



CITY OF PORTSMOUTH  
PLANNING DEPARTMENT

---

MEMORANDUM

---

**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner I  
**Subject:** Staff Recommendations for the April 26, 2018 Planning Board Meeting  
**Date:** 4/25/2018

---

MEETING RECONVENED FROM THURSDAY, APRIL 19, 2018 AT 7:00 PM

---

I. DETERMINATIONS OF COMPLETENESS

A. Subdivision

The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision).

Planning Department Recommendation

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

B. Site Plan Review

The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Site Plan Review for a 92 unit, 4-story apartment building with a footprint of 18,430  $\pm$  s.f. and gross floor area of 92,150  $\pm$  s.f., consisting of parking on the lower level and 23 dwelling units on each of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> levels, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 154 as Lot 2 and lies within the Character District 4-West End (CD4-W) and West End Overlay District.

Planning Department Recommendation

*Vote to determine that the applications are complete according to the Site Plan Review Regulations and to accept the applications for consideration.*



---

## II. PUBLIC HEARINGS – OLD BUSINESS -- REZONING REQUEST

*The Board's action in these matters has been deemed to be legislative 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 of **Clipper Traders, LLC** for Zoning Change from Office Research (OR) and Transportation Corridor (TC) to Character District 4 West End (CD4-W) and Character District 4 Limited2 (CD4-L2), for property located at **105 Bartlett Street**, Tax Map 157, Lots 1 & 2; Tax Map 164, Lots 1, 2, 3 & 4 (also shown on Tax Maps 139 and 144).

Description

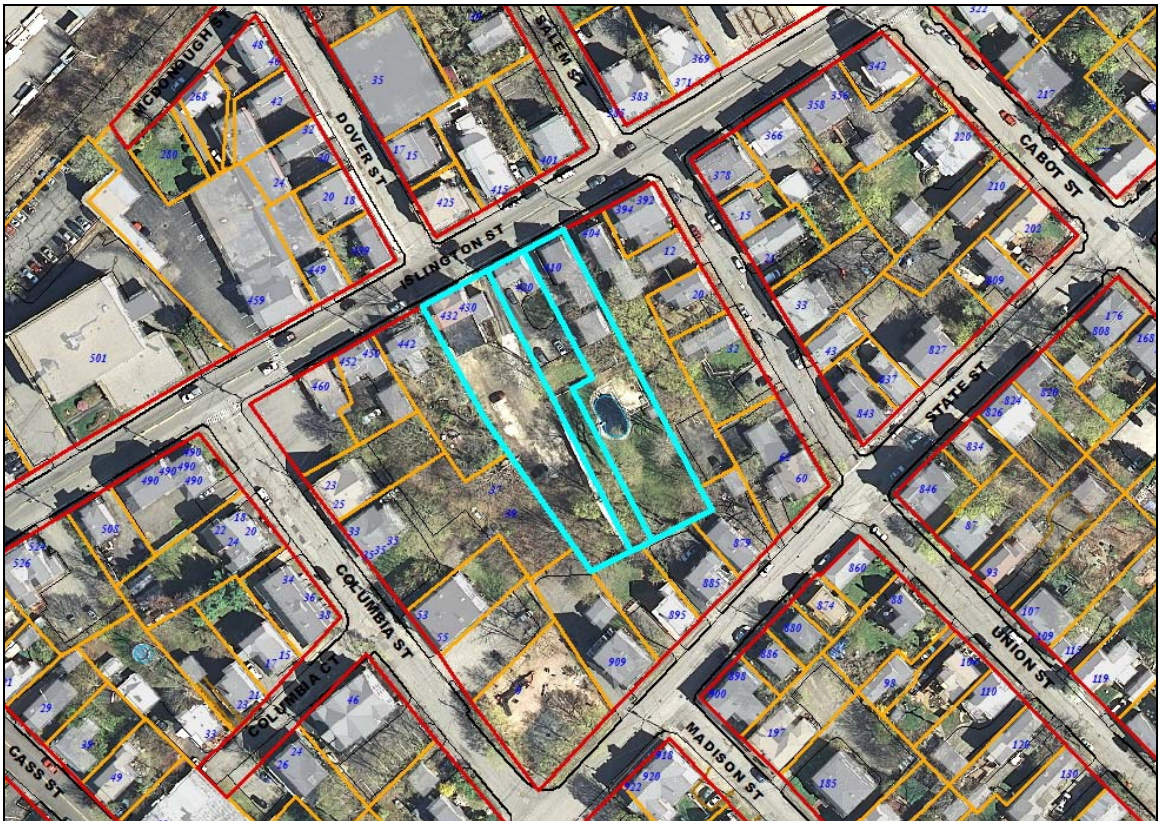
Please see separate memo from the Planning Director dated 04/16/2018.



### 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 application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review approval to remodel three existing buildings into 4 units (Building #1 with 1,315  $\pm$  s.f. footprint and 1,906 $\pm$  s.f. gross floor area, Building #2 with 999 $\pm$  s.f. footprint and 1,894 $\pm$  s.f. gross floor area, Building #3 with 1,964  $\pm$  s.f. footprint and 5,429  $\pm$  s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799 $\pm$  s.f. footprint and 4,375 $\pm$  s.f. gross floor area, Building #5 with 1,280  $\pm$  s.f. footprint and 2,752  $\pm$  s.f. gross floor area, Building #6 with 1,997  $\pm$  s.f. footprint and 5,054  $\pm$  s.f. gross floor area, Building #7 with 2,014  $\pm$  s.f. footprint and 4,725 $\pm$  s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-L2 (CD4-L2) and the Historic District. (This application was postponed at the March 15, 2018 Planning Board Meeting).



#### Description

The applicant proposes to remodel three existing buildings into 4 units and to construct three (3) duplex buildings and a single-family dwelling for 11 proposed units, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. The

Planning Board initially considered this application at the February 15, 2018 meeting, but voted to postpone to the March meeting due to outstanding questions regarding the drainage analysis.

Historic District Review

The Historic District Commission issued a Certificate of Approval at their January 3, 2018 meeting with stipulations.

Technical Advisory Committee Review

The TAC reviewed this application on January 30, 2018 and voted to recommend approval with the following stipulations, to be completed prior to Planning Board approval:

1. The plans shall reflect that the underground utilities coming from the pole in front of 404 Islington Street shall be run under the sidewalk, a minimum of 3.5' back from the face of the curb and sidewalk shall be repaved after installation.
2. Building numbers shall be included in the table on Sheet D6 outlining Gross Floor Area and building footprints.
3. Update Sheet C1 reference to C2 for Zoning requirements.
4. Plans shall indicate that water, sewer and drain lines are "private".
5. Size of Islington water main shall be specified for purposes of tie in. Add note to test pit the main to verify size.
6. Fire hydrant detail should not have a drain hole or any reference to plugging a drain hole, the crushed stone shall be removed from the detail, and detail shall include a thrust block behind the hydrant.
7. Detail S, Sheet C4 note to be revised to reflect the actual location of the project. A note shall be added that specifies the water main is to be bagged for protection and needs brass wedges in the joints for continuity per City standards.
8. Sewer manholes shall show solid brick shelves with watertight boot connections and must meet NH DES and City standards.
9. Add note that third party inspection shall be required on water main, sewer and drainage system construction and repairs to City streets.
10. References to doghouse drain manholes shall be removed from the plans.
11. The landscape plan shall be updated to reflect the method for protecting the existing shade trees intended to be preserved.
12. The snow removal note shall be updated to clarify that it will not be stored on City property.
13. A note shall be added to outline solid waste removal plans.
14. A revised drainage study shall be reviewed and approved by DPW prior to Planning Board review.
15. A revised vehicle turning template with suggested design changes incorporated shall be reviewed and approved by the Planning Department and DPW prior to Planning Board review.
16. The plans shall note that the three new duplexes shall have 13D sprinkler systems.
17. The sewer shall be replaced and manhole updated in the area along State Street fronting the proposed development as a condition of Site Plan Review approval. Plans shall note that improvements shall be done in coordination with DPW.
18. Draft water access easement shall be submitted prior to Planning Board review.

On February 6, 2018 and March 6, 2018 the applicant submitted revised plans addressing items 1-9, 11-13, and 16 above to the satisfaction of the Planning Department.

#### Planning Board Review

The Planning Board reviewed this application at the February 15, 2018 meeting and voted to postpone to the March and then April meeting to give the applicant an opportunity to submit a revised and updated drainage study for technical review and approval by City staff.

#### Staff Review

The applicant submitted revised plans and an updated Drainage Study on March 6, 2018 and subsequently met with DPW and Planning staff to discuss outstanding issues and comments on the Drainage Study. On April 6, 2018, the applicant submitted revised plans and an updated drainage study. The following comments were provided by staff on April 9, 2018 after a review of the latest revisions:

- The required revisions/corrections to the drainage report summary that were discussed at the staff meeting with the engineer were not made.
- Reference tables for the “Extreme Precipitation Rates” were not included in the report (the SCS charts were not removed).
- Infiltration credit (as discussed at the meeting) was not removed from the Hydrocad analysis/model.
- The design changes for the filtration basin discussed at the meeting were not made (i.e. lining the system, etc.)
- The proposed sediment fore bay is not acceptable.
- Doghouse manhole not allowed on drainage connection in State Street
- State St. pavement will need to be reclaimed and paved (curb to curb) in area where new sewer pipe is to be installed.
- Reservoir Course of the proposed pervious pavement must be minimum of 10 inches thick.

The applicant provided further drainage design revisions subsequent to the comments received on April 9<sup>th</sup> in response to the comments above, but also made changes to the plans that had not been discussed with City staff. The applicant then requested postponement to the April 26<sup>th</sup> Planning Board meeting and scheduled another meeting with staff to review the new revisions on April 18<sup>th</sup>. Based on input from the meeting, the applicant made another round of revisions that will be provided to the Planning Board at the April 26<sup>th</sup> meeting. The DPW staff has not yet had time to review these updated plans to confirm that they comply with the requested revisions. If the Board is comfortable with a conditional approval of this application prior to final sign off on the revisions from DPW staff, the Planning staff has provided a recommendation outlining the conditions of approval below. If the Planning Board is not comfortable with a conditional approval, then the Board should vote to postpone this application to the May 17, 2018 Board meeting.

Planning Department Recommendation

*Vote to grant Site Plan Review approval with the following stipulations:*

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

1. *The revised drainage study and updated plans submitted on April 19th shall be reviewed and approved by DPW.*
2. *The water maintenance access easement to the City shall be reviewed and approved by the Planning and Legal Department and approved by City Council.*
3. *The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
4. *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*

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

5. *A third party inspection shall be required on water main, sewer and drainage system construction and repairs to City streets.*
6. *The sewer shall be replaced and manhole updated in the area along State Street fronting the proposed development. Improvements shall be done in coordination with DPW.*



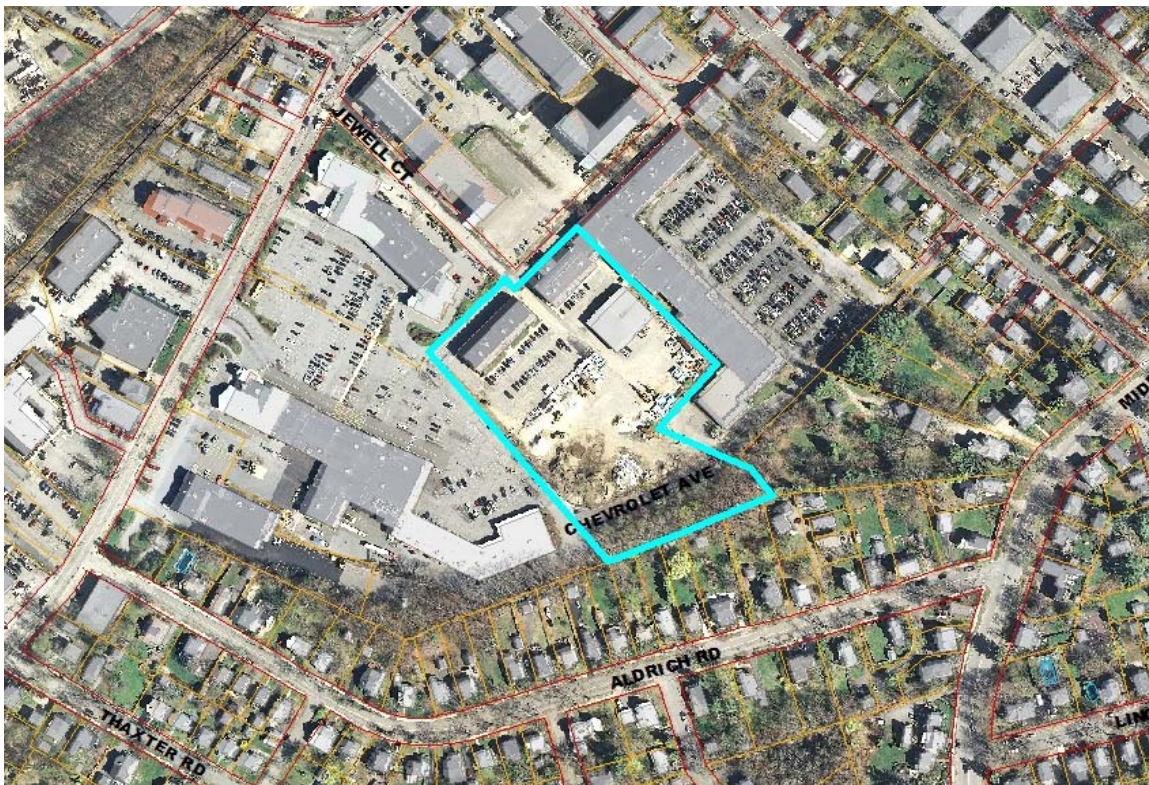
#### IV. PUBLIC HEARINGS – NEW BUSINESS

*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.*

***It is recommended that Item IVA and IVB be discussed together and voted on separately.***

***A motion is required to consider these two items together.***

- A. The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Site Plan Review for a 92 unit, 4-story apartment building with a footprint of 18,430  $\pm$  s.f. and gross floor area of 92,150  $\pm$  s.f., consisting of parking on the lower level and 23 dwelling units on each of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> levels, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 154 as Lot 2 and lies within the Character District 4-West End (CD4-W) and West End Overlay District.



##### Description

The proposal includes construction of a new 92-unit residential apartment building with covered and surface parking and associated site improvements, landscaping and utilities. The proposal includes a lot line relocation with the Malt House Exchange, which is the subject of Agenda item IVB.

Technical Advisory Committee Review

The TAC reviewed this application on April 3, 2018 and voted to recommend approval with stipulations.

*To be completed prior to Planning Board submission:*

1. Engineer shall update the drainage report to reflect that Extreme Precipitation Rates plus 15% were used.
2. Easements deeding public access to the community space shall be provided for review by the Planning Board. Community space easements shall be added to the easement plan.
3. The plan shall be revised to remove the metal wire specification in the sidewalk.
4. The rear entrance doors shown for 125 Brewery Lane shall be updated to reflect existing conditions.
5. Easements shall be provided for all new public utilities and easement plan shall be updated accordingly.
6. All proposed tree grates shall be shown on sheet C5.
7. Remove select landscaping at northeast side of 145 Brewery Ln building next to garage entrance to allow for access to fire department connection.
8. Revise proposed sidewalk on west side of Brewery Lane at Plaza 800 entrance to follow the existing curb line.
9. Add sidewalks with tip downs to both landscaped islands behind the existing 155 Brewery Lane building to connect to the sidewalks on either side of the driveway.
10. More clearly distinguish open space and community space on Sheet OC.
11. Add all-way signs to existing stop signs at Brewery Lane intersection with Plaza 800 and re-install as necessary to comply with MUTCD height and location requirements.
12. Provide signage details in plan set.
13. Add note to site plan regarding required NHDES approvals noted under conditions precedent.
14. Add more street trees along Plaza 800 side extending toward Brewery Ln.
15. CB1A under new Jewell Ct sidewalk shall be removed.
16. Provide profile and grading plan for resurfacing of Brewery Lane from Jewell Ct to Plaza 800.
17. PCB 1 on Chevrolet Ave shall be moved to a lower grade than sewer manhole, or otherwise adjusted to ensure it functions as proposed.
18. Applicant shall review the stormwater surface drainage from the parking lot at 95 Brewery Lane to avoid negatively impacting proposed landscaped areas.
19. Add generator to site plan.
20. Correct mis-labeled 12" to 12'.
21. Provide a note on the plan to be recorded that the Owner is responsible, in perpetuity, for the operation, inspection, maintenance, and reporting for the stormwater BMP's, and reference to the Inspection & Maintenance requirements included in the Drainage Report should be made.

*To be completed prior to building permit approval:*

22. The developer shall contact NHDES to review proposed impacts to the existing monitoring wells as a result of the proposed construction and secure a written decision/approval for the site plan as it relates to the monitoring wells. Developer

- shall be responsible for any relocation, adjustment, or abandonment of any of the wells as approved by the NHDES.
23. The developer shall provide an access easement to the City to continue to sample the monitoring wells.
  24. The developer shall coordinate with NHDES to secure any necessary approvals / permits for removal/disturbance of soil on the site within the Groundwater Management Zone and documentation of these approvals shall be provided to the City.
  25. The developer shall contribute \$20K for the construction of sidewalks on Chevrolet Ave to Cass St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.
  26. The developer shall contribute \$25K to improve the Bartlett St signal on Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.
  27. The developer shall provide final engineered plans and contribute \$60K for the construction of a sidewalk along Jewell Court from Brewery Lane to Islington St.
  28. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
  29. The applicant shall agree to pay for the services of a third party inspector, to be selected by the City, to inspect all on-site utility work.
  30. All easement plans and deeds shall be submitted for review and approval by the Legal and Planning Departments and approved, as needed, by the City Council.

*To be completed subsequent to building permit approval:*

31. Developer shall conduct on-site parking usage analysis (by a qualified consultant) prior to construction and within 1-year of full occupancy to be submitted to the Planning Department.
32. The developer shall work with the City to convert Chevrolet Ave to a city street.
33. Developer shall be responsible for resurfacing Brewery Lane between Jewell Ct and Plaza 800 parking lot.

On April 11, 2018, the applicant submitted revised plans addressing Technical Advisory Committee items 1-4, 6, 8-17, 19 & 21 above to the satisfaction of the Planning Department. The remaining items have been included in the Planning Department recommended stipulations below.

Planning Department Recommendation

*Vote to grant Site Plan Review approval with the following stipulations:*

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

1. Easements shall be provided for all new public utilities and easement plan shall be updated accordingly.
2. Landscaping shall be reviewed and approved by the Fire Department for access to Fire Department connections.
3. The applicant shall coordinate with DPW for review and approval of the stormwater surface drainage from the parking lot at 95 Brewery Lane to avoid negatively impacting proposed landscaped areas.

4. *The applicant shall correct the mis-labeled 12" to 12' on the site plan.*
5. *The developer shall contact NHDES to review proposed impacts to the existing monitoring wells as a result of the proposed construction and secure a written decision/approval for the site plan as it relates to the monitoring wells. Developer shall be responsible for any relocation, adjustment, or abandonment of any of the wells as approved by the NHDES.*
6. *The developer shall provide an access easement to the City to continue to sample the monitoring wells.*
7. *The developer shall coordinate with NHDES to secure any necessary approvals / permits for removal/disturbance of soil on the site within the Groundwater Management Zone and documentation of these approvals shall be provided to the City.*
8. *The developer shall contribute \$20K for the construction of sidewalks on Chevrolet Ave to Cass St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2021.*
9. *The developer shall contribute \$25K to improve the Bartlett St signal on Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.*
10. *The developer shall contribute \$60K for the construction of a sidewalk along Jewell Court from Brewery Lane to Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.*
11. *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
12. *The applicant shall agree to pay for the services of a third party inspector, to be selected by the City, to inspect all on-site utility work.*
13. *All easement plans and deeds shall be reviewed and approved by the Legal and Planning Departments and, as needed, by the City Council.*
14. *The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*Conditions Subsequent (to be completed after building permit approval):*

15. *Developer shall conduct on-site parking usage analysis (by a qualified consultant) prior to construction and within 1-year of full occupancy to be submitted to the Planning Department.*
16. *The developer shall work with the City to convert Chevrolet Ave to a city street.*
17. *Developer shall be responsible for resurfacing Brewery Lane between Jewell Ct and Plaza 800 parking lot.*
18. *The developer shall provide engineered plans for the Jewell Court sidewalks within 6 months of the Planning Board approval.*

#### IV. PUBLIC HEARINGS – NEW BUSINESS (cont.)

---

- B. The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) as follows:

1. Proposed lot #1 increasing from 179,032  $\pm$  s.f. to 179,160  $\pm$  s.f. , with no change in street frontage.
2. Proposed lot #2 decreasing from 206,319  $\pm$  s.f. to 206,191  $\pm$  s.f., with no change in street frontage.

Said properties are shown on Assessor Map 146 as Lot 27 and Assessor Map 154 as Lot 2 and are located in the CD4-W District and West End Overlay District.

##### Description

A lot line relocation is requested in conjunction with site plan review for the construction of a new 92-unit residential apartment building with covered parking and associated site improvements, landscaping and utilities.

##### Waiver Requests

The applicant requests a waiver from the Subdivision Regulations for the following:

- Section IV.6 – Preliminary Plat - entire area proposed to be subdivided.
- Section V.6 – Final Plat – Dimensions and areas of all lots to be subdivided.

##### Planning Department Recommendation

1. *Vote to find that granting of waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations: **[Note: An affirmative vote of six members of the Planning Board is required to grant a waiver.]***

- 1) *Section IV.6 – Preliminary Plat - entire area proposed to be subdivided.*
  - 2) *Section V.6 – Final Plat – Dimensions and areas of all lots to be subdivided*

2. *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 shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*



---

**V. CORRESPONDENCE**

1. Letter from Attorney John L. Ahlgren to Robert Sullivan, City Attorney, dated April 4, 2018, regarding Airbnb.

Description

Information only.