



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: April 18, 2024

Re: Recommendations for the April 18, 2024 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the March 21, 2024 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 March 21, 2024 meeting and vote to approve meeting minutes with edits if needed.

*****Agenda Items II and III will be on the April 25th agenda.*****

IV. PRELIMINARY CONCEPTUAL CONSULTATION AND DESIGN REVIEW

A. **361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Preliminary Conceptual Consultation for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

The applicant has provided a set of preliminary plans for discussion with the Board. As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the

construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

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

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

- B. The Portsmouth Housing Authority (applicant) for property located at 1035 Lafayette Road** proposing to construct a 4-story, 44-unit multi-family residential building to the south of the existing church building. HAVEN will convert and renovate the first floor of the existing church into office space and will construct a 7-unit transitional housing building to the north of the office. The lower level of the existing church will be renovated for Little Blessings Child Care Center. The Christ Episcopal Church will be relocated to the existing rectory building on the southern portion of the site. The project will include associated site improvements such as parking, pedestrian connections, access to public transportation, utilities, stormwater management, lighting, and landscaping.

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V. DESIGN REVIEW ACCEPTANCE OF APPLICATION

- A. 361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Design Review Acceptance for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

Description

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

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

The process as outlined in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and, if so, vote to accept the request and schedule a public hearing. *Completion of the design review process also has the effect of vesting the project to the current zoning.*

Design review discussions must take place in a public hearing. At the conclusion of the public hearing process, the Board makes a determination that the design review process for the application has ended.

Planning Department Recommendation

1) Vote to accept the application for Design Review and schedule a public hearing at the May 16, 2024 Planning Board meeting.

VI. CITY COUNCIL REFERRALS

A. Home Occupation (Public Hearing moved to April 25th meeting)

B. Disposition of tax deeded real estate

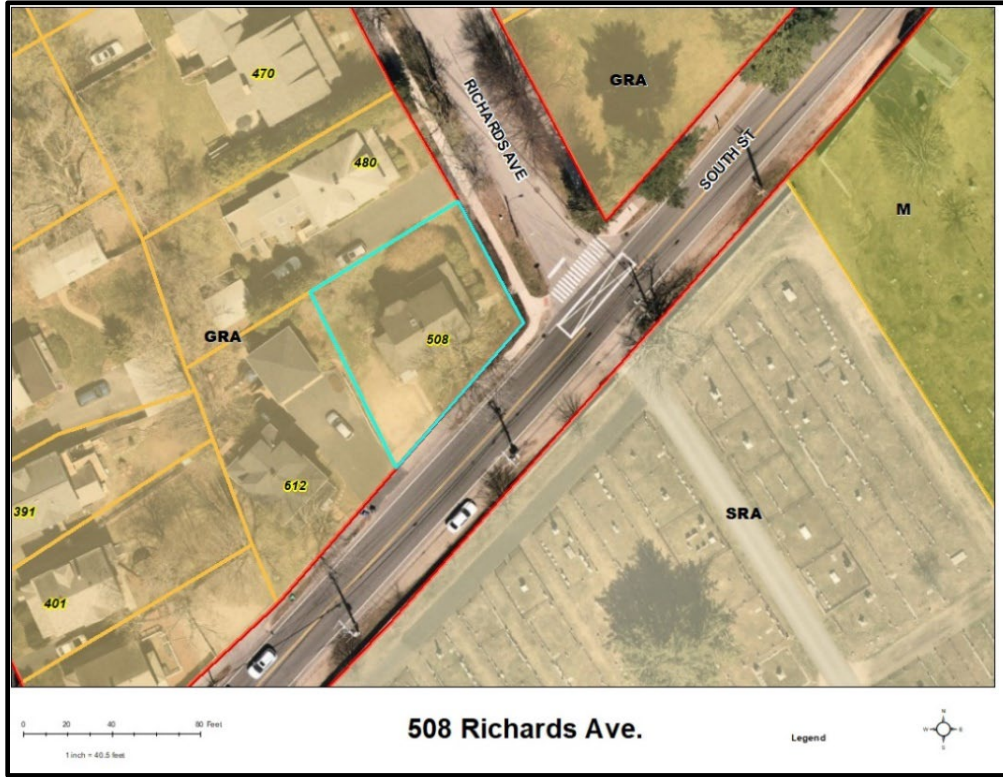
Background

At the April 1, 2024 City Council meeting, the Council voted to February 20, 2024 meeting, City Council voted to refer the matter of appropriate disposal options for 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation at its April 18, 2024 regular meeting. Attached is a memo for Deputy City Attorney Trevor McCourt providing background and options for the City to consider for disposal of these properties.

Also included is a letter from Elise Annunziata, Community Development Director, with information on acquisition/rehabilitation of properties using Community Development Block Grant funding.

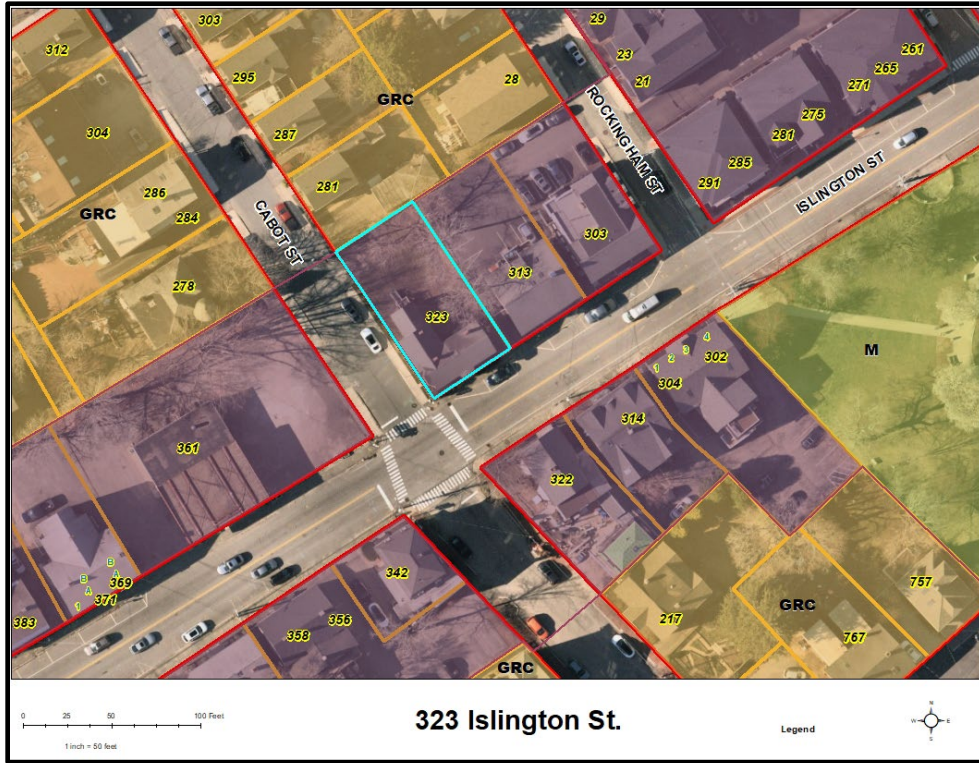
508 Richards Ave

Property is zoned GRA and located at the corner of Richards and South Street.



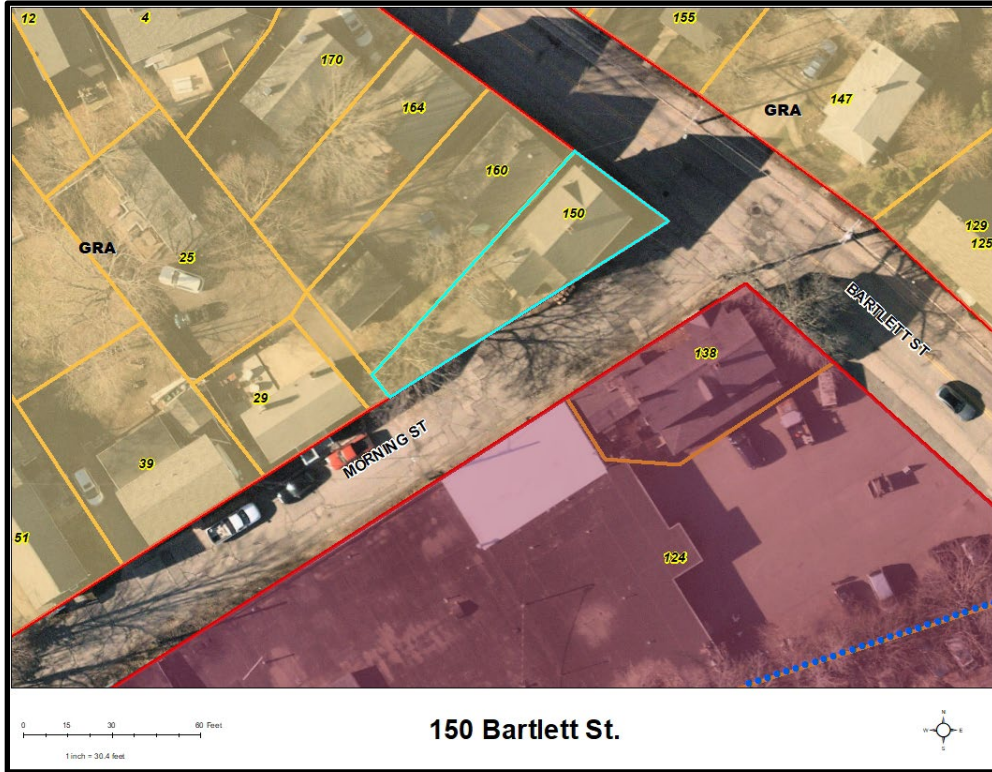
323 Islington

Property is zoned CD4-L2 and is located at the corner of Islington and Cabot Street.



150 Bartlett Street

Property is zoned GRA and is located at the corner of Bartlett and Morning Street.



Planning Department Recommendation

Staff recommend the Planning Board choose one of the four sample motions for a recommendation back to City Council as outlined in the legal memo from Deputy City Attorney McCourt.

- 1) Vote to recommend to City Council to choose Option 1 – Public Auction.*
- 2) Vote to recommend to City Council to choose Option 2 – Appraisal and Offer by the City.*
- 3) Vote to recommend to City Council to choose Option 3 – Auction Property and Bid by the City.*
- 4) Vote to recommend to City Council to choose Option 4 – Identify Bidder and Purchase Option.*

C. HDC Recommendation on Solar Amendments

The HDC solar amendments will be included in the packet for the April 25th meeting for discussion by the Planning Board.

VII. OTHER BUSINESS

A. 765 Middle Street – Site Plan Extension request.

Project Background

On May 18, 2023, the Planning Board granted Site Plan approval for the project referenced above. The applicant has yet to obtain a building permit and has requested the one-year extension per Section 2.14 of the Site Plan Regulations below.

Section 2.14 of the Site Plan regulations allows for an extension.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to May 18, 2025.*
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B. Chairman's Updates and Discussion Items

C. Board Discussion of Regulatory Amendments and Other Matters

VIII. ADJOURNMENT