parking lot—commonly characterize motels. Hotel (Land Use 310), all suites hotel (Land Use 311), business hotel (Land Use 312) and resort hotel (Land Use 330) are related uses.

Database Description

The database consisted of all suburban sites with the exception of two urban sites. Parking demand at the suburban sites was similar to that of the urban sites and, therefore, the data were combined and analyzed together.

- Parking supply ratio: 1.0 space per room (three study sites).

Four study sites reported the presence of an on-site restaurant.

Parking demand data for the study sites were reported for only a few discontinuous hours. Therefore, no specific peak period was defined. The average peak parking demand reported was simply the average of all peak counts within the time periods for which data were provided, regardless of the timeframe. Additional continuous parking demand studies are needed to better define peaking characteristics for this land use.

For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately estimate parking generation characteristics for the site.

Study Sites/Years

Schiller Park, IL (1965); Lincolnwood, IL (1967); Elyria, OH (1970); Gaithersburg, MD (1981); Northglenn, CO (1982); Kent, WA (2008); Seattle, WA (2008)

4th Edition Source Number

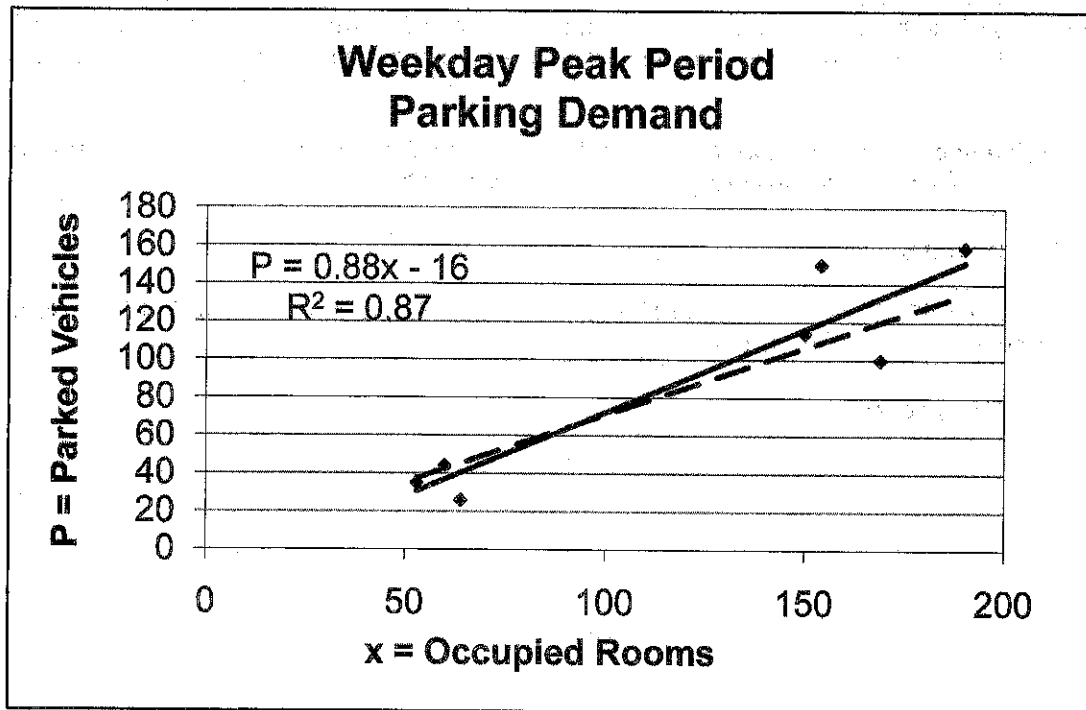
1101

Land Use: 320 Motel

Average Peak Period Parking Demand vs. Occupied Rooms On a Weekday

Statistic	Peak Period Demand
Peak Period	Varies*
Number of Study Sites	7
Average Size of Study Sites	120 occupied rooms
Average Peak Period Parking Demand	0.71 vehicles per occupied room
Standard Deviation	0.18
Coefficient of Variation	26%
Range	0.41–0.97 vehicles per occupied room
85th Percentile	0.85 vehicles per occupied room
33rd Percentile	0.66 vehicles per occupied room

* Refer to the "Database Description" section for an explanation of the undefined peak parking period.



◆ Actual Data Points

— Fitted Curve


---- Average Rate

Dear Brad

As the trustee for the Irene R Lebel Revocable Trust of 2014, owner of 54 Court St.,
Portsmouth NH. I am willing to enter into an arrangement with the owner of the Martin Hill Inn
for overflow parking as needed for up to as many as 5 parking spaces.

Have a nice day

Thomas Lebel


Thomas L. Lebel, TTEE

5.10.2022

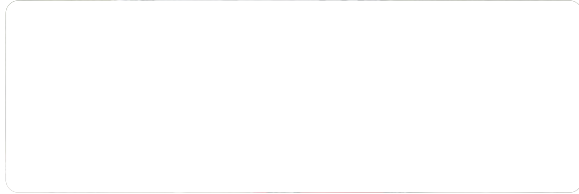


54 Court St

Portsmouth, NH 03801
Building

- Directions
- Save
- Nearby
- Send to phone
- Share

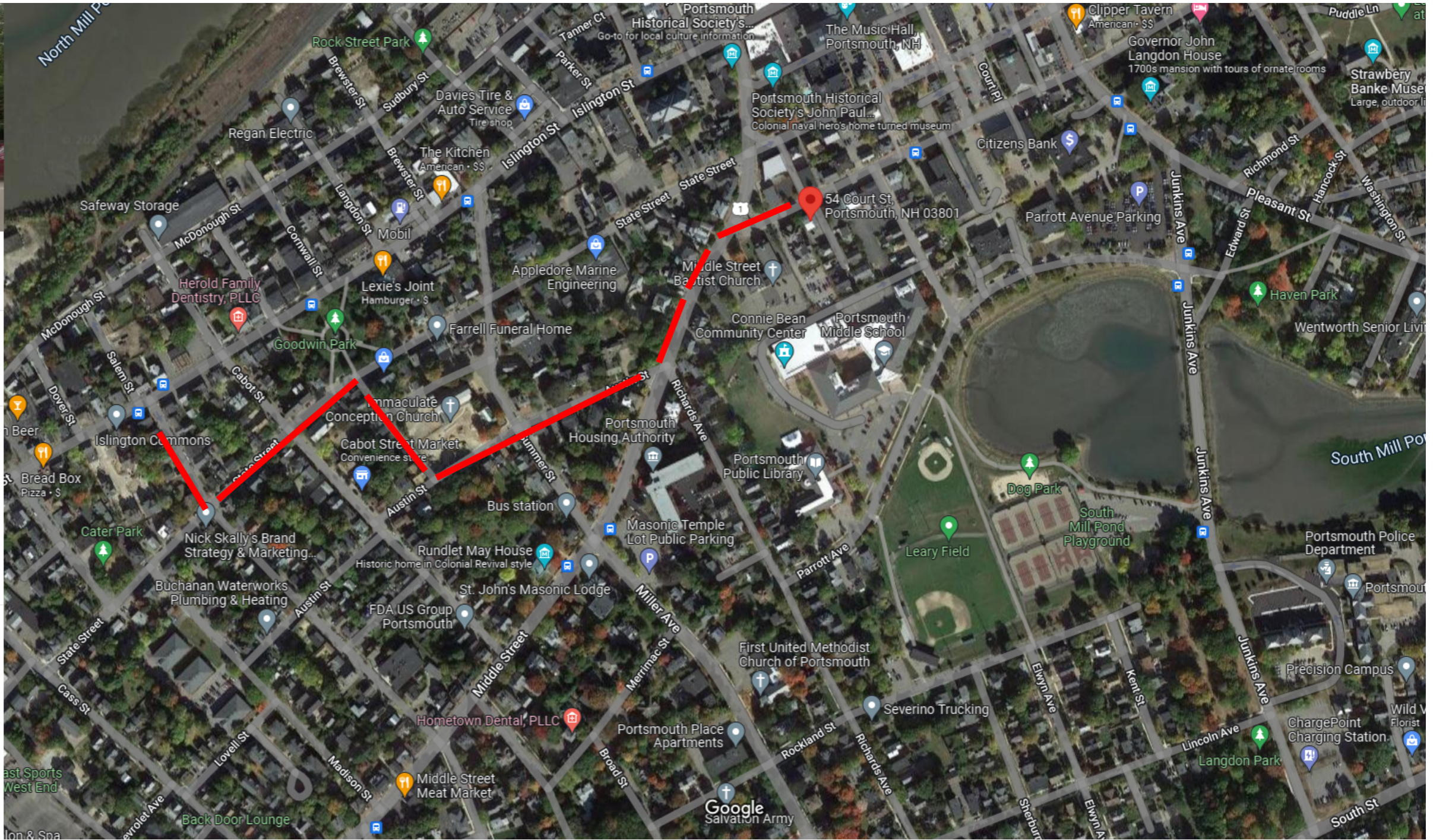
Photos



At this place

Life Styled Interior Design (LSID)

No reviews
Interior designer · Floor 1
Open · Closes 5PM



SITE PHOTOGRAPHS; PARKING AREAS



Parking Area 1



Parking Area 2



Parking Area 3

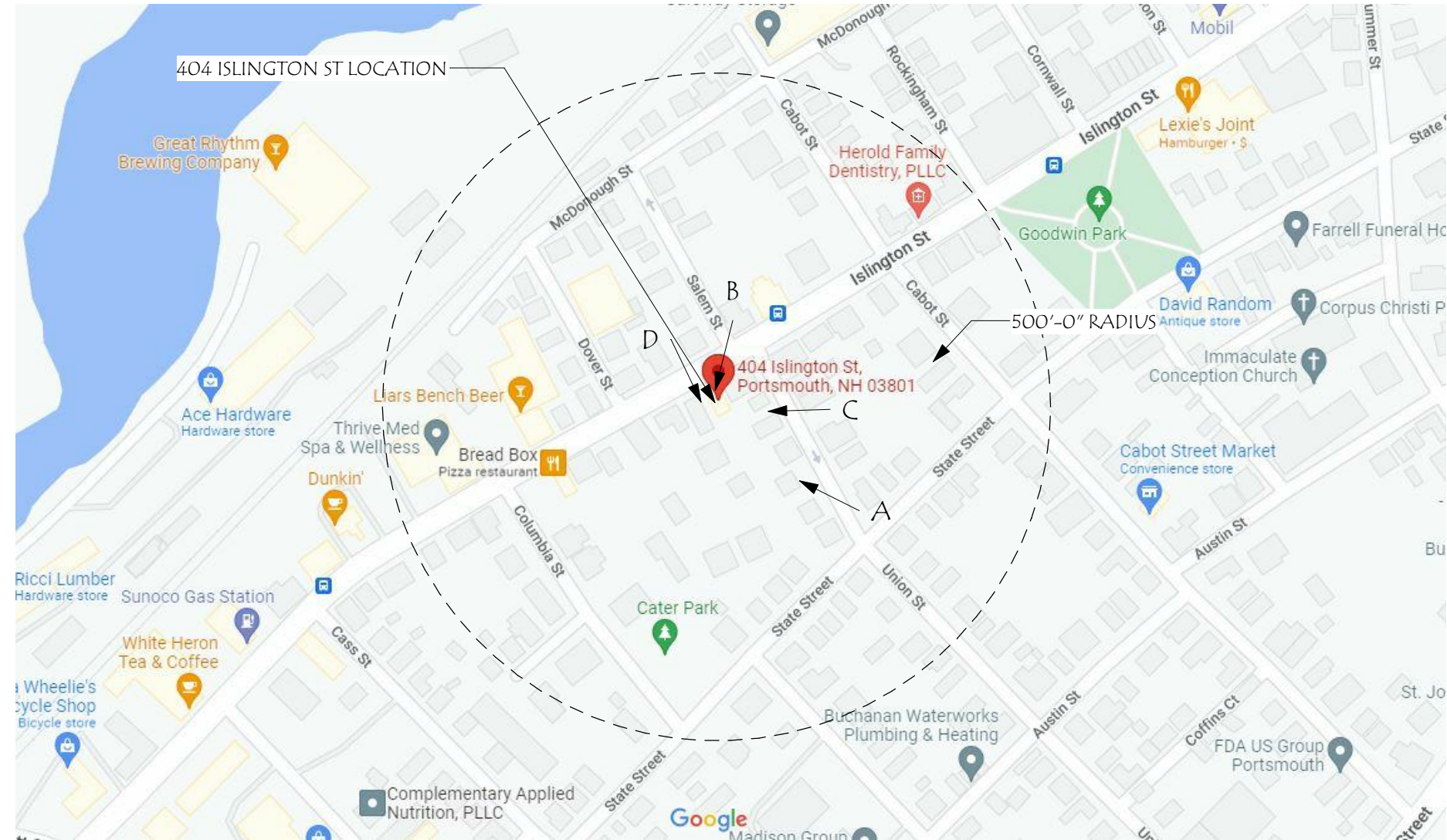
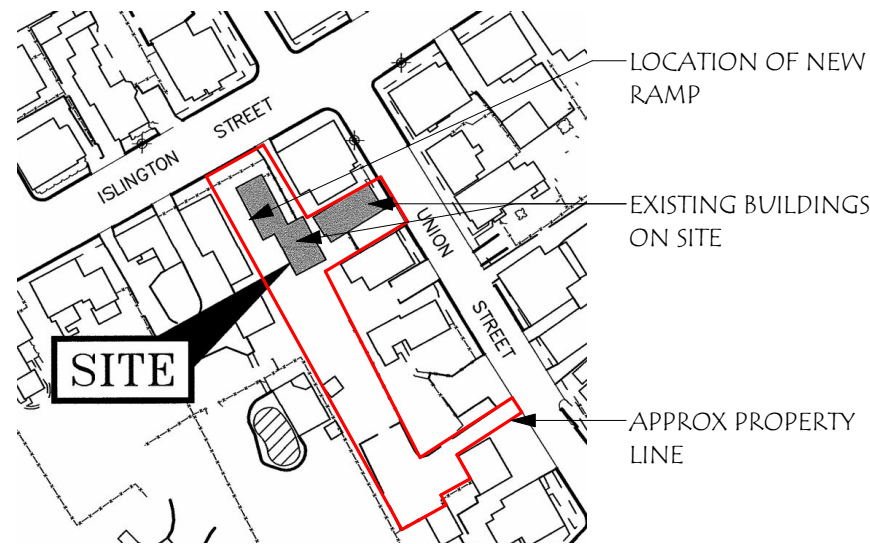


Access Easement

404 ISLINGTON STREET

GENERAL PROJECT DESCRIPTION:

THIS PROJECT CONSISTS OF THE ADDITION OF A NEW ACCESSIBLE RAMP TO AN EXISTING STRUCTURE.



ZONING SUMMARY:

ZONING DISTRICT: CD4-L2

LOT SIZE: 12,630 SF

REQUIRED LOT AREA PER DWELLING UNIT:

BUILDING HEIGHT: 35'-0" ALLOWED

GROUND FLOOR ABOVE SIDEWALK: 11'-0" MIN

MIN GROUND STORY HEIGHT: ~8'-6" EXISTING



HISTORIC DISTRICT COMMISSION WORKSESSION/PUBLIC HEARING MAY 2022

MARTIN HILL INN

404 ISLINGTON ST.
PORTSMOUTH, NH, 03801

Revisions #	Description	Date

SCALE:	Author
DRAWN BY:	Checker
CHECKED BY:	2022050
PROJECT NO.:	05/25/22
DATE:	4/14/2022 10:14:02 AM

TITLE:	COVER SHEET
	1



ENTRANCE TO PARKING AREA
OF 404 ISLINGTON STREET

A: UNION STREET



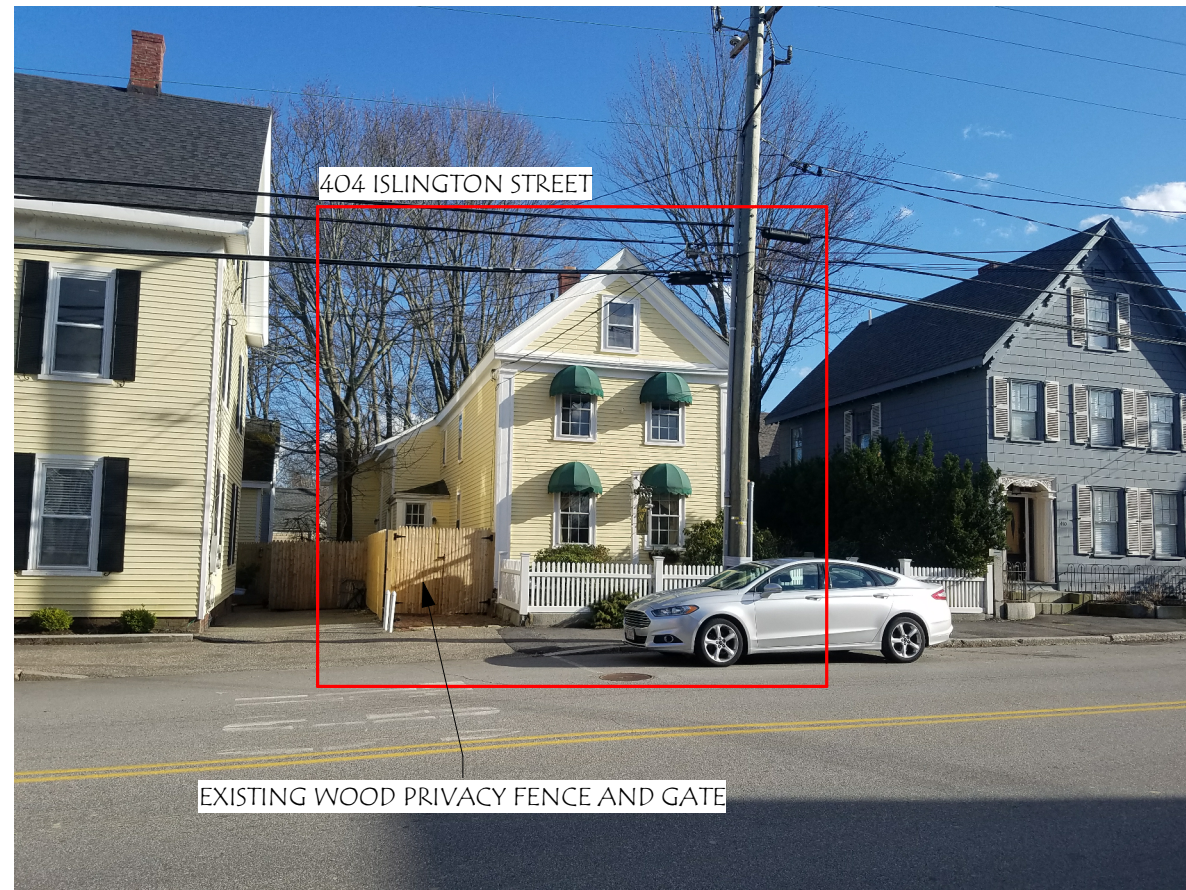
404 ISLINGTON STREET

B: ISLINGTON STREET



404 ISLINGTON STREET

C: UNION STREET



404 ISLINGTON STREET

EXISTING WOOD PRIVACY FENCE AND GATE

D: ISLINGTON STREET

MARTIN HILL INN

404 ISLINGTON ST.
PORTSMOUTH, NH, 03801

Revisions #	Description	Date

SCALE:	AUTHOR:
DRAWN BY:	CHECKER:
CHECKED BY:	2022.050
PROJECT NO.:	05/25/22
DATE:	

TITLE: EXISTING CONTEXT	2
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VIEW A



VIEW B



VIEW C



VIEW D



VIEW E



VIEW F



VIEW G

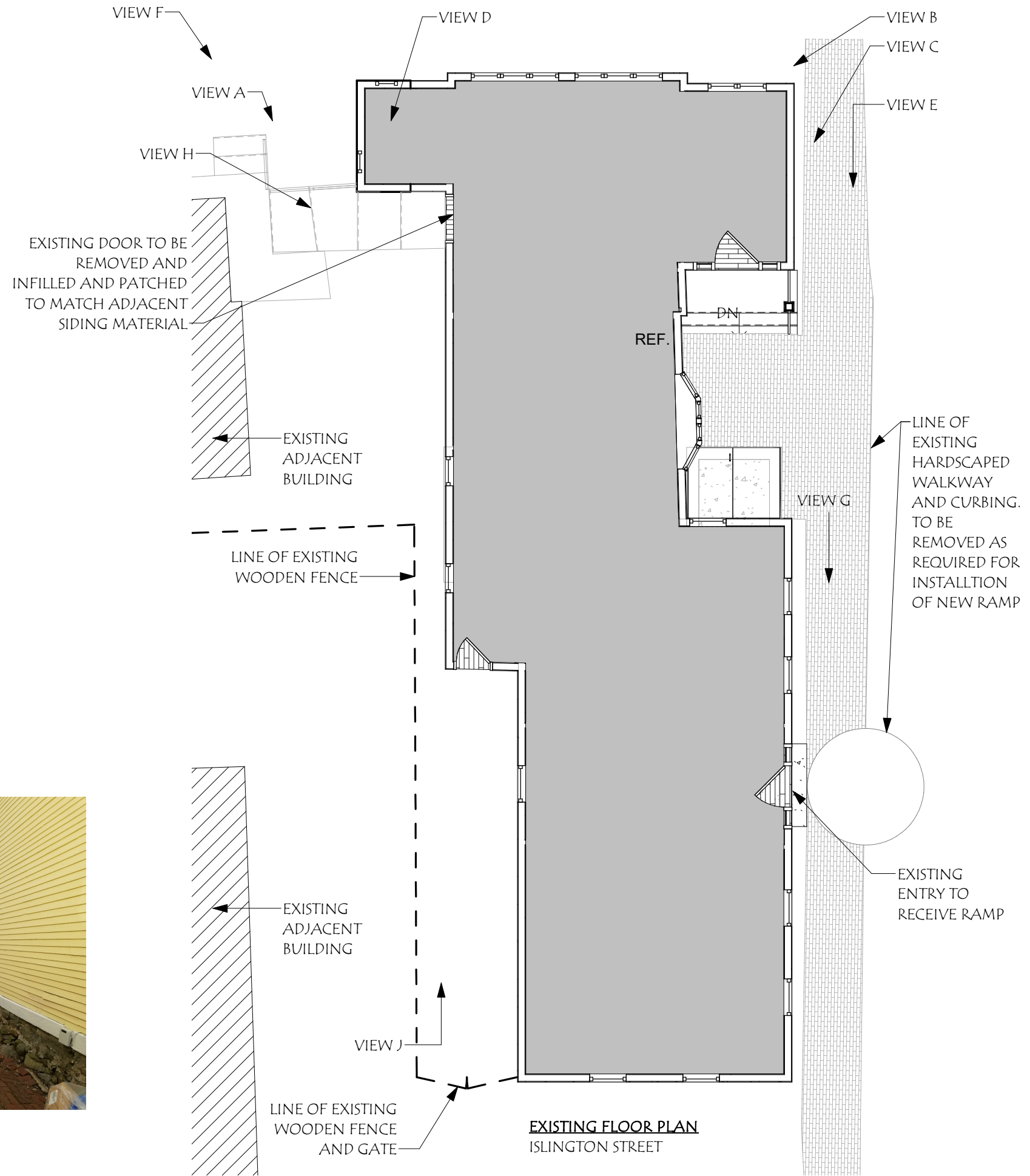
EXISTING ENTRY TO RECEIVE NEW RAMP



VIEW H



VIEW J



Revisions #	Description	Date

SCALE: 1/8" = 1'-0"	DRAWN BY: SNH	CHECKED BY: RJH	PROJECT NO.: 2022.050	DATE: 04/14/22
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TITLE: EXISTING PLAN	3
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METAL RAILING EXAMPLE

Trex Enhance® Composite Decking



1" Square Edge Board

Our square edge boards install traditionally like wood—with deck screws.

Actual Dimensions

.94 in x 5.5 in x 12 ft (24 mm x 140mm x 365 cm)

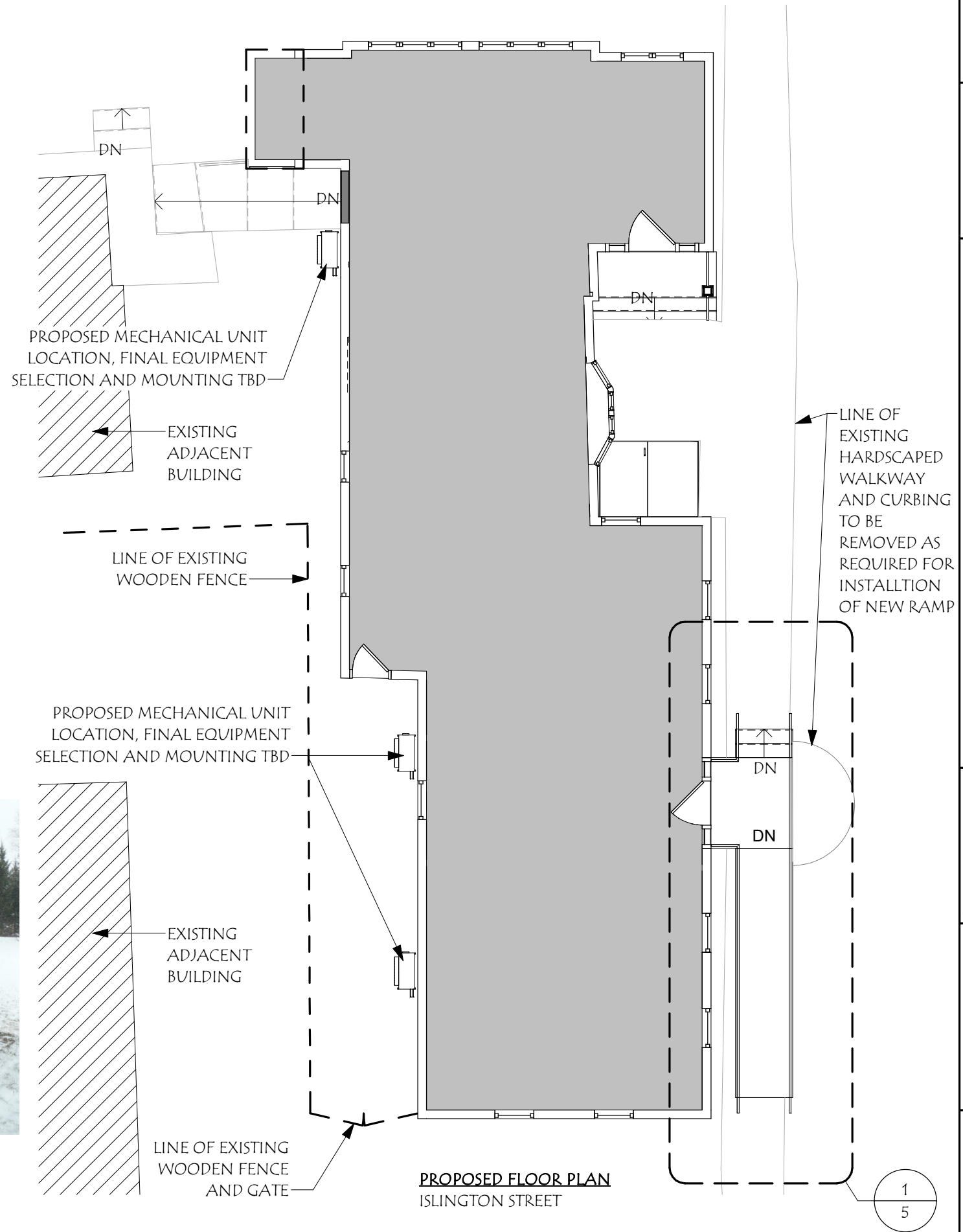
.94 in x 5.5 in x 16 ft (24 mm x 140mm x 487 cm)

.94 in x 5.5 in x 20 ft (24 mm x 140mm x 609 cm)

**COMPOSITE DECKING OR APPROVED
EQUAL
FINAL COLOR TBD**



**MECHANICAL UNIT EXAMPLE
FINAL SELECTION AND MOUNTING TBD**

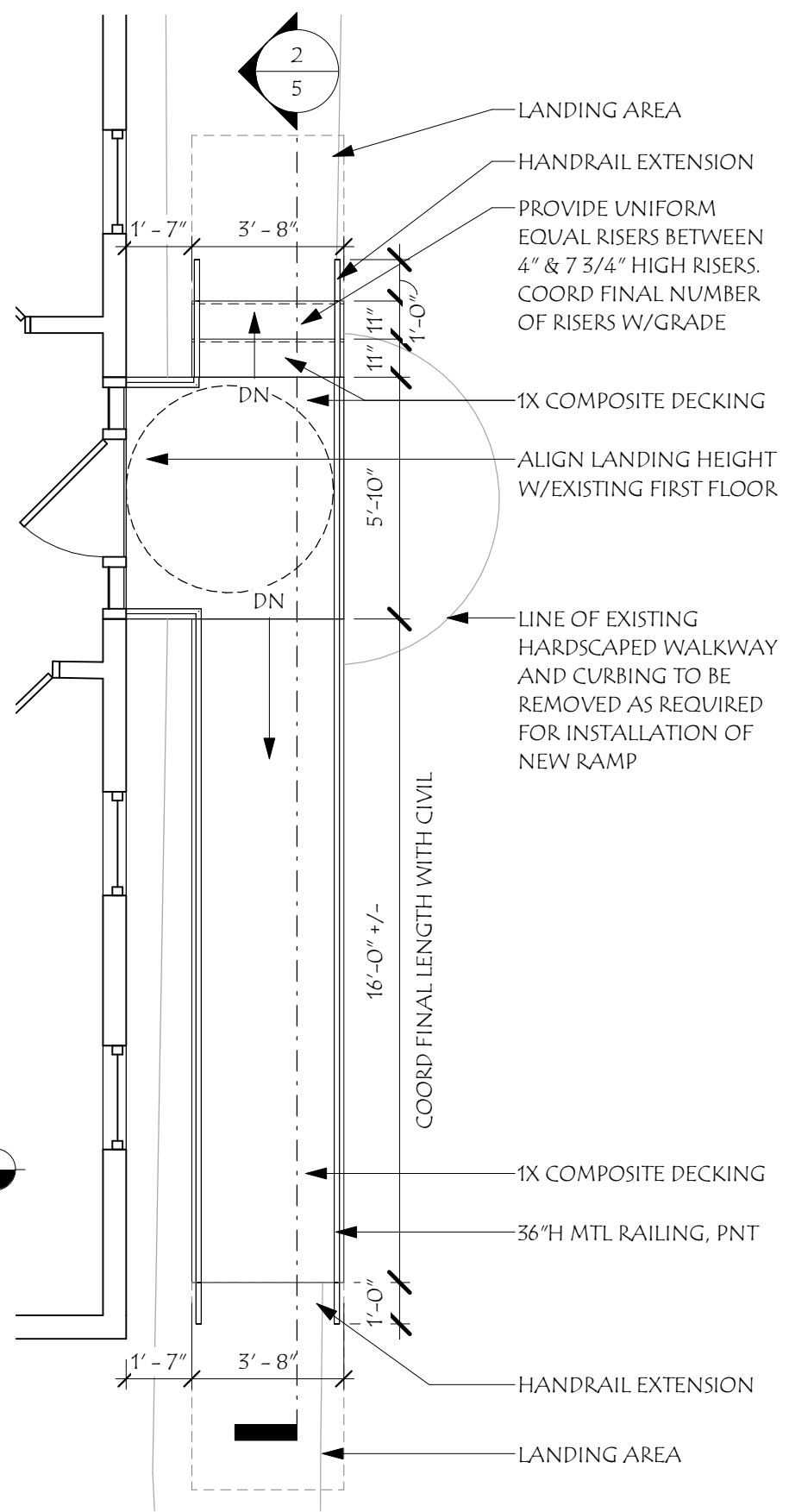
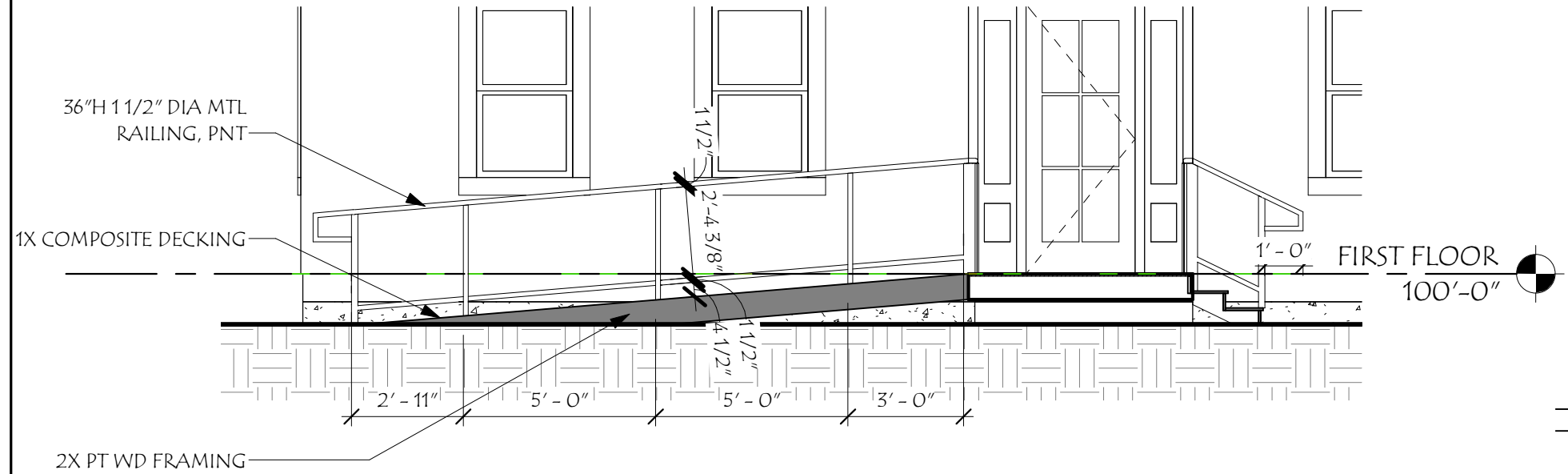


**PROPOSED FLOOR PLAN
ISLINGTON STREET**

Revisions #	Description	Date

SCALE:	1/8" = 1'-0"
DRAWN BY:	Author
CHECKED BY:	Checker
PROJECT NO.:	2022050
DATE:	05/25/22

TITLE:	PROPOSED
	4



Revisions #	Description	Date

SCALE: 1/4" = 1'-0"	AUTHOR: []	CHECKER: []
DRAWN BY: []	PROJECT NO.: 2022050	DATE: 04/11/22
CHECKED BY: []	DATE: 4/14/2022 10:14:06 AM	

TITLE: PROPOSED	5
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CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

HISTORIC DISTRICT COMMISSION

May 17, 2022

404 Islington Street LLC
404 Islington Street
Portsmouth, New Hampshire 03801

RE: Certificate of Approval for Property Located at 404 Islington Street (LU-22-74)

Dear Property Owner:

The Historic District Commission, at its regularly scheduled meeting of **Wednesday, May 04, 2022**, considered your application for exterior renovations to an existing structure (removal and infill of (1) door, installation of mechanical equipment and installation of an ADA compliant ramp) as per plans on file in the Planning Department. Said property is shown on Assessor Map 145, Lot 333 and lies within the Character District 4-L2 (CD4-L2) and Historic Districts. As a result of said consideration, the Commission voted to **grant** the Certificate of Approval as presented.

Findings of Fact

A. Purpose and Intent

The proposed application meets the following objective(s) of the Historic District (as provided in Section 10.631.20 of the Zoning Ordinance):

-Conservation and enhancement of property values.

B. Review Criteria

The proposed application also meets the following review criteria of the Historic District (as provided in Section 10.635.70 of the Zoning Ordinance):

-Compatibility of innovative technologies with surrounding properties.

The Commission's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Commission's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Committees or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Historic District Commission unless an extension is granted by the Commission in accordance with Section 10.636.70 of the Zoning Ordinance.

Please note that any changes or modifications to this application require review and

approval from the Commission prior to implementation and additional fees may apply.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

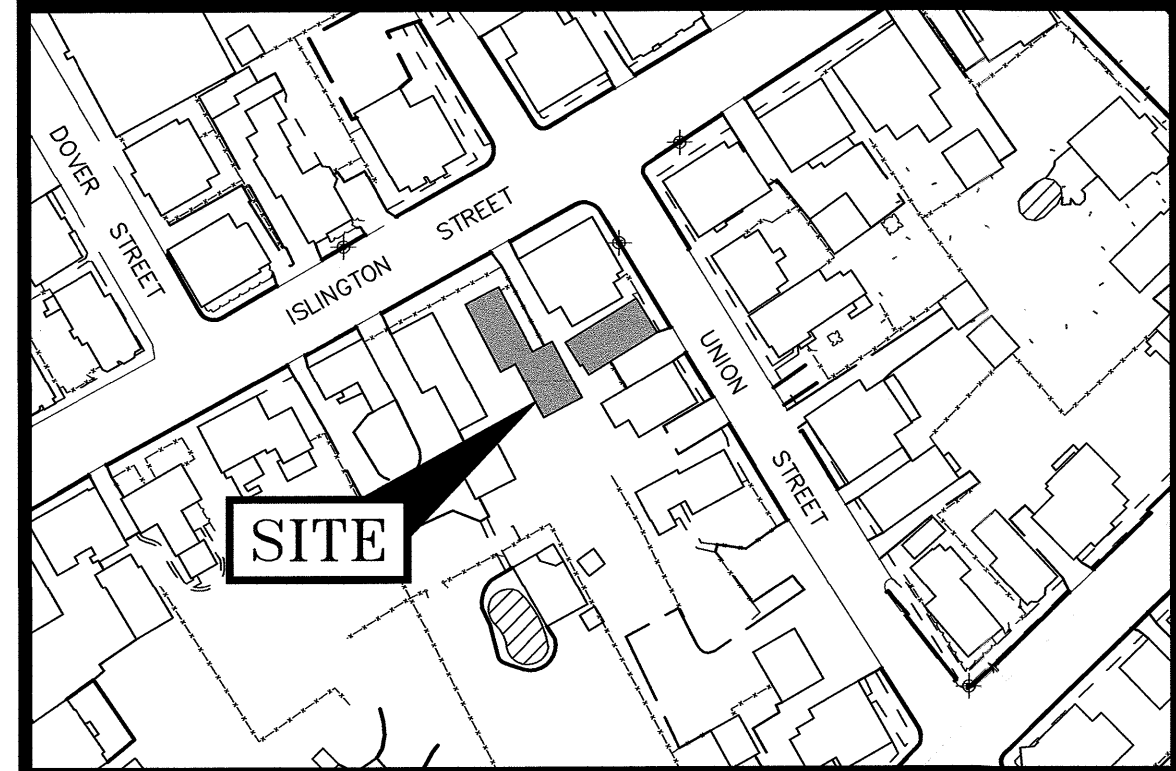
Very truly yours,

A handwritten signature in blue ink, appearing to read 'N. Cracknell', with a stylized flourish at the end.

Nicholas J. Cracknell, AICP, Principal Planner
for Jonathan Wyckoff, Chairman of the Historic District Commission

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Danielle Cain, Market Square Architects
John K. Bosen, Esq., Bosen & Associates
John Chagnon, Ambit Engineering



LOCATION MAP SCALE: 1" = 100'

- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY REGISTER OF DEEDS
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - IR FND IRON ROD FOUND
 - IP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - ⊙ DH FND DRILL HOLE FOUND
 - ⊙ DH SET DRILL HOLE SET
 - RR SPK SET RAILROAD SPIKE SET
 - NHFB NHDOT BOUND FOUND
 - TB TOWN BOUND
 - BND w/DH BOUND WITH DRILL HOLE
 - ST BND w/DH STONE BOUND WITH DRILL HOLE

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N62°24'01"E	40.00'
L2	S27°45'24"E	47.60'
L3	N60°12'25"E	56.28'
L4	S30°16'55"E	39.00'
L5	S59°14'36"W	58.05'
L6	S27°45'24"E	44.50'
L7	S29°30'56"E	41.85'
L8	S60°19'34"W	39.82'

EASEMENT LENGTH TABLE

LINE	BEARING	DISTANCE
E1	N59°45'13"E	63.75'
E2	S30°14'47"E	15.00'
E3	S59°45'13"W	48.94'
E4	S29°30'56"E	25.07'
E5	S53°00'51"W	15.13'

EASEMENT AREA: 1,347 S.F.

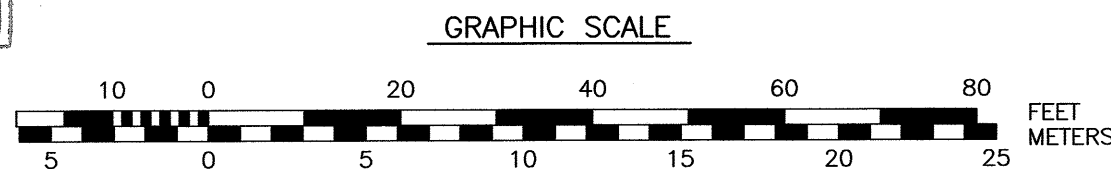
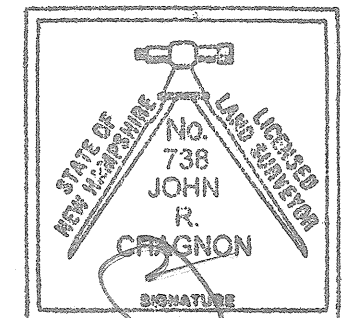
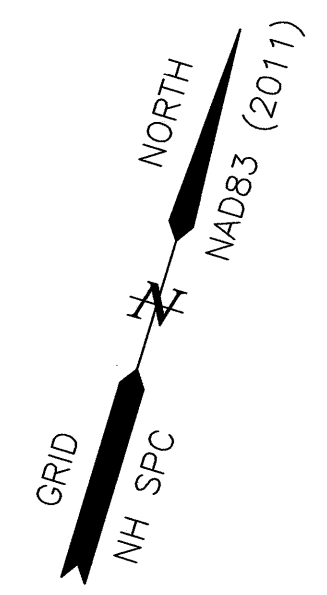
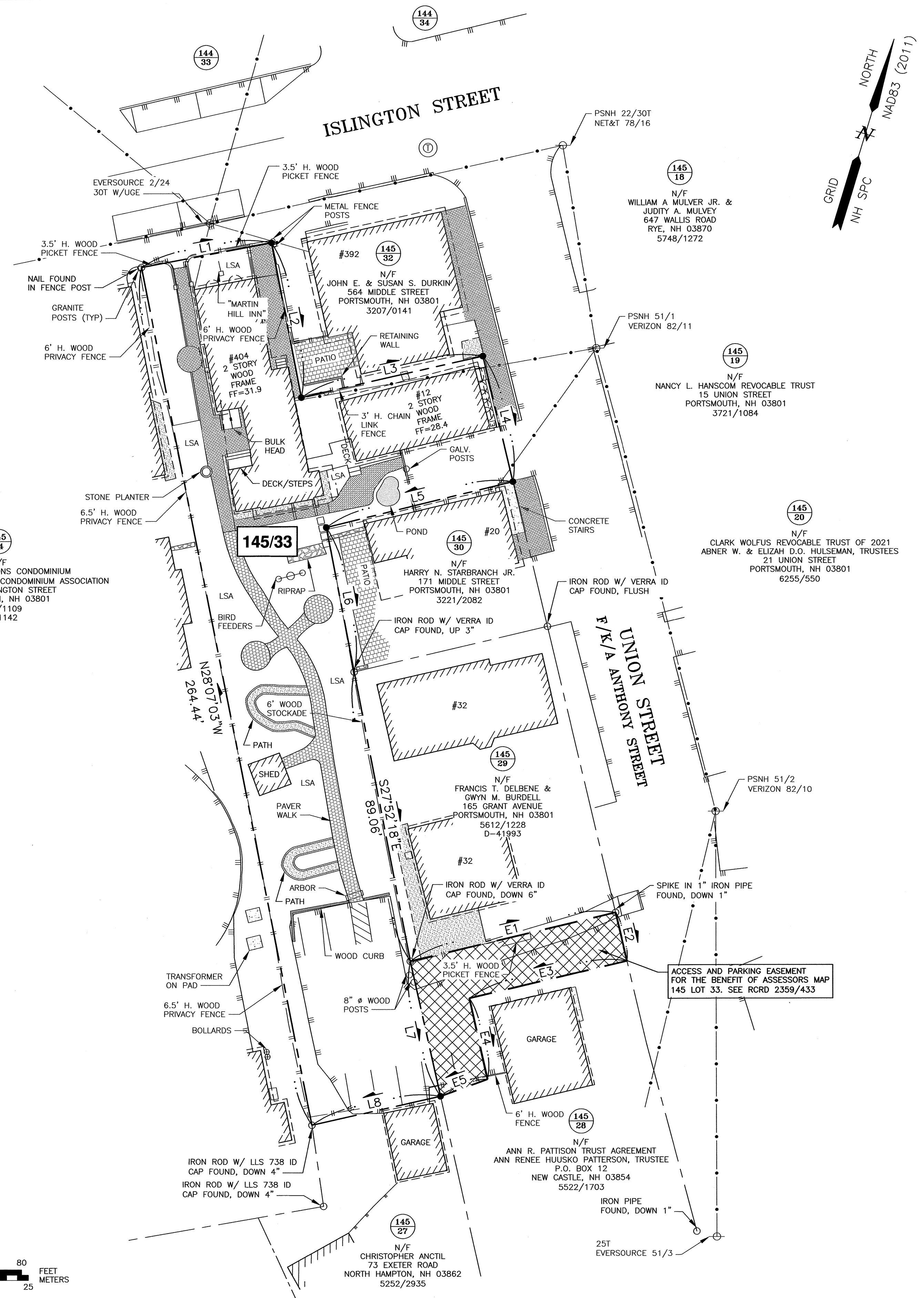
PLAN REFERENCES:

1) AMENDED CONDOMINIUM SITE PLAN ISLINGTON COMMONS CONDOMINIUM TAX MAP 145 - LOT 34. OWNER / DECLARANT: ISLINGTON COMMONS, LLC, 410-430 ISLINGTON STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', PREPARED BY AMBIT ENGINEERING, INC., DATED OCTOBER 2019., RCRD D-42502.
 2) PROPOSED SITE DEVELOPMENT PLANS 32 UNION STREET PORTSMOUTH, N.H. ASSESSOR'S PARCEL 145-29 RECORDING SITE PLAN, SCALE: 1"=10', PREPARED BY ALTUS ENGINEERING, INC., DATED DECEMBER 6, 2019, RCRD D-41993.

ABUTTERS:

- 144 33 N/F ANTONIOS & CHRISOUL TZORTZAKIS 413 ISLINGTON STREET PORTSMOUTH, NH 03801 2289/1117
- 144 34 N/F 401 OF A KIND CONDOS MASTER CARD 230 LAFAYETTE ROAD PORTSMOUTH, NH 03801 4609/2720

- 145 34 N/F ISLINGTON COMMONS CONDOMINIUM C/O ISLINGTON COMMONS CONDOMINIUM ASSOCIATION 410-430 ISLINGTON STREET PORTSMOUTH, NH 03801 6068/1109 D-41142



I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

JOHN R. CHAGNON, LLS 738
 DATE 3-15-22

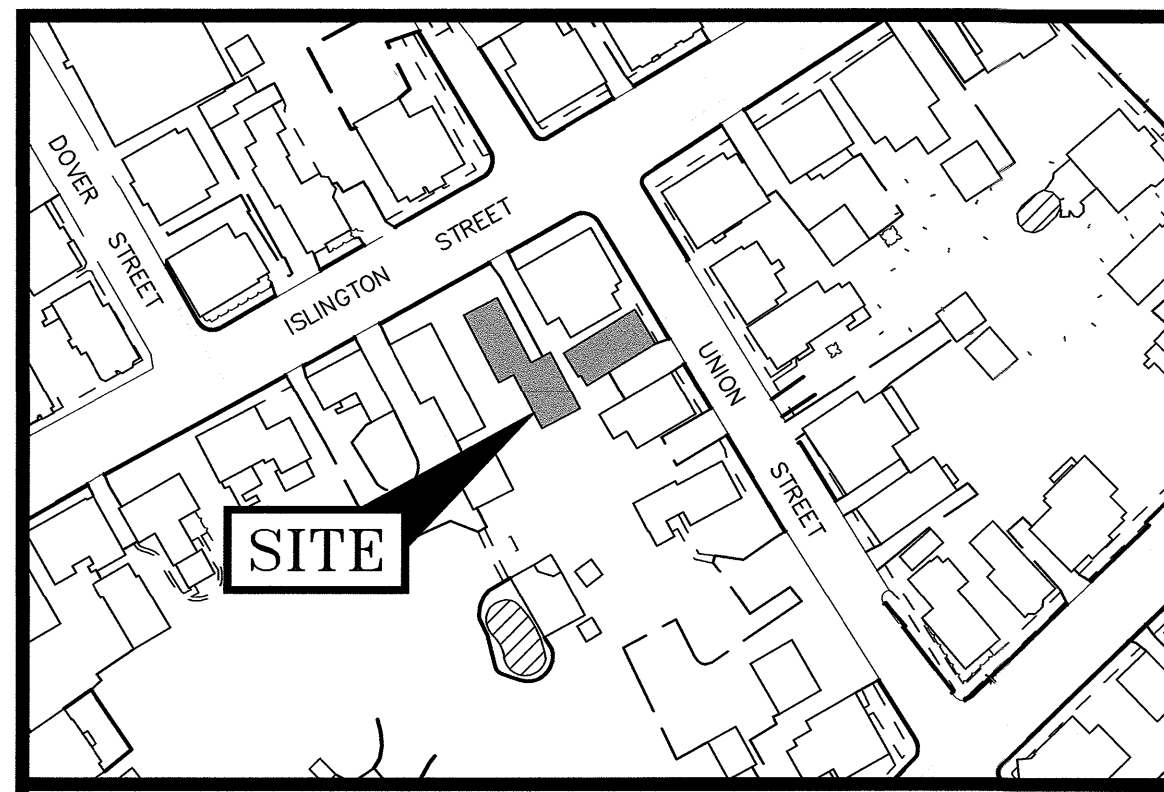
AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 145 AS LOT 33.
 - 2) OWNER OF RECORD:
 404 ISLINGTON STREET, LLC
 404 ISLINGTON STREET
 PORTSMOUTH, NH 03801
 5496/2593

 APPLICANT:
 CSQ REALTY, LLC
 137 P STREET APT. 2
 SOUTH BOSTON, MA 02127
 - 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
 - 4) EXISTING LOT AREA:
 12,630 S.F.
 0.2899 ACRES
 - 5) PARCEL IS LOCATED IN THE CD4-L2 (CHARACTER DISTRICT 4-L2) ZONING DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
 - 7) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 8) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY ON ASSESSOR'S MAP 145 LOT 33 IN THE CITY OF PORTSMOUTH.
 - 10) PARCEL IS BENEFITED BY A 15' WIDE ACCESS AND PARKING EASEMENT OVER ASSESSOR'S MAP 145 LOT 28 AS RESERVED IN RCRD 2359/433.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/15/22

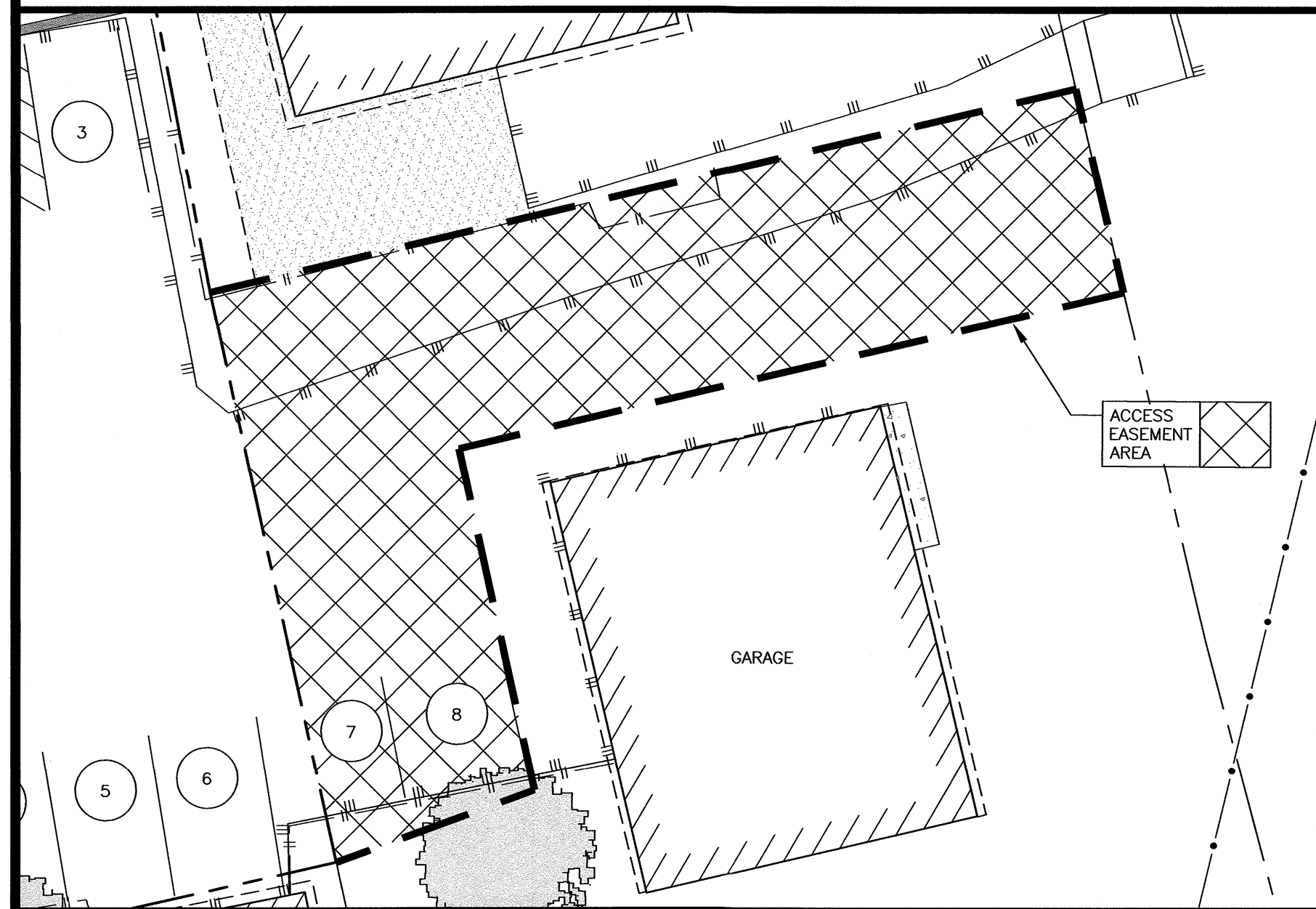
STANDARD BOUNDARY SURVEY
TAX MAP 145 LOT 33
 OWNER OF RECORD:
404 ISLINGTON STREET, LLC
 PROPERTY LOCATED AT:
 404 ISLINGTON STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE



LOCATION MAP SCALE: 1" = 100'

LEGEND:

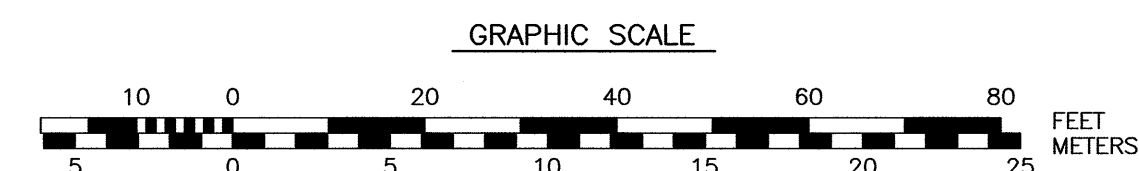
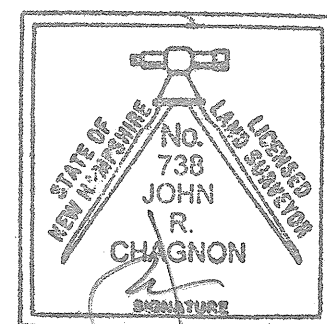
- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
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- RR SPK SET RAILROAD SPIKE SET
- NHNB NHDOT BOUND FOUND
- TB TOWN BOUND
- BND w/DH BOUND WITH DRILL HOLE
- ST BND w/DH STONE BOUND WITH DRILL HOLE



ACCESS EASEMENT SCALE 1" = 10'

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

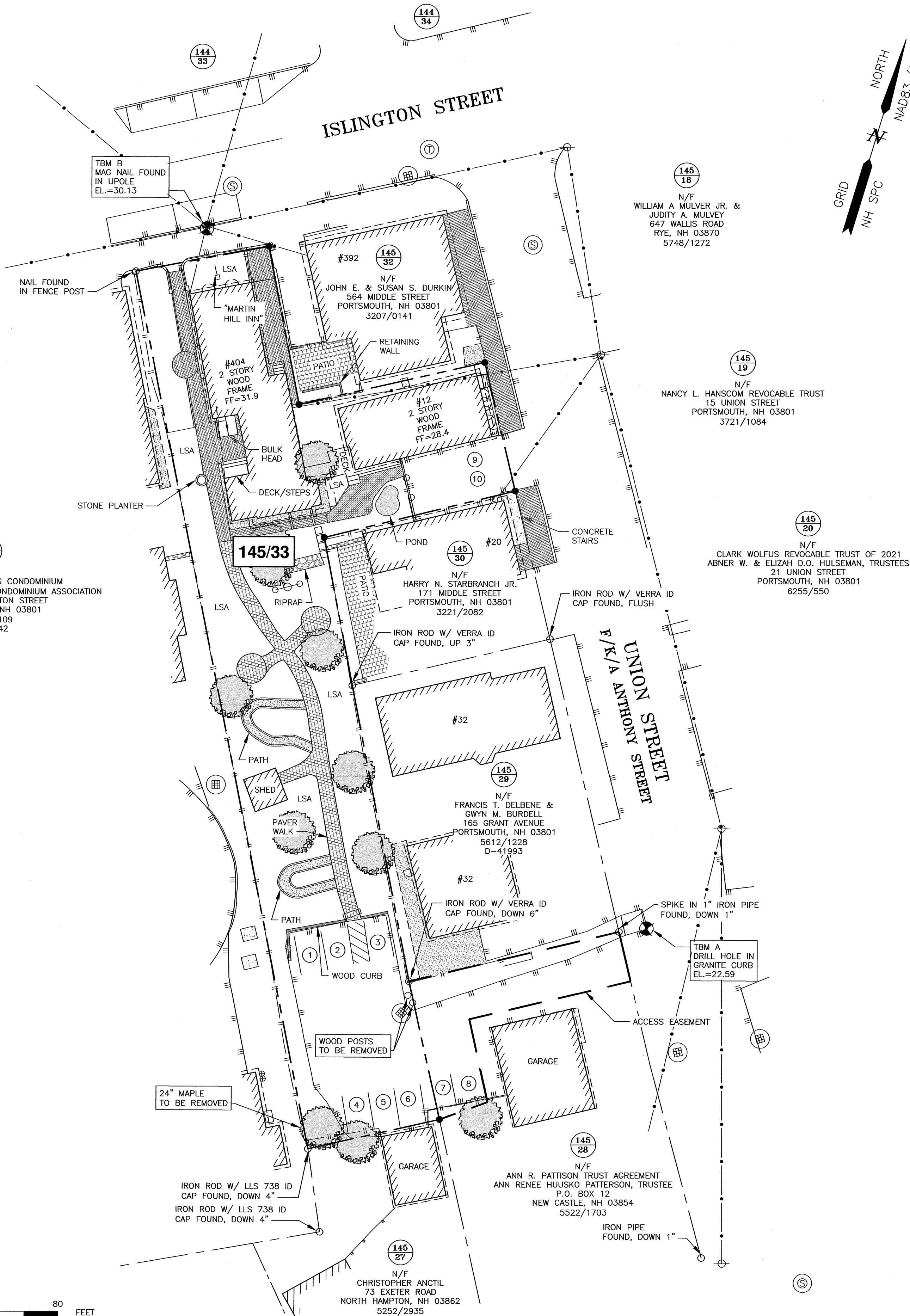
[Signature]
 JOHN R. CHAGNON, LLS 738
 DATE 4.18.22



ABUTTERS:

- 144 33 N/F ANTONIOS & CHRISOUL TZORTZAKIS 413 ISLINGTON STREET PORTSMOUTH, NH 03801 2289/1117
- 144 34 N/F 401 OF A KIND CONDOS MASTER CARD 230 LAFAYETTE ROAD PORTSMOUTH, NH 03801 4609/2720

145 34 N/F ISLINGTON COMMONS CONDOMINIUM C/O ISLINGTON COMMONS CONDOMINIUM ASSOCIATION 410-430 ISLINGTON STREET PORTSMOUTH, NH 03801 6068/1109 D-41142



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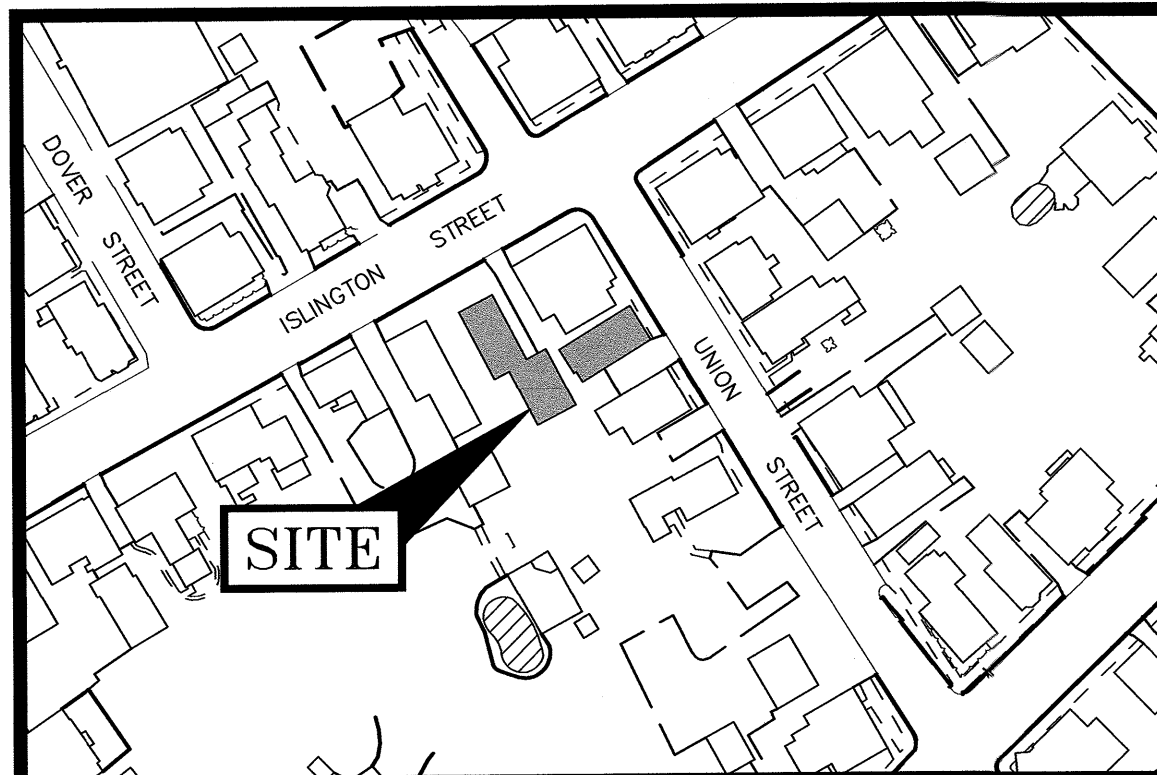
- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 145 AS LOT 33.
 - 2) OWNER OF RECORD:
 404 ISLINGTON STREET, LLC
 404 ISLINGTON STREET
 PORTSMOUTH, NH 03801
 5496/2593
 - APPLICANT:
 CSQ REALTY, LLC
 137 P STREET APT. 2
 SOUTH BOSTON, MA 02127
 - 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
 - 4) EXISTING LOT AREA:
 12,630 S.F.
 0.2899 ACRES
 - 5) PARCEL IS LOCATED IN THE CD4-L2 (CHARACTER DISTRICT 4-L2) ZONING DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 145 LOT 33 IN THE CITY OF PORTSMOUTH.

CUP PERMIT PLAN
404 ISLINGTON STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/18/22
REVISIONS		

SCALE: 1" = 20' APRIL 2022

EXISTING CONDITIONS PLAN **C1**

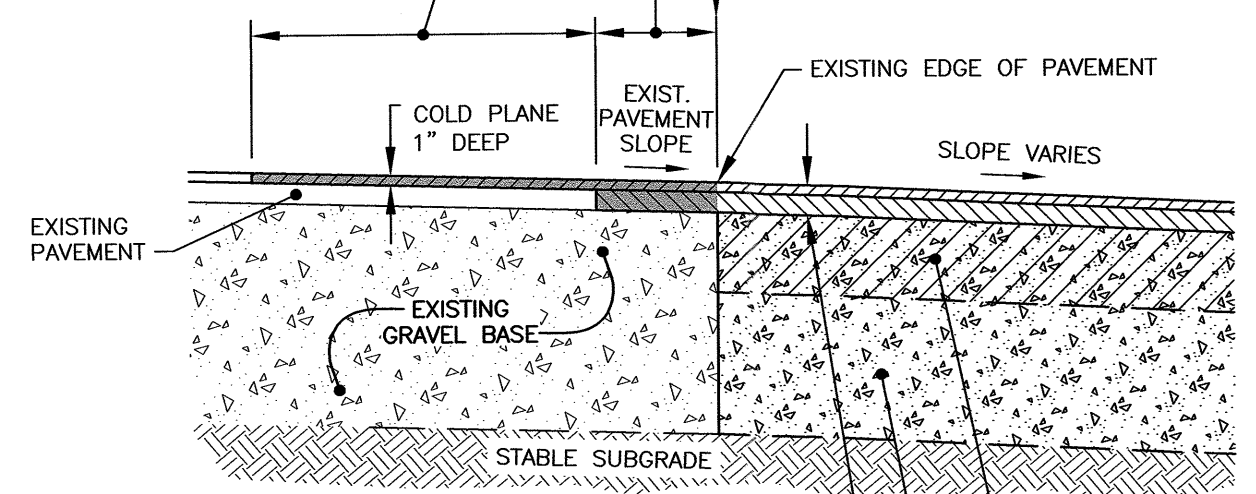


LOCATION MAP SCALE: 1" = 100'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
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- IR SET IRON ROD SET
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- RR SPK SET RAILROAD SPIKE SET
- NHNB NHDOT BOUND FOUND
- TB TOWN BOUND
- BND w/DH BOUND WITH DRILL HOLE
- ST BND w/DH STONE BOUND WITH DRILL HOLE

COLD PLANE EXISTING PAVEMENT TO 36" BEYOND SAW CUT TO CREATE OVERLAP. APPLY ASPHALT EMULSION TO SAW CUT & FLARED SURFACES PRIOR TO PAVING.



- 4" HOT BITUMINOUS CONC. PAVEMENT (NHDOT ITEM 403.11 - MACH. METHOD)
- 2 1/2" BINDER COURSE, 19mm SUPERPAVE
- 1 1/2" WEARING COURSE, 12.5mm SUPERPAVE
- 6" CRUSHED GRAVEL BASE COURSE (NHDOT ITEM 304.3)
- 12" GRAVEL SUBBASE (NHDOT ITEM 304.2)

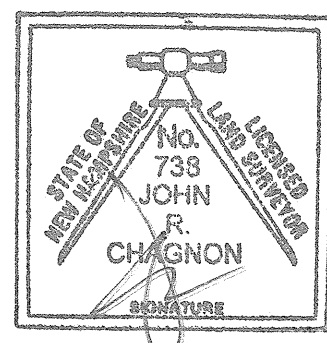
- NOTES:
- 1) PAVEMENT SHALL CONFORM TO NHDOT STANDARD SPECIFICATIONS - SECTION 401.
 - 2) CRUSHED GRAVEL AND GRAVEL SUBBASE SHALL CONFORM TO NHDOT STANDARD SPECIFICATIONS - SECTION 304, TABLE 1E, AND SHALL BE COMPACTED AS INDICATED IN SECTION 304, 3.6 COMPACTION, AND 3.7 DENSITY TESTING, AND CITY OF PORTSMOUTH CONSTRUCTION STANDARDS, SECTION VIII B AND C.

A C2 PAVEMENT / PAVEMENT JOINT DETAIL NTS

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

JOHN R. CHAGNON, LLS 738

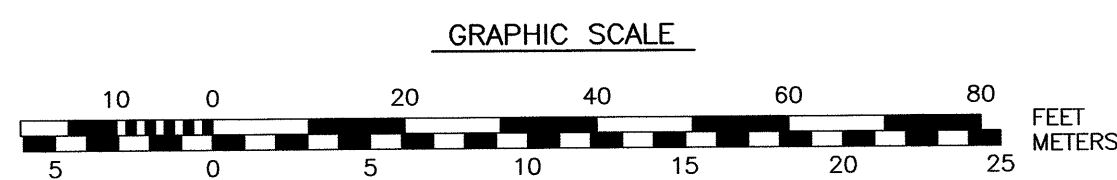
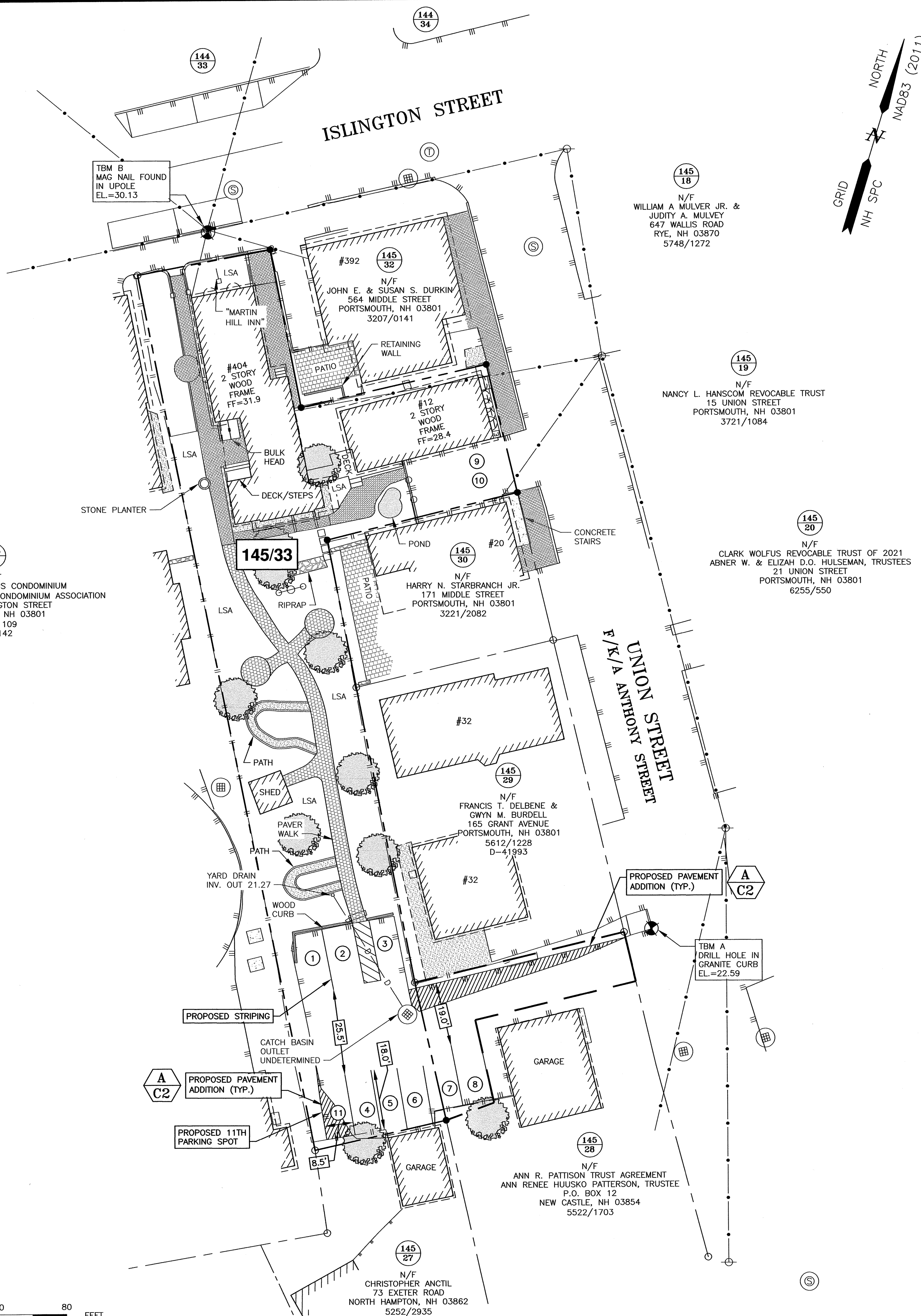
4.18.22
DATE



ABUTTERS:

- 144 33 N/F ANTONIOS & CHRISOU TZORTZAKIS 413 ISLINGTON STREET PORTSMOUTH, NH 03801 2289/1117
- 144 34 N/F 401 OF A KIND CONDOS MASTER CARD 230 LAFAYETTE ROAD PORTSMOUTH, NH 03801 4609/2720

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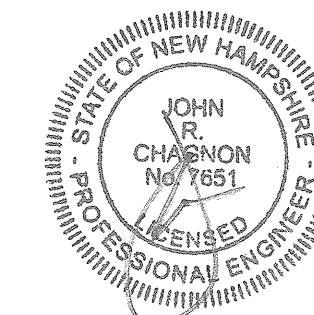
NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 145 AS LOT 33.
- 2) OWNER OF RECORD: 404 ISLINGTON STREET, LLC 404 ISLINGTON STREET PORTSMOUTH, NH 03801 5496/2593
APPLICANT: CSQ REALTY, LLC 137 P STREET APT. 2 SOUTH BOSTON, MA 02127
- 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA: 12,630 S.F. 0.2899 ACRES
- 5) PARCEL IS LOCATED IN THE CD4-L2 (CHARACTER DISTRICT 4-L2) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) THE PURPOSE OF THIS PLAN IS TO SHOW CHANGES TO THE USE AT ASSESSOR'S MAP 145 LOT 33 IN THE CITY OF PORTSMOUTH.
- 10) PARCEL IS BENEFITED BY A 15' WIDE ACCESS AND PARKING EASEMENT OVER ASSESSOR'S MAP 145 LOT 28 AS RESERVED IN RCRD 2359/433.
- 11) PROPOSED USE: 10 GUEST ROOM INN.
- 12) REQUIRED PARKING: 10 GUEST ROOMS X 1.25 SPACES PER GUEST ROOM = 13 SPACES REQUIRED. 11 SPACES PROVIDED.

CUP PERMIT PLAN
404 ISLINGTON STREET
PORTSMOUTH, N.H.

1	ADDITIONAL PARKING, TREE REMOVAL	4/18/22
0	ISSUED FOR COMMENT	4/5/22

REVISIONS



SCALE: 1" = 20' APRIL 2022

SITE PLAN

C2



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: PLANNING BOARD
FROM: BEVERLY MESA-ZENDT, PLANNING DIRECTOR; SHANTI WOLPH, CHIEF BUILDING INSPECTOR; TREVOR MCCOURT, STAFF ATTORNEY; NICHOLAS CRACKNELL, PRINCIPAL PLANNER
SUBJECT: PLANNING BOARD REPORT BACK ON THE DEMOLITION COMMITTEE
DATE: 6-9-2022

Background

State Regulatory Authority

The Demolition Review Ordinance does not list a source of authority. A more detailed legal analysis would be necessary to identify a source of authority for this ordinance and the related committee.

Local Regulations

The Demolition Review Committee (DRC) not to be confused with the Historic District Commission (HDC) is a committee appointed by the City Council and comprised of five members as follows:

1. One member of the Historic District Commission
2. One member of the Planning Board
3. One member of the Portsmouth Historical Society
4. The Chief Building Inspector or his/her designee
5. The Planning Director or his/her designee.

Representatives of the Historic District Commission and Planning Board are appointed annually or as necessary. The primary purpose of the DRC and the Demolition Ordinance is to encourage the preservation of buildings and places of historic, architectural and cultural value.

The Demolition Ordinance is found in Chapter 14, Article II of the City Ordinances. The City's Demolition Ordinance provides a local review process for proposed demolition of privately-owned buildings and structures outside the Historic District with significant historic, architectural and cultural value.

City of Portsmouth Code of Ordinances Chapter 14: Housing Code

All projects proposing to demolish a portion of a building or structure must obtain a demolition permit from the Inspection's Department. Once the application has been submitted, most projects will be subject to a minimum 30-day review period as outlined in the Ordinance.

Demolition: Razing or destruction, entirely or in part, of a building or structure, whether or not reconstruction is planned after demolition, or removal of a building or structure in whole or in part from its present location. For the purpose of this Article, demolition shall not include (a) interior demolition that does not affect the exterior of the building or structure, or (b) work necessary to repair or replace exterior finishes such as roofing, siding, trim or windows.

https://files.cityofportsmouth.com/files/planning/demolition/demoordinance_111918.pdf

The following demolitions are exempt from the review process (but not exempt from a demolition permit):

- Demolition of a building or structure that has been granted a Certificate of Approval by the Historic District Commission or has been approved for demolition in association with a project approved, following a public hearing, by either the Planning Board or the Board of Adjustment.
- Demolition of any "dangerous building" that has been ordered to be demolished pursuant to Chapter 14, Article I, Section 14.109(C).
- Minor demolition projects, as determined by the Code Official, that are not located in the Historic District, including but not limited to chimneys, decks, porches, steps, small outbuildings or other similar design features.
- Removal of partial roof components for vertical expansion such as dormers or skylights on structures that are not located in the Historic District.

City Council Request

On March 15, 2021 the City Council voted to request a report back regarding the Demolition Ordinance from the Demolition Review Committee (DRC), the Historic District Committee, and the Planning Board. Specifically, the City Council requested *"a report back from the Planning Board, Historic District Commission, and Demolition Committee on how to improve the Demolition Committee. This will include but not be limited to deterrents for the demolition of Portsmouth buildings, fines for misconduct, and public comments at meetings. Also, incentive for preservation of historical buildings"*.

On April 12, 2021, the DRC discussed proposed revisions to the Demolition Ordinance. Below is a summary of the proposed changes, which are prompted by the City Council's vote and informed by nearly three years of administration under the current Ordinance.

DRC Proposed Revisions

- Increase the current 50 year threshold to 75 years for the applicability of review by the DRC for buildings proposed for demolition;
- Revise the definition of demolition to be the removal of 25% or more of the exterior roof or walls of a structure;
- Increase the maximum 90 day delay period for demolition to 180 days;
- Allow the DRC to request advisory opinions from the Historic District Commission regarding the historical, cultural, or architectural significance of a structure;
- Require the party requesting a hearing to formally present their objection(s) to the DRC at the posted public hearing;
- If a structure is demolished without a permit require a public hearing and include a penalty of up to a 180 day delay, which may be reduced by the DRC for good cause or suitable mitigation;
- Require written notice of a demolition hearing be sent directly to abutters within 300 feet of a property;
- Modify the purpose of the ordinance to better align with the jurisdiction, purpose, and intent of the Ordinance as well as the roles and responsibilities of the DRC
- Relocate the Demolition Ordinance to the Building Code;
- Add a clause for appeals of any DRC decision to the Board of Adjustment; and
- Retain the current composition of the DRC.

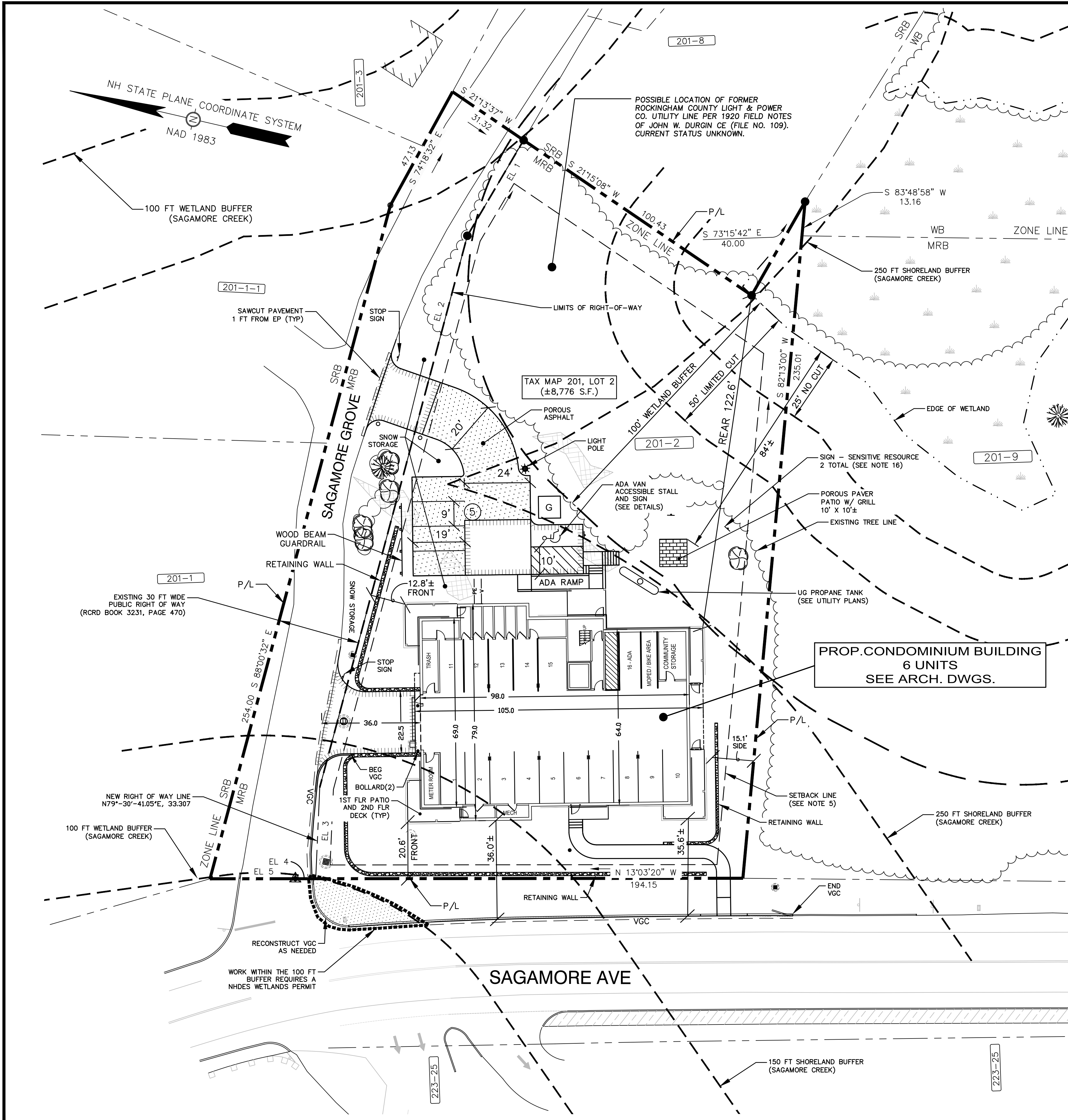
Staff Analysis

1. Because the HDC is charged with historic preservation, within the Historic District the role of the DRC should be more narrowly defined as providing adequate notification and an opportunity for discussion prior to demolition of older buildings outside the historic district.
2. State law does not empower local jurisdictions to prohibit a demolition outside the historic district, however, notice and delays are typical in most local jurisdictions.
3. The lack of direct statutory authority invites challenges to a significant expansion of the duties and powers of the DRC to stay demolitions.
4. The intent of the aforementioned recommendations was to set the threshold higher for demolitions that would trigger review but provide a longer period for public discussion.

5. Incorporating the local enabling legislation into the building code provides a stronger structural foundation for enforcement.

Staff Recommendations

1. Staff recommends consideration of all the aforementioned recommendations of the DRC subject to a detailed legal analysis to ensure that the recommendations are in conformance with state law, case law, and best practices.
2. At minimum current regulations should be migrated to the building code.
3. Rather than extending the stay of demolition to 180 days, it would be advisable to commence the 90-day demolition delay period from the date of the public hearing required under Section 14.205. Additionally, expanded notification procedures to abutters would serve the purpose of broadening public awareness of impending demolitions and it would provide opportunities to affected community members to gain photographic records, influence the property owner to consider other courses of action, and to consider alternatives to demolition.



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

NOTES

- DESIGN INTENT - THIS PLAN IS INTENDED TO DEPICT A CONCEPTUAL MULTI-FAMILY RESIDENTIAL BUILDING TOGETHER WITH ASSOCIATED PARKING AND ACCESSWAYS.
- THE BASE PLAN USED HERE WAS DEVELOPED FROM "EXISTING CONDITIONS PLAN, SAGAMORE GROVE, SAGAMORE GROVE & WENTWORTH HOUSE ROAD, PORTSMOUTH, N.H., ASSESSOR'S PARCELS 201-2, 201-9, 201-10 & 209-11" BY JAMES VERRA AND ASSOCIATES, INC., DATED NOVEMBER 22, 2021.
- WETLANDS DELINEATION 12/2015 & 11/2019 BY MICHAEL CUOMO, NHCWS# 4, 6 YORK POND RD, YORK, ME 03909.
- ZONES: MRB (MIXED RESIDENTIAL BUSINESS)
- PROJECT PARCEL: TAX MAP 201 LOT 2 42,930 S.F. (±0.99 AC.)
- DIMENSIONAL REQUIREMENTS:**

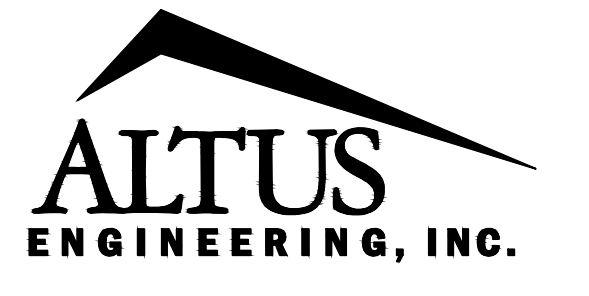
	MRB	PROVIDED
MIN. LOT AREA:	7,500 S.F. (0.17 AC.)	42,929 S.F.
LOT AREA PER DWELLING:	7,500 S.F.	±7,155 S.F.
MIN. STREET FRONTAGE:	100'	±194'
MIN. LOT DEPTH:	80'	±212'
FRONT SETBACK:	5' (±17' EXISTING)	±20.6' / ±12.8'
SIDE SETBACK:	10' (±21' EXISTING)	±15.1'
REAR SETBACK:	15' (±11' EXISTING)	±122.6'
MAX. BUILDING HEIGHT:	30' (FLAT ROOF)	28.85'
	(±22' - EXISTING TWO STORIES)	
MULTI-FAM. BLDG. LENGTH:	160' (MAX)	±105'
MAX. BUILDING COVERAGE:	40% (±12.2% EXISTING)	±17.9%
DWELLING UNITS PER BLDG:	8 (MAX)	6
MIN. OPEN SPACE:	25% (±45.4% EXISTING)	±55.0%
WETLAND BUFFER:	100' (80' EXISTING)	84±'
WETLAND LIMITED CUT:	50'	50'
WETLAND NO-CUT:	25'	25'
DRIVEWAY/RD/PARKING/BLDG:	±52.2% (EXISTING)	±42.2%
- ZONING - THE FOLLOWING TWO VARIANCES WERE GRANTED ON SEPTEMBER 21, 2021.
 - SECTION 10.1114.31 - TO ALLOW TWO (2) DRIVEWAYS WHERE ONE (1) IS PERMITTED.
 - ZONING SECTION 10.521 - TO ALLOW A DENSITY OF SIX (6) DWELLING UNITS WHERE 5.7 ARE PERMITTED.
- AREA OF DISTURBANCE UNDER 43,560 SF, COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT NOT REQUIRED.
 - LOT AREA IN WETLAND: ±400 S.F. (±0.9%)
 - LOT AREA IN WETLAND & WETLAND BUFFER: ±13,650 S.F. (±31.8%)
 - EXISTING LOT IMPERVIOUS IN WETLAND BUFFER: ±760 S.F. (±1.8%)
 - PROPOSED LOT IMPERVIOUS IN WETLAND BUFFER: 0 S.F. (0%)
- PARKING REQUIREMENTS:**

DWELLING UNITS: 1.3 SPACES PER DWELLING UNIT
6 UNITS x 1.3 = 7.8 SPACES REQUIRED

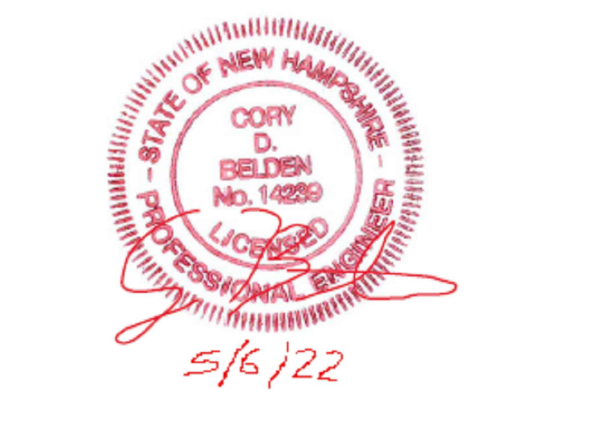
TOTAL PARKING PROVIDED: 16 SPACES (INTERIOR)
5 SPACES (EXTERIOR)
21 SPACES TOTAL

NO MAXIMUM REQUIREMENT

EXISTING PARKING SPACES: 15 PAVED
11 GRAVEL (APPROX)
26 TOTAL
- BICYCLE PARKING WILL BE PROVIDED IN THE BASEMENT OF THE BUILDING.
- SNOW SHALL BE STORED AT THE EDGE OF PAVEMENT, IN UPLAND AREAS SHOWN THEREON. IF ADEQUATE ON-SITE SNOW STORAGE IS NOT AVAILABLE, THE SNOW SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED.
- THE PROPOSED LIGHTING SHALL BE DARK SKY FRIENDLY.
- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- THIS PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
- INSTALL SIGN INDICATING SENSITIVE RESOURCE, "SENSITIVE RESOURCE AREA / WETLAND BUFFER" OR APPROVED EQUAL.
- ALL FERTILIZER USED ON SITE SHALL BE SLOW RELEASE FERTILIZER.



133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com



NOT FOR CONSTRUCTION

ISSUED FOR: PLANNING BOARD

ISSUE DATE: MAY 5, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMITTAL	CDB	11/02/21
1	TAC WS COMMENTS	CDB	11/22/21
2	INITIAL NHDES SUBMISSION	CDB	12/03/21
3	CONDITIONS OF APPROVAL	CDB	05/05/22

DRAWN BY: _____ CDB
APPROVED BY: _____ EDW
DRAWING FILE: 5079-SITE.dwg

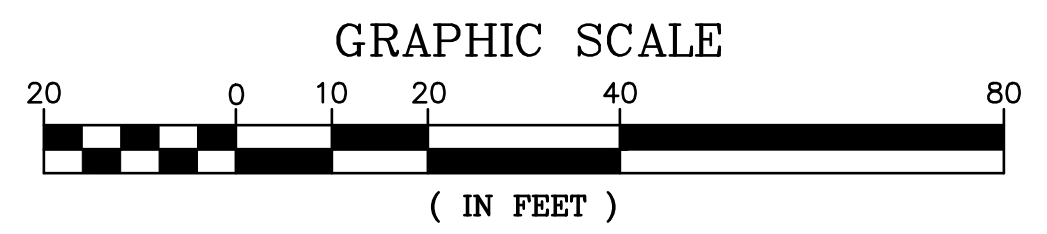
SCALE: 22"x34" 1" = 20'
11"x17" 1" = 40'

OWNER / APPLICANT:
SAGAMORE CORNER, LLC
273 CORPORATE DRIVE
PORTSMOUTH, NH 03801

PROJECT:
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT
960 SAGAMORE ROAD
PORTSMOUTH, NH 03801
TAX MAP 201, LOT 2

TITLE:
SITE PLAN

SHEET NUMBER:
C-2



EASEMENT DEED

NOW COMES **Sagamore Corner, LLC**, a New Hampshire limited liability company with an address of 273 Corporate Drive, Suite 150, Portsmouth, New Hampshire, 03801, and grants to the **City of Portsmouth, New Hampshire**, a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, with QUITCLAIM COVENANTS, a public right of way for all purposes for which a public way may be utilized across the following described parcel of land:

New Easement Area:

A certain tract or parcel of land lying on the easterly side of Sagamore Avenue, a public right of way and the southerly side of Sagamore Grove, a public right of way in Portsmouth, County of Rockingham, State of New Hampshire, as depicted on the "Recording Site Plan" for the "Proposed Multifamily Residential Development, 960 Sagamore Road, Portsmouth, NH 03820" for Sagamore Corner, LLC, prepared by Altus Engineering, Inc., to be recorded, said tract being bounded and described as follows:

Beginning at a survey spike set in the pavement on the easterly side of said Sagamore Ave and the southerly side of said Sagamore Grove, said spike bears South 13° 03' 20" East (NH State Plane Coordinate System, NAD 1983) a distance of 31.07 feet from the northwest corner of land of Sagamore Corner, LLC Assessor's Parcel 201-2, thence by the southerly sideline of Sagamore Grove South 88° 01' 26" East a distance of 34.45 feet to a point;

Thence continuing over land of said Sagamore Corner, LLC, Assessor's Parcel 201-2, South 79° 30' 43" West a distance of 33.30 feet to a point on the easterly sideline of Sagamore Ave;

Thence by the sideline of said Sagamore Ave North 13° 03' 20" West a distance of 7.44 feet to the true point of beginning.

Said easement contains 124 square feet.

Meaning and intending to convey an access easement across the premises conveyed to Sagamore Corner, LLC by Warranty Deed of Wentworth Corner, LLC dated November 3, 2021, recorded at Rockingham County Registry of Deeds at Book 6350, Page 364.

Sagamore Grove Right of Way:

The above described “new easement area” shall be added to the existing easement and public right of way for Sagamore Grove as described in the Acknowledgment and Release from the owners of Sagamore Grove to the City of Portsmouth, recorded at Rockingham County Registry of Deeds at Book 3231, Page 469. With the addition of the easement area described above, the public right of way for Sagamore Grove is described as follows:

A certain tract or parcel of land lying on the easterly side of Sagamore Avenue in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the northwest corner of land of Sagamore Corner, LLC, Assessor’s Parcel 201-2 and the southwest corner of land now or formerly of 955 Sagamore Realty Trust thence by land of said Sagamore Realty Trust and land now or formerly of the William L. Pingree 2013 Rev Trust South $88^{\circ} 00' 32''$ East (NH State Plane Coordinate System, NAD 1983) a distance 254.00 feet to an iron pipe found;

Thence by land of said Pingree 2013 Rev. Trust and land now or formerly of Lucian Szmyd and Diane M. Szmyd South $74^{\circ} 18' 32''$ East a distance of 47.13 feet to a point at land now or formerly of Walter J. Allen;

Thence across said Sagamore Grove and land of said Allen South $21^{\circ} 13' 37''$ West a distance of 31.32 feet to an iron rod set at land of said Allen;

Thence over land of said Sagamore Corner, LLC, Assessor’s Parcel 201-2 on the following courses:

North $72^{\circ} 30' 59''$ West a distance of 40.41 feet to a found iron rod;

North $88^{\circ} 01' 26''$ West a distance of 208.02 feet to a point;

South $79^{\circ} 30' 43''$ West a distance of 33.30 feet to a point on the easterly sideline of said Sagamore Avenue;

Thence by said Sagamore Avenue North $13^{\circ} 03' 20''$ West a distance of 38.41 feet to the point of beginning.

Reference is made to RCRD Bk 3231 Pg 469 and RCRD Plan D-25616.

Dated this ____ day of April, 2022.

Sagamore Corner, LLC

By: _____
Eric S. Katz, Member

State of New Hampshire
County of Rockingham

Then personally appeared Eric S. Katz, as member of Sagamore Corner, LLC, and acknowledged that he executed the above Easement Deed as his free act and deed on behalf of the limited liability company, before me, this ____ day of April, 2022.

Notary Public/Justice of the Peace
My Commission Expires:

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: JUNE 2, 2022

TO: BEVERLY MESA ZENDT, PLANNING DIRECTOR
STEFANIE CASELLA, PLANNER

FROM: TREVOR P. MCCOURT, STAFF ATTORNEY

RE: ALBANY STREET RIGHT OF WAY
PLANNING BOARD RECOMMENDATION

Albany Street currently exists as a private way stretching between Brewery Lane and Chevrolet Avenue. Approximately half of this private way is on 89 Brewery Lane, owned by Greengard Center for Autism, and the remaining portion is located on 95 Brewery Lane, which is owned by Malt House Exchange.

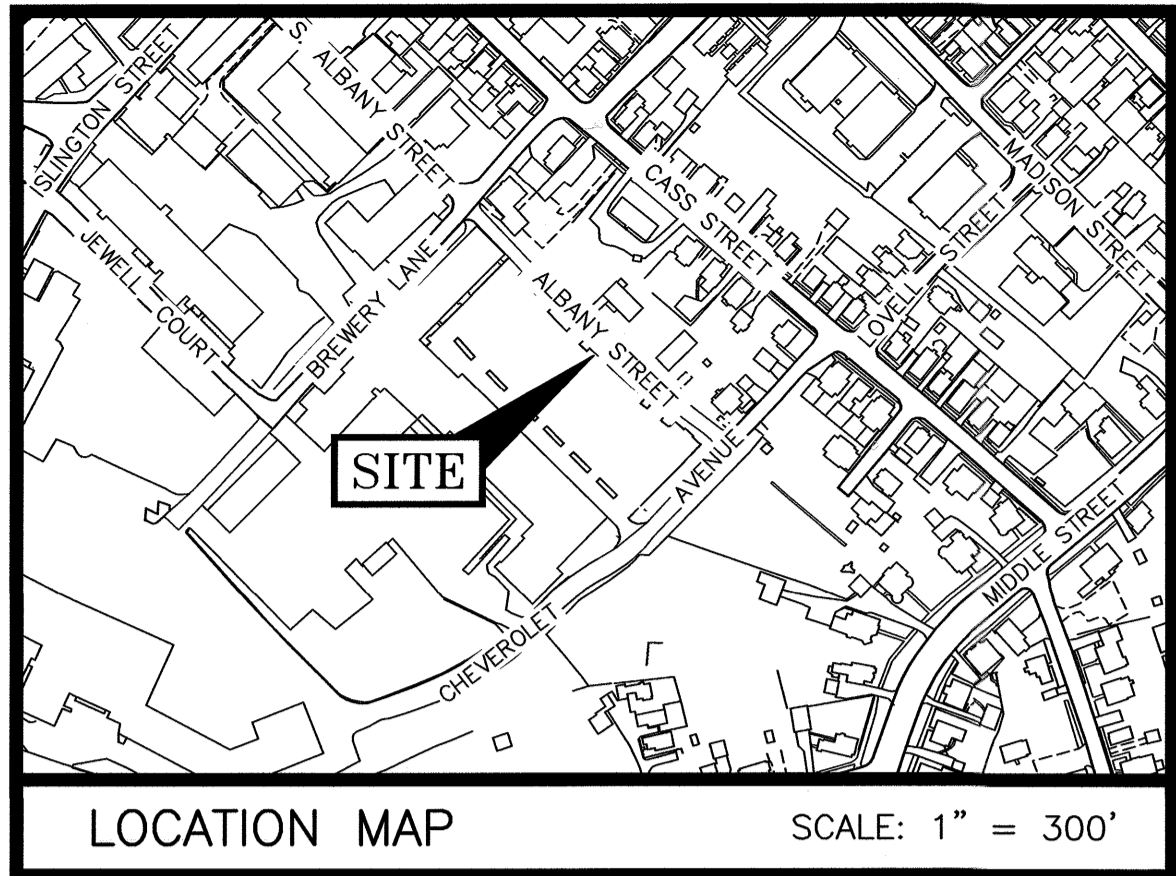
On July 23, 2018, the Planning Board voted to grant site plan approval for a two-story assisted living home at 89 Brewery Lane. As a part of that vote, and as a condition subsequent, the Planning Board stipulated that the owners of 89 Brewery Lane convey to the City a right of way easement over their portion of Albany Street to the City. Following this vote, and in the spirit of carrying out the intent of the Planning Board, City staff approached Malt House Exchange, owners of 95 Brewery Lane, regarding conveyance of the remainder of Albany Street.

Gary and Zach Dziama, Trustees of the Malt House Exchange, have agreed to grant the City a right of way easement over their portion of Albany Street. Ambit Engineering has prepared the attached easement plan for the City, which depicts the proposed right of way easement area.

The form and substance of this easement has been reviewed by the legal and public works departments, and both departments recommend acceptance of a right of way easement deed for Albany Street.

Attachment

cc: Jane Ferrini, Assistant City Attorney
Dave Desfosses



- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY
 - REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - IR FND IRON ROD FOUND
 - IP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - DH FND DRILL HOLE FOUND
 - DH SET DRILL HOLE SET
 - NHHB NHDOT BOUND FOUND
 - TB TOWN BOUND
 - BND w/DH BOUND WITH DRILL HOLE
 - ST BND w/DH STONE BOUND WITH DRILL HOLE

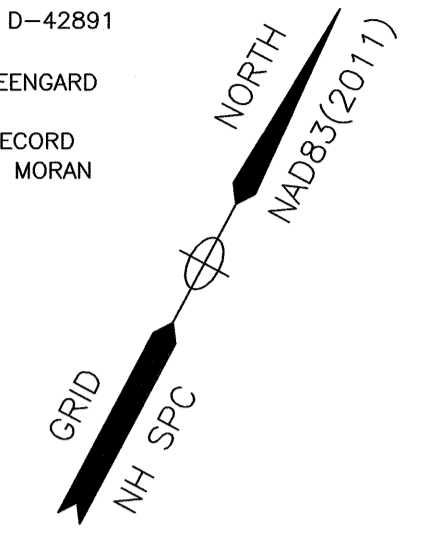
LENGTH TABLE

LINE	BEARING	DISTANCE
L7	N43°50'38"E	513.40'
L8	N49°54'22"W	19.20'
L9	S43°50'38"W	95.00'
L10	N45°00'22"W	174.00'
L11	S44°59'38"W	45.07'
L12	N45°00'22"W	332.33'

SEE RCRD PLAN D-6135 FOR ENTIRE BOUNDARY

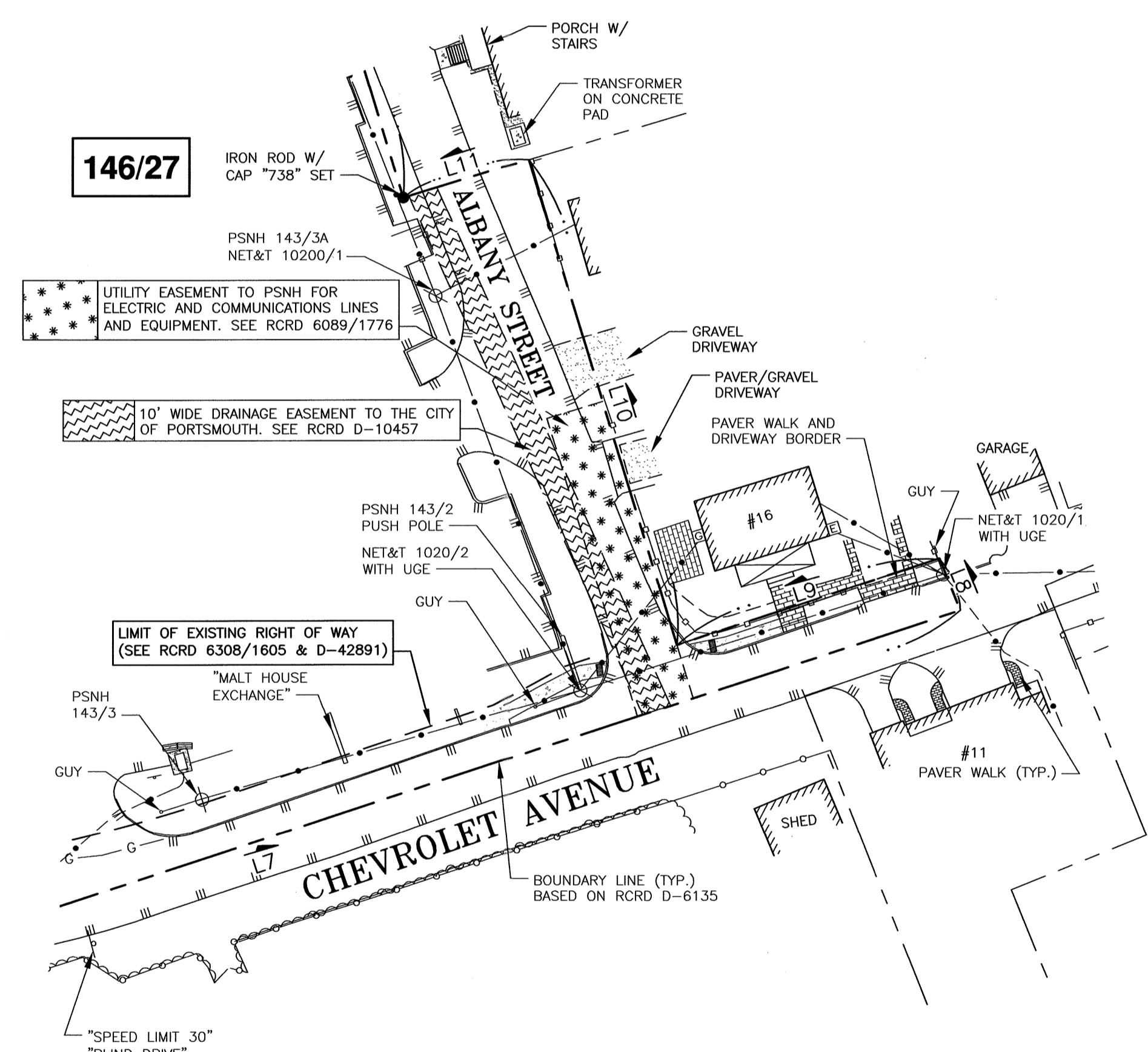
146 27
N/F
MALT HOUSE EXCHANGE REALTY TRUST
GARY DZIAMA & ZACHARY DZIAMA CO-TRUSTEES
95 BREWERY LANE
PORTSMOUTH, NH 03801
2870-1763
D-6135

- PLAN REFERENCES:**
- PROPOSED EASEMENT PLAN CHEVROLET AVENUE OVER LAND OF: MALT HOUSE EXCHANGE REALTY TRUST TO BENEFIT THE CITY OF PORTSMOUTH LOCATION: CHEVROLET AVENUE CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2020., RCRD D-42891
 - TAX MAP 146 LOT 26 RIGHT OF WAY PLAN GREENGARD RESIDENCE 89 BREWERY LANE PORTSMOUTH, NEW HAMPSHIRE COUNTY OF ROCKINGHAM OWNER OF RECORD GREENGARD CENTER FOR AUTISM PREPARED BY TF MORAN DATED AUGUST 17, 2021, NOT RECORDED

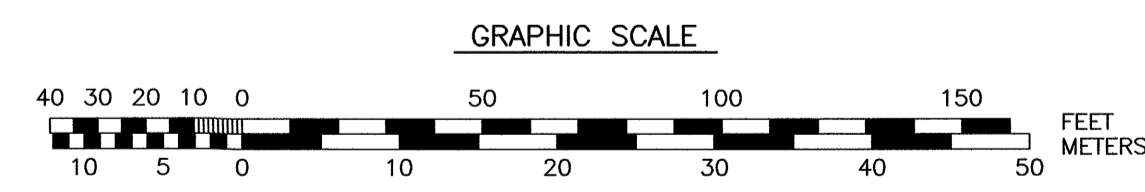


AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 146 AS LOT 27.
 - OWNER OF RECORD IN THE AREA OF INTEREST:
MAP 146 LOT 27
MALT HOUSE EXCHANGE REALTY TRUST
GARY DZIAMA & ZACHARY DIZAMA, CO-TRUSTEES
95 BREWERY LANE
PORTSMOUTH, NH 03801
2870-1763
D-6135
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - EXISTING LOT AREA:
MAP 146 LOT 27
179,160 S.F.
4.1129 ACRES
 - PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4-W (CD4-W) AND WEST END INCENTIVE OVERLAY DISTRICT (WEI OVERLAY).
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF A PROPOSED 5,095 S.F. ACCESS EASEMENT (RIGHT OF WAY) TO THE CITY OF PORTSMOUTH.



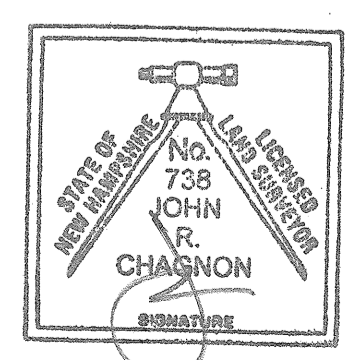
EXISTING EASEMENTS



I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

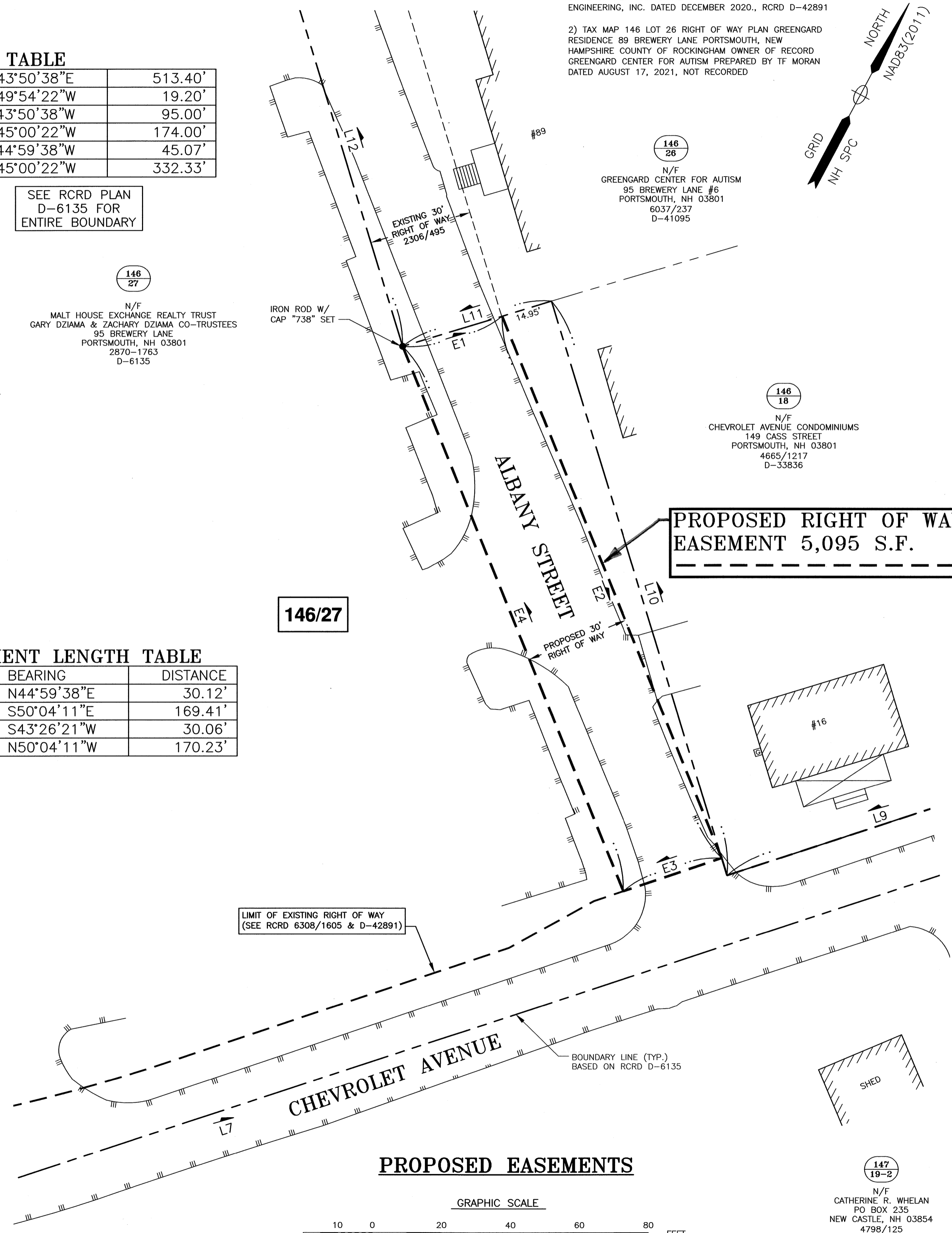
[Signature]
JOHN R. CHAGNON, LLS 738
DATE: 3/11/22



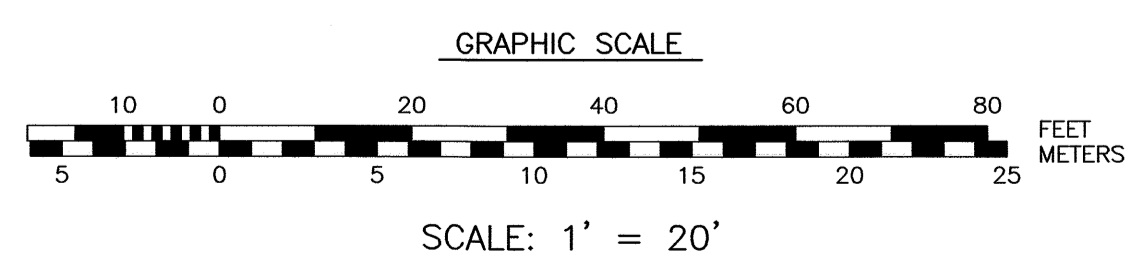
EASEMENT LENGTH TABLE

LINE	BEARING	DISTANCE
E1	N44°59'38"E	30.12'
E2	S50°04'11"E	169.41'
E3	S43°26'21"W	30.06'
E4	N50°04'11"W	170.23'

LIMIT OF EXISTING RIGHT OF WAY (SEE RCRD 6308/1605 & D-42891)



PROPOSED EASEMENTS



NO.	DESCRIPTION	DATE
2	REVISED PER COMMENT	3/11/22
1	ISSUED FOR APPROVAL	3/1/22
0	ISSUED FOR COMMENT	2/9/22

PROPOSED RIGHT OF WAY EASEMENT PLAN ALBANY STREET
OVER LAND OF:
MALT HOUSE EXCHANGE REALTY TRUST
TO BENEFIT:
THE CITY OF PORTSMOUTH
LOCATION:
ALBANY STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE