
MEMORANDUM

TO: Planning Board
FROM: Rick Taintor, Planning Director
DATE: November 14, 2016 *RT.*
RE: Staff recommendations for November 17, 2016, Planning Board meeting

II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1. The application of The City of Portsmouth, Owner, for property located at 600 Peverly Hill Road, and Foundation for Seacoast Health, Owner, for property located at 100 Campus Drive, requesting Preliminary and Final Subdivision Approval (Lot Line Revision).
2. The application of Alden Watson Properties. LLC, Owner, for property located at 56 Lois Street, requesting Preliminary and Final Subdivision Approval.
3. The application of Jonathan Smith, Owner, and Sophie Lane, LLC, Applicant, for property located at 1283 Woodbury Avenue, requesting Preliminary and Final Subdivision Approval

Planning Department Recommendation

Vote to determine that these applications for subdivision approval are complete (contingent on the granting of any required waivers under Section IV of the agenda) according to the Subdivision Rules and Regulations and to accept them for consideration.

B. Site Plan Review

1. The application of J&M Family Properties, LLC, Owner, and Dunkin' Donuts, c/o JFS Management Co., LLC, Applicant, for property located at 802 Lafayette Road, requesting Amended Site Plan Approval.
2. The application of Seacoast Trust, LLP, Owner, and Stonegate NH Construction, LLC, Applicant, for property located at 150 Route 1 By-Pass, requesting Site Plan Approval.

Planning Department Recommendation

Vote to determine that these applications for site plan approval are complete (contingent on the granting of any required waivers under Sections III or IV of the agenda) according to the Site Plan Review Regulations and to accept them for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

It is recommended that Item A under Public Hearings – Old Business and Item G under Public Hearings – New Business be discussed together and voted on separately.

A motion is required to consider these two items together.

A. The application of **Seacoast Trust, LLP, Owner**, and **Stonegate NH Construction, LLC, Applicant**, for property located at **150 Route 1 By-Pass**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the demolition of the existing building and the construction of a proposed 246' x 85' 3-story multi-family building with a footprint of 17,667 ± s.f. and gross floor area of 53,000 ± s.f., with 24,950 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 231 as Lot 58 and lies within the Single Residence B (SRB) District. (This application was continued from the October 20, 2016 Planning Board Meeting.)

Description

This application is to demolish the existing medical office building at 150 Route 1 Bypass and construct a 30-unit multifamily building with associated parking and circulation areas and landscaping.

The area behind the existing building, containing a major portion of the existing parking area, is largely within the 100-foot buffer from a wetland that immediately abuts the site. The proposed development will remove a significant amount of pavement, recreate a vegetated buffer, and provide stormwater treatment. This proposed work will result in disturbance to nearly 25,000 sq. ft. of wetland buffer area, but will reduce the amount of impervious surface in the buffer by more than half, from 20,860 sq. ft. to 10,335 sq. ft.

In order to be granted a Conditional Use Permit for work within the wetland buffer, the applicant must satisfy the criteria for approval set forth in Section 10.1017.50 of the Zoning Ordinance, as follows:

1. The land is reasonably suited to the use, activity or alteration.
2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.
3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.
4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.
5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of [the wetlands protection provisions of the Ordinance].

Compared to the existing site condition, the proposed project represents a reduction in wetland buffer impacts, including a greater setback to the wetland at the rear of the site, a reduction in impervious surface within the 100-foot buffer, and the ability to develop a 25-foot vegetated buffer strip along the wetland edge.

In order to limit impervious surface in the wetland buffer, the proposed building includes a full foundation for vehicle parking, and as a result the foundation drain will move groundwater through the site in a different manner than occurs today. The Conservation Commission raised a concern that this change might affect adjacent wetlands to the rear of the site. The applicant provided a study by Stone Hill Environmental to address this and other concerns related to surface water and groundwater on the site. Based on this study, staff believes that the project will not adversely affect the wetlands.

Because the proposed work is within the existing developed footprint on the site, the site is a reasonable location for the proposed use, activities and alterations.

Overall, the reductions in impervious surface on the site should provide a reduction in impacts to the wetland at the rear of the site. The applicant has a landscape plan which provides additional plantings on the developed portion of the site which should help buffer the proposed parking area from the wetland at the rear of the site.

Conservation Commission Recommendation

The Conservation Commission considered this application at its meeting on October 12, 2016, and voted unanimously (with two members abstaining) to recommend approval of the conditional use permit as presented.

At the September and October meetings the Planning Board voted to postpone consideration of this application so that the conditional use permit and site plan review applications could be considered together.

Planning Department Recommendation

Vote to grant the Conditional Use Permit as requested.

IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Alissa C. Bournival Revocable Trust, Owner**, and **Bournival Jeep, Applicant**, for property located at **2355 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct an irregularly shaped 2,775 s.f. addition to the rear of the existing building, to be used as a six-bay detailing shop, with 2,600 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 272 as Lot 7 and lies within the Gateway (GW) District.

Description

On November 9, 2016, the applicant notified the Planning Department that it was withdrawing the application from consideration.

Planning Department Recommendation

Vote to acknowledge the applicant's withdrawal of the application.

B. The application of **The City of Portsmouth, Owner**, for property located at **600 Peverly Hill Road**, and **Foundation for Seacoast Health, Owner**, for property located at **100 Campus Drive**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between four lots as follows:

- a. Map 254, Lot 8 increasing in area from 8.135 ± acres to 60.279 ± acres with 457.64' of continuous street frontage along Peverly Hill Road and 127.88' of continuous street frontage along Campus Drive.
- b. Map 266, Lot 4 decreasing in area from 96.416 ± acres to 37.062 ± acres with 382' of continuous street frontage along Banfield Road and 219.25' of continuous street frontage along Campus Drive.
- c. Map 266, Lot 5 increasing in area from 1.124 ± acres to 10.7539 ± acres with 692.46' of continuous street frontage along Banfield Road.
- d. Map 266, Lot 6 consisting of 2.419 ± acres, being eliminated.

Said lots lie within the Industrial (I) District which requires a minimum lot size of 2 acres and 200' of continuous street frontage.

Description

This subdivision plan reconfigures four existing lots into three dimensionally conforming lots, one within the Municipal District and the other two within the Industrial District. This project was discussed at the October Planning Board meeting (Preliminary Conceptual Consultation Review) as a proposed subdivision of land owned by the Foundation for Seacoast Health. The plan now before the Board is a lot line revision plan covering 3 parcels owned by the Foundation and one parcel owned by the City.

Map 254 Lot 8 is the site of the City's Department of Public Works facility and currently contains approximately 8 acres fronting on Peverly Hill Road. As a result of the proposed lot line revision, approximately 52 acres will be added to this parcel from the adjoining lot 266-4, currently owned by the Foundation for Seacoast Health, resulting in a new parcel area of just over 60 acres. This additional land will be used for expansion of the City's recycling facility, creation of new playing fields, wetland protection and a trail system for passive recreation. At its August 2016 meeting, the Planning Board reviewed the proposed acquisition by the City of approximately 50 acres of land from the Foundation and voted to recommend to the City Council in favor of this acquisition.

Map 266 Lot 5, fronting on Banfield Road, will increase in area from about 1.12 acres to 10.75 acres through the addition of portions of lots 266-4 and 266-5. The Foundation for Seacoast Health intends to convey this lot to the Hope for Tomorrow Foundation as the site of a new independent Catholic school. It is anticipated that a site plan for the proposed school will be submitted within the next month and should appear on the Planning Board's agenda in early 2017.

Map 266 Lot 4, which is the site of the Community Campus, will decrease in size from 96.4 acres to just over 37 acres, maintaining frontage on Banfield Road and Campus Drive.

Finally, Map 266 Lot 6, which currently has no frontage, will be eliminated by being absorbed into Map 266 Lot 5 and Map 254 Lot 8.

Planning Department Recommendation

Vote to grant Preliminary and Final Subdivision Approval (Lot Line Revision) with 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 all 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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C. The application of **Chase B. Bailey and Kit Soave-Bailey, Owners**, for property located at **3 Curriers Cove**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to remove and relocate an existing pool, associated concrete, and retaining wall, including related miscellaneous improvements, with 1,770 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 204 as Lot 12 and lies within the Single Residence A (SRA) District.

Description

This application is to replace an existing pool and concrete apron with a new pool and apron in a somewhat different configuration, and to make a number of changes to overhangs, entryways, a retaining wall and a deck.

Conservation Commission Review

The Conservation Commission reviewed this application at its meeting on November 9, 2016, and voted to postpone consideration to the Commission's meeting on December 14, 2016.

Planning Department Recommendation

Vote to postpone consideration of this application to the Planning Board meeting on December 15, 2016.

D. The application of **Gideon Walker House Trust, Owner, and James Somes, Trustee**, for property located at **154 Maplewood Avenue**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland and tidal wetland buffer to rebuild an existing stone retaining wall, with 250 ± s.f. of impact to the tidal wetland and 1,125 ± s.f. of impact to the tidal wetland buffer. Said property is shown on Assessor Map 124 as Lot 7 and lies within the CD4-L1 and Historic District.

Description

This application is for in-kind replacement of an existing stone retaining wall.

In order to be granted a Conditional Use Permit for work within the wetland buffer, the applicant must satisfy the criteria for approval set forth in Section 10.1017.50 of the Zoning Ordinance, as follows:

1. The land is reasonably suited to the use, activity or alteration.
2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.
3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.
4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.
5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of [the wetlands protection provisions of the Ordinance].

Given that this is an in-kind replacement, this is the most reasonable location for the work, and in-kind replacement is the most appropriate and is the least impacting alternative.

The construction of the proposed wall will have a temporary impact. If proper erosion control measures are taken there should be no adverse impact on functional values of the site. Removal and replacement of some existing vegetation is necessary in order to access the wall from the upland side. If the vegetation replacement is successful there should be no long-term impact on the site.

Conservation Commission Review

The Conservation Commission reviewed this application at its meeting on November 9, 2016, and voted to recommend approval with the following stipulation:

1. The applicant shall ensure that the saltmarsh grass is reestablished in areas where it is growing today on the inside and outside of the wall.

Planning Department Recommendation

Vote to grant the Conditional Use Permit with the following stipulation:

1. *The applicant shall ensure that the saltmarsh grass is reestablished in areas where it is growing today on the inside and outside of the wall.*
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It is recommended that Items E and F under Public Hearings – New Business be discussed together and voted on separately.

A motion is required to consider these two items together.

E. The application of **J&M Family Properties, LLC, Owner, and Dunkin' Donuts, c/o JFS Management Co., LLC, Applicant**, for property located at **802 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for pavement and drainage improvements and onsite stormwater quality treatment, with 11,200 ± s.f. of impact to the tidal wetland buffer. Said property is shown on Assessor Map 244 as Lot 2 and lies within the Gateway (GW) District.

F. The application of **J&M Family Properties, LLC, Owner, and Dunkin' Donuts, c/o JFS Management Co., LLC, Applicant**, for property located at **802 Lafayette Road**, requesting Amended Site Plan Approval to re-develop the parking lot for improved site and drive-through circulation, revised parking layout, new trash enclosure, drainage improvements and stormwater management, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 244 as Lot 2 and lies within the Gateway (GW) District.

Description

This project is to reconfigure the parking and drive-thru circulation for the existing Dunkin' Donuts business. The drive-through lane is being adjusted to hug the north side of the building, while the parking will be moved to the outside of the drive-through and bypass lanes. On the south side of the building, the bypass lane will be widened and four parallel parking spaces will be added, increasing the width of pavement here from about 20 feet to 34 feet.

Conditional Use Permit

In order to be granted a Conditional Use Permit for work within the wetland buffer, the applicant must satisfy the criteria for approval set forth in Section 10.1017.50 of the Zoning Ordinance, as follows:

1. The land is reasonably suited to the use, activity or alteration.
2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.
3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.
4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.
5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of [the wetlands protection provisions of the Ordinance].

The existing site development is approximately 15 feet from the edge of the tidal wetland adjoining Sagamore Creek, and approximately 45 feet from the edge of a designated prime wetland. About one-half of the existing developed area of the site is within the tidal wetland buffer.

The proposed plan will result in a net increase of 1,148 sq. ft. of impervious surface on the site, resulting from an addition of 2,253 sq. ft. of impervious area on the south side of the building and reductions totaling 1,105 sq. ft. in three locations. In the wetland buffer, the plan shows a reduction of 372 sq. ft. of impervious surface within 50 feet of the wetland edge. Most of the increased pavement is proposed outside the wetland buffer, and no pavement is proposed closer to the wetland resource than currently exists today.

The proposal includes the addition of new stormwater treatment measures including catch-basins and a mechanical separator unit. The addition of the new stormwater facilities should have a benefit to the site over and above the impact from the new impervious surface.

The expansion of the parking and circulation area and the establishment of a new dumpster pad and enclosure will result in the removal of vegetation in the southwest corner of the site. The plan shows a reduction of 1,392 sq. ft. of natural wooded buffer within 150 feet of the wetland, and it appears that about half of this reduction will take place within the City's 100-foot wetland buffer.

Conservation Commission Review

The Conservation Commission reviewed this application at its meeting on November 9, 2016, and voted unanimously to recommend approval with the following stipulations:

1. Low growth, native plants requiring low maintenance shall be planted in the back corner of the lot just outside (to the west) of the proposed dumpster pads. The new plantings shall cover an area equal or greater in size than the proposed dumpster pad expansion.
2. The hydro-seed mix area proposed on the plan shall be replaced with a conservation seed mix. The areas where the conservation seed mix is proposed shall be left unmowed.
3. Maintenance as specified by the manufacturer shall be conducted on the proposed "First Defense" stormwater unit, and copies of a maintenance report shall be provided to the Environmental Planner annually.

Stipulations #1 and #2 appear to overlap, because the new plantings described in #1 would at least partly be within the area proposed for seeding in #2. In addition, it is not clear that the planting area in #1 would fit on the west side of the site between the edge of pavement and the proposed tree line. Therefore, the Planning Department recommendation proposes modifications to the Conservation Commission's stipulations.

Site Plan Review

The intent of the proposed site changes is to improve the drive-through traffic by eliminating an existing conflict with cars backing out of the parking spaces. However, this change will require pedestrians to cross the drive-through stacking lane. Staff were concerned about the resulting conflict between vehicular and pedestrian movements, but ultimately accepted the applicant's argument for the improvement in vehicular circulation (including access by large delivery trucks).

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this application at its meeting on November 1, 2016, and voted to recommend site plan approval with the following stipulations:

1. Maintenance requirements for the "First Defense" stormwater unit shall be added to the site plan.
2. The bike rack shall be removed from the pedestrian path and relocated on site.
3. The bike rack detail shall be the inverted U-style; specification are available from the Planning Department.
4. The sidewalk shall be concrete.
5. A lighting plan shall be added to the Plan set.
6. The existing light shall be removed.
7. Documentation shall be provided for access for the visually impaired and, if not adequate, make an accommodation to the crosswalk and ramp.
8. Documentation shall be provided demonstrating that that they are providing adequate stacking spaces for the drive-thru lane.

On November 9, 2016, the applicant submitted a revised plan set addressing the TAC stipulations as follows:

1. Note 17 on Sheet 5 has been added referencing an O&M manual, but the manual was not provided.
- 2-4. The bike rack has been relocated and an appropriate detail has been added.
- 5-6. Note 22 on Sheet 4 has been added stating that no lighting changes are proposed. The applicant must request a waiver from the requirement for a lighting plan, and must either show dark-sky friendly fixtures or request a waiver from that requirement.
7. The crosswalk has been reconfigured for better access to the ramp.
8. Documentation regarding adequacy of stacking spaces has been provided.

On November 10, 2016, the applicant submitted the O&M manual for the "First Defense" stormwater unit and requests for two waivers from the Site Plan Review Regulations. These will be forwarded to the Board prior to the meeting or distributed at the meeting.

Planning Department Recommendations

A. Wetlands Conditional Use Permit

Vote to grant the conditional use permit with the following stipulation:

1. *Low growth native plants requiring low maintenance shall be planted in the back corner of the lot adjacent to the proposed dumpster pads without encroaching on the proposed tree line shown on the plans. The new plantings shall cover an area at least equal to the proposed dumpster pad expansion (approximately 700 sq. ft.).*
2. *Any area at the back of the parking lot that is shown on the plan as to be hydroseeded, and that is not included in the planting area referenced in stipulation #1, shall instead be planted with a conservation seed mix and shall be left unmowed.*
3. *Maintenance as specified by the manufacturer shall be conducted on the proposed "First Defense" stormwater unit, and copies of a maintenance report shall be provided to the Environmental Planner annually.*

B. Site Plan Approval

(A) *Vote whether to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and if so, to waive the following regulations:*

- (1) *Sec. 2.5.4 – Site Plan Specifications and Required Exhibits and Data, item 3.(j) – Outdoor Lighting (type and placement of outdoor lighting fixtures, and photometric plan).*
- (2) *Sec. 10.2 – Compliance with Zoning Ordinance (All projects shall comply with the outdoor lighting dark sky friendly standards provided in the Zoning Ordinance).*

[Note: An affirmative vote of six members of the Planning Board is required to grant a waiver.]

(B) *Vote to grant the Site Plan Approval with the following stipulations:*

1. *The Site Plan (Sheet 4 of 9) and Landscape Plan (Sheet No. 7 of 9) shall be revised as follows:*
 - (a) *Show the planting area required by conditional use permit stipulation #1.*
 - (b) *Show the area to be planted with a conservation mix as required by conditional use permit stipulation #2.*
2. *The following notes shall be added to the Landscape Plan (Sheet No. 7 of 9):*
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. 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.”
3. *The maintenance requirements for the “First Defense” stormwater unit shall be added to the site plan.*

[If the requested waiver from the dark-sky friendly requirement is not granted;]

4. *The site plan shall show replacement of the existing floodlights with fixtures complying with the dark sky friendly requirements of the Zoning Ordinance.*

G. The application of **Seacoast Trust, LLP, Owner**, and **Stonegate NH Construction, LLC, Applicant**, for property located at **150 Route 1 Bypass**, requesting Site Plan Approval for the demolition of the existing building and the construction of a 246' x 85' 3-story multi-family building with a footprint of 17,667 ± s.f. and gross floor area of 53,000 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 231 as Lot 58 and lies within the Single Residence B (SRB) District.

Description

This project is to build a 3-story 30 unit multi-family building at the former site of Atlantic Orthopaedics. Off-street parking to serve the use will be provided both within the building (44 spaces) and in a reduced surface parking lot at the rear of the building (11 spaces). The project also includes the construction of a bicycle/pedestrian path from the building to Middle Road, through an easement across the front portion of 400 Middle Road.

While the footprint of the proposed building will be nearly twice that of the existing building, the paved surface area will be significantly decreased and set back further from adjoining residential properties and wetlands. As a result, the amount of open space will increase from 58% to 65% of the parcel area.

Although located along the Route 1 Bypass, and with its sole access from the Bypass, the parcel is in the Single Residence B District. On June 26, 2016, the Zoning Board of Adjustment granted a Special Exception to change from a lawful nonconforming use (medical offices) to another nonconforming use (multifamily residential), and two variances for density and building length.

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this application at its meeting on November 1, 2016, and voted to recommend approval with the following stipulations:

1. The sewer connection permit should provide the size of the pump station and the size of the pumps, including the pumps that will be used for the elevator sump pump connection.
2. All the back-up detail for the completed drainage analysis shall be provided to DPW.
3. Although construction on Hillside Drive should not be necessary, if the sewer force main or gas line is determined to impact the roadway, the applicant shall be responsible for repairing the roadway to the satisfaction of DPW.

Subsequent to the TAC meeting, the Planning Board noted a discrepancy between the site plans and the building elevations. The two pathways to doors at the side of the building facing the Route 1 Bypass are at different locations than the doors as shown on the building elevation. The applicant's engineer has confirmed that the elevation is correct and that the site plan should be corrected. This will result in a small increase in paved area.

Planning Department Recommendation

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 set shall be amended to show the correct locations of sidewalks from the driveway to the side of the building facing the Route 1 Bypass.*
2. *The site plan, landscape plan, and the easement deed shall be recorded concurrently by the City or as determined appropriate by the Planning Department.*

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

3. *The sewer connection permit shall provide the size of the pump station and the size of the pumps, including the pumps that will be used for the elevator sump pump connection.*
 4. *All the back-up detail for the completed drainage analysis shall be provided to DPW.*
 5. *Although construction on Hillside Drive should not be necessary, if the sewer force main or gas line is determined to impact the roadway, the applicant shall be responsible for repairing the roadway to the satisfaction of DPW.*
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H. The application of **Alden Watson Properties. LLC, Owner**, for property located at **56 Lois Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 42,189 \pm s.f. (0.9685 acres) and 100.8' of continuous street frontage on Lois Street;
2. Proposed lot #2 having an area of 124,660 \pm s.f. (2,8618 acres) and 20' of continuous street frontage on Lois Street (designated as not a buildable lot);

Said property is shown on Assessors Map 232 as Lot 8 and is located in the Single Residence B (SRB) District where the minimum lot area is 15,000 s.f. and minimum continuous street frontage is 100'.

Description

This project is at the end of Lois Street. There is currently one single family home on this property, and much of the rest of the lot is in wetlands. This subdivision application is to create one building lot on Lois Street encompassing the existing home and a second unbuildable lot. In addition to wetland impacts, this is second lot does not have the required street frontage to be considered a building lot.

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this application at its meeting on November 1, 2016, and voted to recommend approval as presented.

Planning Department Recommendation

Vote to grant Preliminary and Final Subdivision Approval with 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 shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
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I. The application of **Jonathan Smith, Owner**, and **Sophie Lane, LLC, Applicant**, for property located at **1283 Woodbury Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 15,274 \pm s.f. (0.3506 acres) and 147' of continuous street frontage on Woodbury Avenue;
2. Proposed lot #2 having an area of 15,142 \pm s.f. (0.3476 acres) and 100' of continuous street frontage on Granite Street.

Said property is shown on Assessors Map 217 as Lot 4 and is located in the Single Residence B (SRB) District where the minimum lot area is 15,000 s.f. and minimum continuous street frontage is 100'.

Description

This project is to divide the single lot on the corner of Woodbury Avenue and Granite Street into two lots. Lot 1 currently has a home on the property, which will continue to meet the dimensional requirements of the Zoning Ordinance. However, the lot does not comply with a provision of the Subdivision Rules and Regulations (Section VI.2.B) that requires corner lots to "have at least 10% extra width to permit appropriate building setback from the orientation to both streets."

There is currently a shed on proposed lot 2 which does not meet dimensional and use requirements, but will be removed prior to recordation of the plan. A waiver is being requested for corner lot width, which is 1 foot short of the required 110 feet required along Granite Street. A waiver has also been requested for above ground utilities.

Technical Advisory Committee Review

The Technical Advisory Committee reviewed this application at its meeting on November 1, 2016, and voted to recommend approval with the following stipulations:

1. After consultation with DPW, the applicant shall grant the City a signal easement on the corner of Proposed Lot 1, to be prepared by the City Legal Department and recorded at the Registry of Deeds.
2. The applicant shall construct a sidewalk from the existing sidewalk on Woodbury Avenue up to the driveway of the abutting Oxholm property, over the gas line, with a granite curb.
3. The shed on proposed lot 2 shall be removed prior to the plan being recorded.
4. A waiver from the Planning Board shall be required for the lot line length.
5. It is recommended that a waiver be requested from the Planning Board for above ground utilities.

On November 14, 2016, the applicant submitted a revised subdivision plan showing the traffic signal easement referenced in TAC stipulation #1, and the Department of Public Works has indicated its approval of the proposed easement. The applicant has also accepted stipulation #3 and has requested waivers from the Subdivision Rules and Regulations regarding (1) increased lot frontage on corner lots and (2) a requirement that all utilities be provided underground (stipulations #4 and #5).

TAC stipulation #2 calls for constructing a new sidewalk on the southerly side of Granite Street. As noted in the applicant's letter to the Planning Board dated 8 November 2016, the Department of Public Works has reviewed the site conditions further and has determined

that it would be more appropriate to alter an existing tipdown on the existing sidewalk on the northerly side of the street and to widen the pavement on the south side of Granite Street to achieve a width of 24 feet. The applicant has agreed to this change and has noted it on the Subdivision Site Plan (Sheet C1).

Planning Department 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 the following sections of the Subdivision Rules and Regulations:*

1. *Section VI.2.B, requiring corner lots to have 110% of the minimum required continuous street frontage for the zoning district;*
2. *Section VI.9.A, requiring all utility distribution lines to be underground.*

Note: RSA 674:36, II(n) requires the Planning Board, by majority vote, to make one of the above findings in order to grant a waiver.

(B) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*

Conditions Precedent (to be completed prior to recording of the plan and sale of lots):

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 the signal easement deed shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

Condition Subsequent (to be completed prior to release of the subdivision security):

4. *The owner shall widen Granite Street to 24 feet and shall modify the sidewalk tip-down on the opposite side of the street, as shown on the Subdivision Site Plan.*

(C) *Vote to recommend to the City Council that the City accept the traffic signal easement shown on the revised site plan.*

VII. CITY COUNCIL REFERRALS/REQUESTS

A. Consideration of rezoning options for 678 Maplewood Avenue and the adjacent vacant parcel to allow for the development of affordable housing. (This was postponed from the September 15, 2016 Planning Board Meeting).

Description

At its meeting on May 2, 2016, the City Council voted to accept the Planning Board's recommendation not to rezone two parcels on Maplewood Avenue from Single Residence B (SRB) to Business, and to refer the issue back to the Planning Board to examine other options for rezoning.

At its meeting on June 16, 2016, the Planning Board voted to postpone the matter to the September meeting in order to allow for (a) submission of the Housing Committee's report to the City Council and (2) a neighborhood meeting to be held to discuss land use and zoning issues for this property and the surrounding area. At that time it was believed that the Housing Committee would complete its work in September. At its meeting on September 15 the Board voted to further postpone this matter to the November meeting to allow for completion of the Housing Committee report.

At this point, the Housing Committee has submitted a draft report and the City Council has scheduled a work session for November 21 to review the report. The Committee's report did not address this property.

One of the lots which comprised the original rezoning request has been sold to a new owner who intends to maintain its existing residential use.

While a report is due back to the City Council on this matter, the Planning Department does not have a specific recommendation at this time.

Planning Department Recommendation

Vote to postpone consideration of this matter indefinitely, until such time as the Planning Department can schedule a meeting with the neighborhood and present a specific recommendation.

VIII. OTHER BUSINESS

A. Request of 215 Commerce Way, LLC, Owner, for property located at 215 Commerce Way, and Moray, LLC, Owner, for property located at 235 Commerce Way, for a six month extension of Subdivision Approval which was granted by the Planning Board on August 20, 2015. A first six month extension was granted by the Planning Director on March 23, 2016 to expire on August 20, 2016.

Description

The Subdivision Rules and Regulations provide that all stipulations of subdivision approval, including recording of the plan, shall be completed within 6 months of the date of approval by the Planning Board. The Planning Director may grant one 6-month extension administratively, but a second (and final) six-month extension requires approval by the Planning Board.

Planning Department Recommendations

Vote to grant a second six-month extension of subdivision approval, to expire on February 20, 2017.
