



CITY OF PORTSMOUTH  
PLANNING DEPARTMENT

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**MEMORANDUM**

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**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner I  
**Subject:** Staff Recommendations for the March 22, 2018 Planning Board Meeting  
**Date:** 3/16/2018

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**MEETING RECONVENED FROM THURSDAY, MARCH 15, 2018**

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**I. DETERMINATIONS OF COMPLETENESS**

**A. SUBDIVISION**

1. The application of **Seacoast Development Group, LLC, Owner**, for property located along **Rockingham Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots.

Planning Department Recommendation

*Vote to postpone this application to the April 21, 2018 Planning Board meeting.*



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## II. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Middle Hill Development, LLC, Owner**, for property located at **150 Route 1 By-Pass**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 6 additional parking spaces for a total of 61 parking spaces where (the maximum allowed) 55 parking spaces were approved by the Planning Board on November 17, 2016 for a multi family 3-story building with a footprint of 17,667  $\pm$ s.f. and gross floor area of 53,000  $\pm$  s.f. Said property is shown on Assessor Map 231 as Lot 58 and lies within the Single Residence B (SRB) District.

Description

The applicant is requesting a Conditional Use Permit to provide more than the maximum allowed parking. The Middle Hill residential housing development received Site Plan Review approval at the November 22, 2016 Planning Board meeting and is well under construction, including completion of a majority of the site work and pavement. The project was approved with 55 parking spaces (44 underneath and 11 exterior). Based on the applicant's parking demand analysis and sales of the units, the applicant is anticipating that a majority of the unit owners will be two-car households and the demand for parking will be greater than the project was initially approved for.

According to the applicant's parking demand analysis the minimum demand is 54 spaces to accommodate unit owners and they are proposing an additional 7 spaces for visitor parking (6 more than the original approval).

The applicant notes that the additional pavement to construct the 6 spaces increases the lot coverage by approximately 780 SF and does not have an impact on lot coverage requirements or runoff computations. The proposed 6 spaces will replace an existing island within the parking field.

The project is located on a limited access highway (Route 1 Bypass) where there are no sidewalks and no access to public transit. There is no viable means of reducing parking demand.

Planning Department Recommendation

*Vote to grant a conditional use permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to permit 61 parking spaces where 55 are permitted.*



## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- B. The application of **77 Daniel Street, LLC, Owner**, for property located at **77 Daniel Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow a third floor addition to the rear of the building where no off-street parking currently exists and no additional off-street parking is proposed. Said property is shown on Assessor Map 107 as Lot 10 and lies within the Character District 4 (CD4) and the Historic District.

### Description

The applicant is requesting a conditional use permit to allow less than the minimum number of parking spaces required. The proposal for a one-story addition above the second floor at the rear of the building requires a minimum of 1 space per 100 sq.ft. GFA per Article 11, Section 10.1110 of the City's Zoning Ordinance. While no parking spaces are currently provided on the site, the City's Ordinance requires that any building additions, intensifications of use, or changes in use shall require that the property be provided with the off-street parking required by the Ordinance. Therefore, the legal nonconforming status of the property goes away and the property is now required to be brought into conformance.

The applicant is proposing a 428 sq.ft. addition above the second floor to the rear of the existing building. Their proposal outlines that there will be an overall net decrease in gross floor area by removing roughly 600 sq.ft. of "back of house" space on the third floor at the front of the building and relocating it to the proposed addition.

As the existing building dates to 1840 and no off-street parking currently exists, the applicant requests a conditional use permit to allow the addition with no additional off-street parking to continue.

### Planning Department Recommendation:

*Vote to grant a conditional use permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to allow less than the minimum number of parking spaces required by Section 10.1112.30.*



## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- C. The application of **Martin F. Kurowski and Christina Galli, Owners**, for property located at **212 Walker Bungalow Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffer for the demolition and replacement of a portion of an existing building where the original application (approved by the Planning Board on January 18, 2018) had stated that the original house would remain, with 10,767  $\pm$  s.f. (3,172 s.f. of existing impact and 7,594 s.f. of new impact) of impacts to the inland and tidal wetland buffers. Prior approval from the Planning Board on January 18, 2018 includes an addition onto the existing residential structure, a new septic tank, replacement of the existing detached garage with a new attached garage, reconfiguration of the existing driveway, a rain garden and vegetated treatment swale for stormwater management. Said property is shown on Assessor Map 223 as Lot 21 and lies within the Single Residence B (SRB) District.

### Description

The Planning Board previously reviewed and approved an application at its January 18, 2018 meeting for a wetland Conditional Use Permit application under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffer for replacement of an existing detached garage with a new attached garage, addition of a new septic tank, reconfiguration of the existing driveway and stormwater management, with 10,359  $\pm$  s.f. of temporary and permanent impacts to the inland and tidal wetland buffer. Since that time the applicant has indicated that a large portion of the existing residence that was proposed to remain will need to be demolished. While the structure is proposed for demolition the applicant is proposing to reuse the existing foundation for the new house. The design of the house has retained the overall footprint area and the same stormwater treatment measures as originally proposed.

### Conservation Commission Review

The Conservation Commission previously reviewed this application at its January 10<sup>th</sup> meeting. At that meeting the Commission voted unanimously to recommend approval of this application for Wetland Conditional Use Approval to the Planning Board with the following stipulations:

1. The applicant will include an organic lawn maintenance plan with the overall property Maintenance plan and will file this plan with the Rockingham County Registry of Deeds.
2. The applicant will not mow the proposed wetland buffer planting area.
3. The applicant will provide the same number of native trees in the 100' wetland buffer as the number removed for this project.
4. The applicant will update the site plan and maintenance plan to insure that the mulch proposed for the raingarden is limited to the minimum amount necessary.
5. The applicant will provide a planting plan for the raingarden and stormwater swale.
6. The applicant will provide a plan showing the impact in the inland wetland buffer for the proposed septic system.

On January 11, the applicant submitted updated plans addressing items 2 through 6 to the satisfaction of the Planning Department. Clarification regarding item #1 is included in the Planning Department recommendation below.

The Commission reviewed the amended conditional use permit application at the March 14, 2018 meeting and voted unanimously to recommend approval of the amended Conditional Use Permit carrying forward the original stipulations of approval. The Conservation Commission members did state that they had concerns with the fact that this was a major change from what was previously approved and asked several questions about the house and any proposed changes and wanted to insure that the footprint would be identical on this amended project. The Commission was also interested in knowing what species of tree would be planted to replace the trees being removed for the addition.

Planning Department Recommendation

*Vote to grant amended conditional use permit approval with the original January 18, 2018 stipulation:*

- 1) *An organic lawn maintenance plan shall be incorporated into the overall property maintenance plan and this plan shall be filed with the Rockingham County Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- D. The application of the **Woodlands Homeowner's Association, Owner, and the City of Portsmouth, Applicant**, for property located on **Hoover Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for drainage improvements along Hoover Drive, Taft Road, Grant Avenue and FW Hartford Drive, including the replacement of a headwall to accommodate a second 24" culvert, with 300 ± s.f. of impact to the wetland and 600 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 269 as Lot 7 and lies within the Single Residence B (SRB) District.

### Description

This is a City road improvement project to reduce recurring drainage issues along Hoover Drive where it turns into F.W. Hartford Drive. These improvements will reduce flooding impacts in this area and improve conveyance of stormwater from the roadway.

### Conservation Commission Review

1. *The land is reasonably suited to the use activity or alteration.* The wetland area is a man-made drainage ditch which provides a path for stormwater from the roadway. This project this is the most appropriate location to better size the stormwater infrastructure.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Using the existing stormwater flow path and infrastructure is the most appropriate location for this project.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* This is a drainage improvement project. While there are wetlands which have formed due to the supply of road runoff this project this is an area where stormwater has been conveyed since the construction of this roadway. This project is proposed to reduce wetland impacts as it will limit siltation and erosion from existing runoff patterns.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project has limited the impact to the area of the culvert outlet but will have a 300 foot temporary wetland impact to construct the new culvert outlet and headwall.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The construction is the minimum necessary to improve the drainage in this area.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* Any disturbed areas will be reseeded upon project completion.

The Commission reviewed this application at the March 14, 2018 meeting and voted unanimously to recommend approval of the Conditional Use Permit with no stipulations.

### Planning Department Recommendation

*Vote to grant approval of the conditional use permit*



## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- E. The application of **175 Gosport Road, LLC, Owner, and Michael Clark, Applicant,** for property located at **175 Gosport Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 224 as Lot 1 and lies within the Single Residence A (SRA) District.

### Description

This application is to construct a new parking area, patio expansion, deck expansion, removal of existing driveway area in the 100 foot inland wetland buffer with an associated swale. In addition, this application proposes a replacement retaining wall with materials changed from timber to stone, a replacement dock and pier and an area grading at the termination of a stormwater swale in the 100 foot tidal buffer zone. There are also impacts shown within the 250' state shoreland buffer which are not part of this application.

### Conservation Commission Review

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

1. *The land is reasonably suited to the use activity or alteration.* The proposed parking area located within the 100 foot inland wetland buffer zone is sloped away from the freshwater wetland area. The grading plan clearly shows the water making its way off this area into a constructed swale to help move the stormwater away from the parking area providing treatment of this water before it reaches the tidal buffer zone. From a stormwater standpoint this is a reasonable approach for the expanded parking area. There is no information provided about the freshwater wetland. Given the loss of buffer function from a habitat standpoint it would be helpful if there were some buffer plantings proposed to offset the size of the new parking area within the buffer.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* With regard to the replacement of the dock and retaining wall these are existing features being replaced. Regarding the parking it is not clear if there are other places where the additional parking can be provided without impact to the inland wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The grading proposed for the parking area has been designed to reduce stormwater impacts to the freshwater wetland and the addition of the swale will also reduce impacts to the tidal wetland areas. The loss of buffer area near the freshwater wetland could be offset with additional buffer plantings.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The location where the expanded parking is proposed is within an area that is currently paved. While there will be some new pavement there is currently an area of pavement existing and additional pavement will be removed from the area just outside of the 100' inland wetland buffer to create this new parking area.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicants has taken steps to reduce the impact in the buffer. The design of the parking area and associated swale will help reduce the stormwater impacts from the new project. The applicant should consider additional wetland buffer plantings bordering the freshwater wetland and pond area to enhance the buffer function of this area.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* There is no information provided about how the area near the freshwater wetland will be replanted. It would be helpful if there were are planting plan for this area showing the existing vegetation and any proposed plantings.

The Commission reviewed this application at the March 14, 2018 meeting and voted to postpone the Conditional Use Permit application to the April 11, 2018 meeting.

Planning Department Recommendation

*Vote to postpone this application to the April 21, 2018 Planning Board meeting.*

## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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- F. The application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe's Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Site Plan Review for a 785  $\pm$  s.f. restaurant/take-out building and 195  $\pm$  s.f. attached patio, with drive thru service and a walk-up window, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 239 as Lot 9 and lies within the General Business (GB) District.

Description

The applicant has requested to postpone to the April 21, 2018 Planning Board meeting.

Planning Department Recommendation

*Vote to postpone this application to the April 21, 2018 Planning Board meeting.*



## II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

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**G.** The application of **Seacoast Development Group, LLC, Owner**, for property located along **Rockingham Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots as follows:

1. Proposed lot #1 having an area of 38,466  $\pm$  s.f. (0.883 acres) and 119.76' of continuous street frontage on Rockingham Avenue.
2. Proposed lot #2 having an area of 15,874  $\pm$  s.f. (0.364 acres) and 128.56' of continuous street frontage on Rockingham Avenue.
3. Proposed lot #3 having an area of 19,044  $\pm$  s.f. (0.437 acres) and 305.34' of continuous street frontage on Rockingham Avenue.

Said property is shown on Assessors Map 235 as Lot 2 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

The applicant has requested to postpone to the April 21, 2018 Planning Board meeting.

### Planning Department Recommendation

*Vote to postpone this application to the April 21, 2018 Planning Board meeting.*