
MEMORANDUM

TO: Planning Board
FROM: Rick Taintor, Planning Director *RT.*
DATE: August 19, 2015
RE: Staff recommendations for August 20, 2015, Planning Board meeting

III. PUBLIC HEARINGS – OLD BUSINESS

A. The application of Moray, LLC, Owner, for property located at 235 Commerce Way, and 215 Commerce Way, LLC, Owner, for property located at 215 Commerce Way, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots which are currently shown on Assessor Map 216 as Lots 1-8A and 1-8B and Assessor Map 213 as Lot 11. The applicant proposes to merge Map 216 Lot 1-8A and Lot 1-8B into Map 216 Lot 1-8A, and to revise the lot line between Map 216 Lot 1-8A and Map 213 as Lot 11 as follows:

- a. Map 216 Lot 1-8A (136,490 s.f.) merged with Lot 1-8B (196,876 s.f.) increasing in area from a total of 333,366 s.f. to 384,402 s.f. with continuous street frontage on Portsmouth Boulevard and Commerce Way.
- b. Map 213 Lot 11 decreasing in area from 290,077 s.f. to 239,040 s.f. with continuous street frontage on Portsmouth Boulevard and Dunlin Way.

Said lots lie within an Office Research (OR) District which requires a minimum lot size of 3 acres and 300 ft. of continuous street frontage. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Recommendation:

Vote to grant Preliminary and Final Subdivision Approval (Lot Line Revision) with the following stipulations:

1. *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
 2. *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
 3. *The final plat and all resulting deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
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B. The application of Moray, LLC, Owner, for property located at 235 Commerce Way, and 215 Commerce Way, LLC, Owner, for property located at 215 Commerce Way, requesting Site Plan Approval for a proposed 4-story office building with a footprint of 28,125 ± s.f. and gross floor area of 112,500 ± s.f., and 640 parking spaces serving the proposed building and an adjacent existing office building (including a parking deck with 161 spaces below grade), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 216 as Lots 1-8A and 1-8B and lies within the Office Research (OR) District. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Recommendation:

- (1) *Vote to waive compliance with Section 3.3.2(3) of the Site Plan Review Regulations which limits the number of driveways to one per lot, and to allow the proposed development lot to have three driveways as shown on the site plan.*
- (2) *Vote to waive compliance with Section 6.7(1) of the Site Plan Review Regulations which requires street trees to be planted along public rights-of-way, and to allow alternative landscaping as shown on the Landscaping Site Plan.*
- (3) *Vote to grant Site Plan Approval with the following stipulations:*

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

1. *The Site Plan (Sheets C-2A, C-2B and C-2C) and the Landscape Site Plan (Sheet L-01) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.*
2. *The applicant shall contribute \$42,000 to the City for reconstruction of the sidewalk on Portsmouth Boulevard between Commerce Way and Market Street, and \$6,900 toward traffic and pedestrian signal upgrades at the intersection of Market Street and Portsmouth Boulevard.*
3. *The Construction Management and Mitigation Plan shall include specific provisions to address the displacement of required parking spaces during Phase 2 construction.*

Conditions Subsequent (to be completed prior to the final release of site plan security):

4. *The applicant shall videotape construction routes to the project prior to the initiation of site work, and shall be responsible for repairing any damage during construction. The site plan security shall be sufficient to cover any such repair.*
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C. The application of Chinburg Developers, LLC, Owner, for property located at 1163 Sagamore Avenue, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for demolition of an existing clubhouse and construction of 11 residential units including a private accessdrive, stormwater/drainage structures and sewer upgrade along Sagamore Avenue, with 9,682 ± s.f. of total impact to the wetland buffer (7,295 ± of impact for on-site improvements, 649 ± for off-site stormwater/drainage structures and 1,738 ± for off-site sewer improvements along Sagamore Avenue). Said property is shown on Assessor Plan 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Recommendation:

Vote to postpone consideration of the application for a Conditional Use Permit to the Planning Board meeting on September 17, 2015.

D. The application of Chinburg Development, LLC, Owner, for property located at 1163 Sagamore Avenue, requesting Site Plan Approval for the demolition of existing building and the construction of 11 single family dwellings and a private roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District.

Recommendation:

Vote to postpone consideration of the application for Site Plan Approval to the Planning Board meeting on September 17, 2015.

E. The application of Hillcrest at Portsmouth, LLC, Owner, for property located at 3201 Lafayette Road, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland to install five new manufactured homes at the following addresses: 429 Striped Bass Avenue (with proposed garage and paved driveway expansion), 229 Mackerel Avenue (with proposed shed and paved driveway expansion), 150 Codfish Corner Road (with proposed garage and paved driveway expansion), 180 Codfish Corner Road (with proposed garage, proposed shed and paved driveway expansion), 171 Codfish Corner Road (with proposed shed and paved driveway expansion), with 25,038 ± s.f. of total impact to the wetland. Said property is shown on Assessor Plan 291 as Lot 7 and lies within the Gateway (G), Garden Apartment/Mobile Home (GA/MH) and Rural (R) Districts. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Recommendation:

Vote to grant the Conditional Use Permit for the five proposed sites with the following stipulations as recommended by the Conservation Commission:

1. *The Site Plan shall include a comprehensive water resource management plan (utilizing tools such as pavers, drainage systems, drip edge, and other best management practices for stormwater) as well as invasive management to include*

potential restriction of further future development in the wetland buffer proximal to the Berry's Brook Watershed.

2. *Pervious pavers shall be installed on all walkways.*

IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of Kyle Crossen-Langelier, Owner, for property located at 304 Leslie Drive, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to construct an 18'18" x 13' carport in front of the existing structure, with 100 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 209 as Lot 47 and lies within the Single Residence B (SRB) District.

Recommendation:

Vote to grant the Conditional Use Permit as requested.

B. The application of 955 Sagamore Realty Trust, Owner, for property located at 955 Sagamore Avenue, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 64,600 ± s.f. (1.48 acres) and 141.82' of continuous street frontage on Sagamore Avenue and 171.49' of continuous frontage on Sagamore Grove; and
2. Proposed lot #2 having an area of 22,500 ± s.f. (.5163 acres) and 107' of continuous street frontage on Sagamore Grove.

Said property is shown on Assessors Map 201 as Lot 1 and is located in the Waterfront Business (WB) district which requires a minimum lot size of 20,000 s.f. and 100' of continuous street frontage.

Recommendation:

- (A) *Vote to find that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations and, therefore, to waive compliance with Section IV.10 of the Subdivision Rules and Regulations, requiring that the preliminary plat show all utilities serving the proposed subdivision.*
 - (B) *Vote to grant Preliminary Subdivision Approval as requested; to postpone consideration of Final Subdivision Approval to the Planning Board meeting on November 19, 2015; and to refer the application to the Technical Advisory Committee for recommendations regarding water and sewer service, other utilities, access and easements.*
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C. The application of Michael Brandzel and Helen Long, Owners, for property located at 39 Dearborn Street (also known as Dearborn Lane), requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to remove an existing front porch, side porch and side deck, to construct a 4' x 13' front addition and an irregularly shaped (231 s.f.) side addition, and to remove a 1,605 s.f. asphalt/crushed stone driveway and replace it with 499 s.f. of pervious pavement, with 499 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 140 as Lot 3 and lies within the General Residence A (GRA) District and the Historic District.

Recommendation:

Vote to grant the Conditional Use Permit as presented on the amended plan dated August 18, 2015 (revision 5).

D. The application of Gregory C. and Sandra M. Desisto, Owners, for property located at 36 Shaw Road, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffers to renovate an existing house, including the addition of a second floor, the addition of a new garage, breezeway, porches and deck, and landscape improvements, with 14,060 ± s.f. of permanent impact and 1,353 ± s.f. of temporary impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 22 and lies within the Single Residence B (SRB) District.

Recommendation:

Vote to postpone consideration of this application to the Planning Board meeting on September 17, 2015.

E. The application of Deer Street Associates, Owner, for property located at 165 Deer Street, and the City of Portsmouth, Owner, for property located at the corner of the right-of-way at Bridge Street and Deer Street, requesting Preliminary and Final Subdivision (Lot Line Revision) approval to re-align the roadway and transfer 1,717 ± s.f. of land so that property shown on Assessor Map 125 as Lot 17 increases in area from 108,359 ± to 110,076 ± s.f. Said properties are located in the Character District 4 (CD4), Central Business B (CBB) District, the Mixed Residential B (MRB) District, the Downtown Overlay District (DOD) and the Historic District.

Recommendation:

Vote to grant Preliminary and Final Subdivision (Lot Line Revision) with the following stipulations:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 3. The final plat and deed shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

F. The application of Deer Street Associates, Owner, for property located at 165 Deer Street and 191 Hanover Street, requesting Preliminary and Final Subdivision Approval to consolidate and subdivide two lots into six lots as follows:

1. Proposed lot #1 having an area of 54,017 \pm s.f. (1.2404 acres) and 58.09' of continuous street frontage on Bridge Street;
2. Proposed lot #2 having an area of 8,519 \pm s.f. (.1956 acres) and no street frontage;
3. Proposed lot #3 having an area of 26,503 \pm s.f. (0.6081 acres) and 45.63' of continuous street frontage on Deer Street;
4. Proposed lot #4 having an area of 18,371 \pm s.f. (0.4217 acres) and 168.87' of continuous street frontage on Deer Street;
5. Proposed lot #5 having an area of 22,734 \pm s.f. (0.5219 acres) and 140.35' of continuous street frontage on Deer Street; and
6. Proposed lot #6 having an area of 22,538 \pm s.f. (0.5174 acres) and 5.78' of continuous street frontage on Hill Street;

Said properties are shown on Assessors Map 125 as Lot 17 and Assessors Map 138 as Lot 62 and are located in Character District 4 (CD4), the Central Business B (CBB) District, the Office Research (OR) District, the Downtown Overlay District (DOD) and the Historic District.

Recommendation:

Vote to grant Preliminary and Final Subdivision Approval subject to the following stipulations:

1. *Lot numbers as determined by the Assessor shall be added to the final plat.*
2. *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
3. *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
4. *The final plat and any required easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

G. The application of Richard Meyerkopf and Robin Lurie-Meyerkopf, Owners, for property located at 53 Whidden Street, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to construct a 26' x 12' pervious patio with a 36' x 12' associated retaining wall, with 378 \pm s.f. of permanent impact and 1,131 \pm s.f. of temporary impact to the wetland buffer. Said property is shown on Assessor Map 109 as Lot 1 and lies within the General Residence B (GRB) District and the Historic District.

Recommendation:

Vote to grant the Conditional Use Permit as requested.

H. The application of Two International Construction, Inc., Applicant, for property located at 85 New Hampshire Avenue, requesting Site Plan approval to construct a two story office building with a footprint of 14,400 \pm s.f. and gross floor area of 28,800 \pm s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 306 as Lot 3 and lies within the Airport Business Commercial (ABC) District.

Recommendation:

Vote to recommend that the Pease Development Authority grant Site Plan Approval with the following stipulations:

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

1. The final drainage analysis shall be submitted to the Department of Public Works for approval prior to the issuance of a building permit. Any changes to the Grading and Drainage Plan (Sheet C5) or other Site Plan sheets resulting from DPW review shall be submitted to the Planning Department and Department of Public Works for review and recommendation to the PDA.

Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy):

2. Following the first freeze/thaw cycle, the applicant shall mill and overlay New Hampshire Avenue to 10 feet on either side of the previous and proposed utility work in front of buildings 1 and 4.

I. The application of 233 Vaughan Street, LLC, Owner, and Chinburg Builders, Applicant, for property located at 233 Vaughan Street, requesting Amended Site Plan approval for changes to driveway and walkway configurations, landscaping and screening, surface materials, fencing, and locations of transformers and dumpster, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 14 and lies within the Central Business A (CBA) District and the Historic District.

Recommendation:

Vote to grant Amended Site Plan Approval for the site plans dated August __, 2015, Sheets C1 and C2, subject to all previous stipulations and to the following additional stipulations:

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

1. The amended Layout & Landscaping Plan (Sheet C1) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.

Conditions Subsequent (to be completed prior to the release of final site plan security):

2. The applicant shall construct the brick sidewalk in front of the transformer to City standard (change "Future Sidewalk" note on C1).

J. Proposed amendments to Site Plan Review Regulations, Section 2.5 (Application Requirements), relative to site development within a Character District.

Recommendation:

Vote to postpone this matter to the Planning Board meeting on September 17, 2015.

V. CITY COUNCIL REFERRALS/REQUESTS

A. Acquisition of land off Deer Street for construction of a municipal parking garage and associated access and utility improvements.

Recommendation:

Vote to recommend that the City acquire two parcels of land off Deer Street and Bridge Street for construction of a municipal parking garage and associated access and utility improvements, and to acquire or convey any further property interests necessary to implement the intent of this recommendation. Said parcels are shown on the Disposition Plan, Sheet C1 – Disposition Plan Land Ownership, prepared by Ambit Engineering, Inc., dated July 2015 (amended 8/8/15), and includes two parcels:

1. *Lot 1 as shown on the "Consolidation & Subdivision Plan" for Deer Street Associates, approved by the Planning Board on August 20, 2015, containing 54,017 ± s.f. (1.2401 ac.), to be acquired from Deer Street Associates;*
2. *A triangular parcel of land, containing 421 ± s.f. (0.0097 ac.), to be acquired from the John W. Gray Revocable Trust and the Bradford A. Gray Revocable Trust.*

Said land is to be acquired along with and subject to certain easements as described on the Disposition Plan, Sheet C2 – Disposition Plan Easements, prepared by Ambit Engineering, Inc., dated July 2015 (amended 8/8/15).

B. Transfer of an area of land at the corner of Deer and Bridge Streets, containing approximately 1,717 sq. ft., to Deer Street Associates.

Recommendation:

Vote to recommend that the City transfer to Deer Street Associates its right, title and interest in a parcel of land at the intersection of Deer Street and Bridge Street, containing 1,717 s.f. (0.0394 ac.), as shown on the "Proposed Roadway Alignment & Land Transfer Plan" prepared by Ambit Engineers, Inc., dated July 2015 (revised 8/7/15), approved by the Planning Board on August 20, 2015.

C. Renaming of Ledgewood Drive in accordance with E-911 specifications.

Recommendation:

Vote to schedule a public hearing on this matter for the Planning Board meeting on September 17, 2015.

D. Request of 955 Sagamore Realty Trust to rezone 22,500 s.f. of property at 955 Sagamore Avenue from Waterfront Business (WB) to Single Residence B (SRB).

Recommendation:

Vote to schedule a public hearing on this matter for the Planning Board meeting on October 15, 2015.

VI. OTHER BUSINESS

A. Request of Maplewood & Vaughan Holding Company, LLC, Owner, for a one-year extension of Site Plan Approval for property located at 111 Maplewood Avenue.

Recommendation:

Vote to grant a one-year extension of Site Plan Approval to expire on September 8, 2016.
