



---

**MEMORANDUM**

---

**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner 1  
**Subject:** Staff Recommendations for the May 17, 2018 Planning Board Meeting  
**Date:** 5/11/2018

---

**III. PUBLIC HEARINGS – REZONING REQUEST**

- 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). (This request was postponed from the April 26, 2018 Planning Board Meeting).

Description

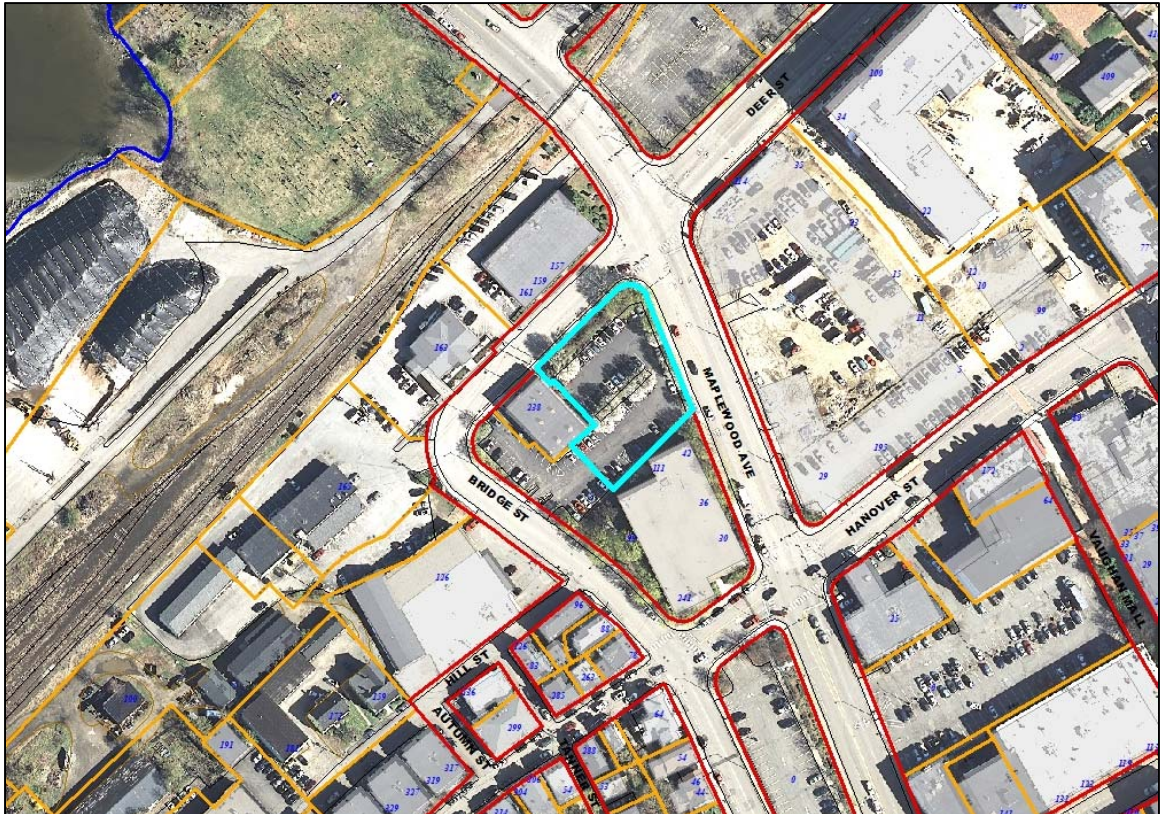
Please see separate memo from the Planning Director.



#### IV. PUBLIC HEARINGS – OLD BUSINESS

---

- A. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46–64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the April 19, 2018 Planning Board Meeting).



##### Description

The applicant proposes to construct a 5-story mixed-use building, including 22 dwelling units and ground floor retail, office and restaurant. Variances were granted by the Zoning Board of Adjustment on June 27, 2017 to allow one 8' x 19' parking space where 8.5' in width is required and to allow ten (10) stacked parking spaces.

##### Historic District Commission Review

The Historic District Commission approved the plans at their August 2, 2017 meeting with stipulations.

##### Technical Advisory Committee Review

The TAC reviewed this application on January 30, 2018 and voted to recommend approval with stipulations.

On March 7, 2018, the applicant submitted revised plans addressing a number of the TAC stipulations to the satisfaction of the Planning Department. The remaining items have been incorporated into the recommended stipulations below.

Planning Board Review

The Planning Board reviewed this application at the February 15, 2018 meeting and voted as follows: 1) to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration; 2) to postpone Site Plan approval, pending technical review of a revised and updated drainage study by City Staff, that reflects rainfall data based on the latest extreme precipitation tables from the Northeast Regional Climate Center (Cornell Study).

Staff Review

On March 7, 2018 the applicant submitted a revised Drainage Study for review and approval by DPW. After reviewing the drainage study and revised plans, staff provided additional comments to be addressed by the applicant. On April 11, 2018 the applicant submitted revised plans and an updated Drainage Study that addressed some of staff's comments. For the April 19, 2018 Planning Board meeting, staff recommended the following stipulations. Upon reviewing the Planning Department's recommendations, the applicant requested postponement in order to further discuss the stipulations. Staff has met with the applicant and is considering revising some of the stipulations based on that discussion. **Any updates to these recommendations will be provided at the 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. *Final electrical design, including sidewalk clearance where electrical conduit enters the building, shall be reviewed and approved by Eversource and confirmed with the Planning Department.*
2. *The applicant shall meet with DPW and Planning to confirm applicant's responsibilities for any required easements for electric service at 238 Deer St.*
3. *The following note shall be added to the site plan: "Foundation to be designed to be water tight at the basement level. Foundation design/construction shall minimize groundwater effects by using appropriate backfill and other methods under and around the foundation and, if necessary, by raising the elevation of the basement/foundation. A qualified geotechnical engineer shall evaluate the groundwater condition during excavation to determine any recommended adjustments. Any proposed permanent discharges into the City's stormwater system shall be quantified and shall result in no net increase in rate or volume of flow from existing conditions and shall require review and approval by DPW and a stormwater discharge permit as well as a site plan amendment."*
4. *The Silva Cell detail shall be approved by DPW.*
5. *Sheet C5-Note 6 shall be revised to indicate that grease trap inspections shall occur not less than two times per year.*

6. *The applicant shall provide fair share contributions for additional off-site improvements as follows: 1) half the estimated costs of the pavement and overlay of portions of Deer Street and Bridge Street (\$47,812); 2) a fair share allocation of the Russell Street intersection improvements (\$5,000); 3) a fair share allocation to the cost of the Downtown Circulation Study (\$7,000); and a fair share allocation of the water main replacement on Deer Street (\$52,000).*
7. *The easement deed for the pedestrian easements shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.*
8. *The required licenses for permanent improvements in the City right-of-way shall be reviewed and approved by the Planning and Legal Departments and approved by City Council.*
9. *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of site improvements within the public rights-of-way.*
10. *The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
11. *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*

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

1. *The contractor shall provide shop drawings for all improvements in the ROW for approval by DPW prior to construction.*
2. *A sewer discharge permit is required and should be sent to the City Engineer for review and signature.*
3. *A third party inspection shall be required on all constructed off-site improvements.*



#### IV. PUBLIC HEARINGS – OLD BUSINESS

---

- B.** 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. (This application was postponed at the April 19, 2018 Planning Board Meeting).

Description

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

Planning Department Recommendation

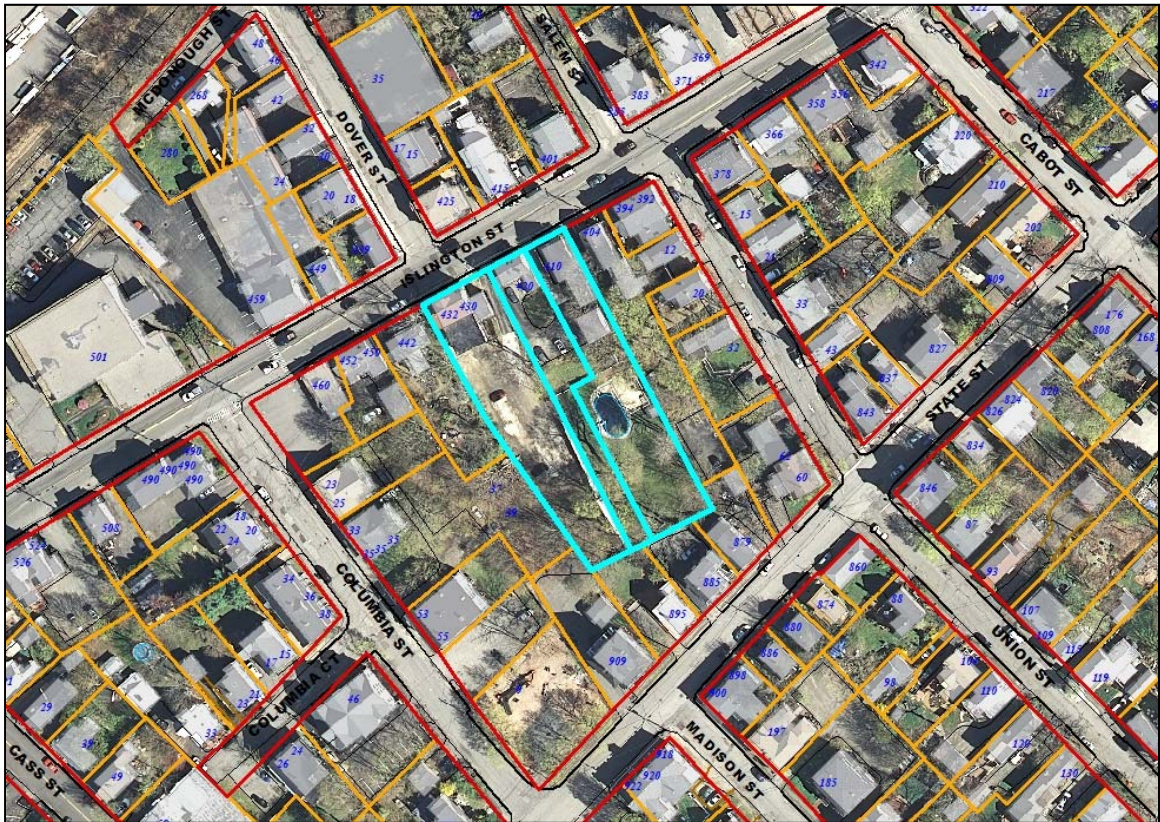
*Vote to postpone this application to the June 21, 2018 Planning Board meeting.*





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

- C. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± 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-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the April 26, 2018 Planning Board Meetings).



#### 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, April and again to the May 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>. Since the April meeting the applicant has been working with staff to update the drainage design and has entered into a third party agreement for peer review. An update on the comments received from this review will be provided at the meeting.



**V. PUBLIC HEARINGS – NEW BUSINESS**

- A. The application of **Christopher and Tracy Kozak, Owners**, for property located at **28 Walden Street**, requesting Conditional Use Permit approval to create a one-story, one room garden cottage in an existing building, with 371 s.f. of gross floor area and a footprint of 410 s.f., with associated paving, lighting, and utilities. Said property is shown on Assessor Map 101 as Lot 19 and lies within the General Residence B (GRB) District and the Historic District.

Description

The applicant requests a conditional use permit to convert an existing accessory structure on the property to a garden cottage. Different from an Accessory Dwelling Unit, a Garden Cottage that complies with the standards of Section 10.815 is otherwise exempt from the residential density standards of the Zoning Ordinance (e.g. minimum lot area per dwelling unit).

Under the recently amended off-street parking requirements, the garden cottage and principal dwelling are required to provide 2 off-street parking spaces. The property has room for three parking spaces in the driveway.

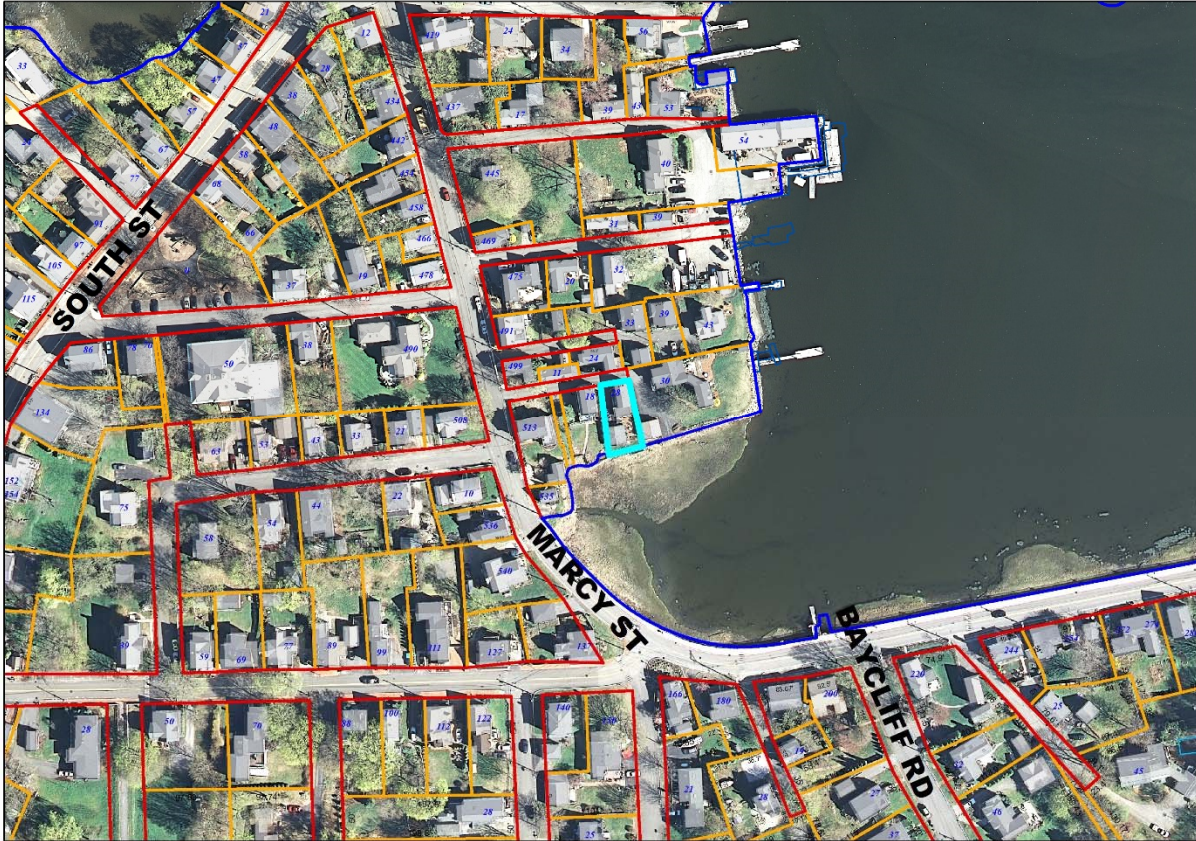
The Ordinance requires that a Garden Cottage comply with the following standards (Section 10.815.30).

Required Standard	Planning Department Comments
The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.	The applicants do not propose to modify the building vertically or horizontally.
The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property.	The applicant indicates that the principal and garden cottage will remain under common ownership and be occupied by the owner of the property.
The garden cottage shall not be larger than 600 sq. ft. gross floor area.	The gross floor area of the proposed garden cottage is 371 sq.ft.
A garden cottage that is within the required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.	The garden cottage is located within the rear yard setback for the zoning district. The applicant is requesting that the Planning Board grant a modification to this requirement to permit them to retain the existing window higher than 8 feet on this side, as it faces the waterfront and not adjacent residential property.

In order to grant a conditional use permit for a Garden Cottage, the Planning Board must first make the following findings (Sec. 10.815.40):

<b>Required Findings</b>	<b>Planning Department Comments</b>
1. Exterior design of the Garden Cottage is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.	The applicant is not proposing to change the exterior of the existing building substantially in a way that would change the existing architectural character.
2. The site plan provides adequate open space and landscaping that is useful for both the Garden Cottage and the primary dwelling.	Both the primary dwelling and the garden cottage will have access to usable open space. No additional landscaping has been proposed.
3. The Garden Cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.	The applicant is not proposing to change the exterior of the existing building substantially in a way that would change the existing character. The privacy of adjacent properties should not be impacted significantly.
4. The Garden Cottage will not result in excessive noise, traffic or parking congestion.	The addition of the Garden Cottage is not anticipated to result in a significant increase in traffic for this residential neighborhood and the off-street parking appears to be sufficient. The proposed conversion of an existing accessory structure without any expansion to the footprint is not anticipated to have a significant impact on noise levels.

*Aerial photo showing the relationship of the lot to surrounding lots and buildings:*



Planning Department Recommendation

1. Vote to find that the application satisfies the requirements of 10.815.40.
2. Vote to grant the conditional use permit as presented, with the following stipulation:
  1. *In accordance with Sec. 10.815.50 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.*

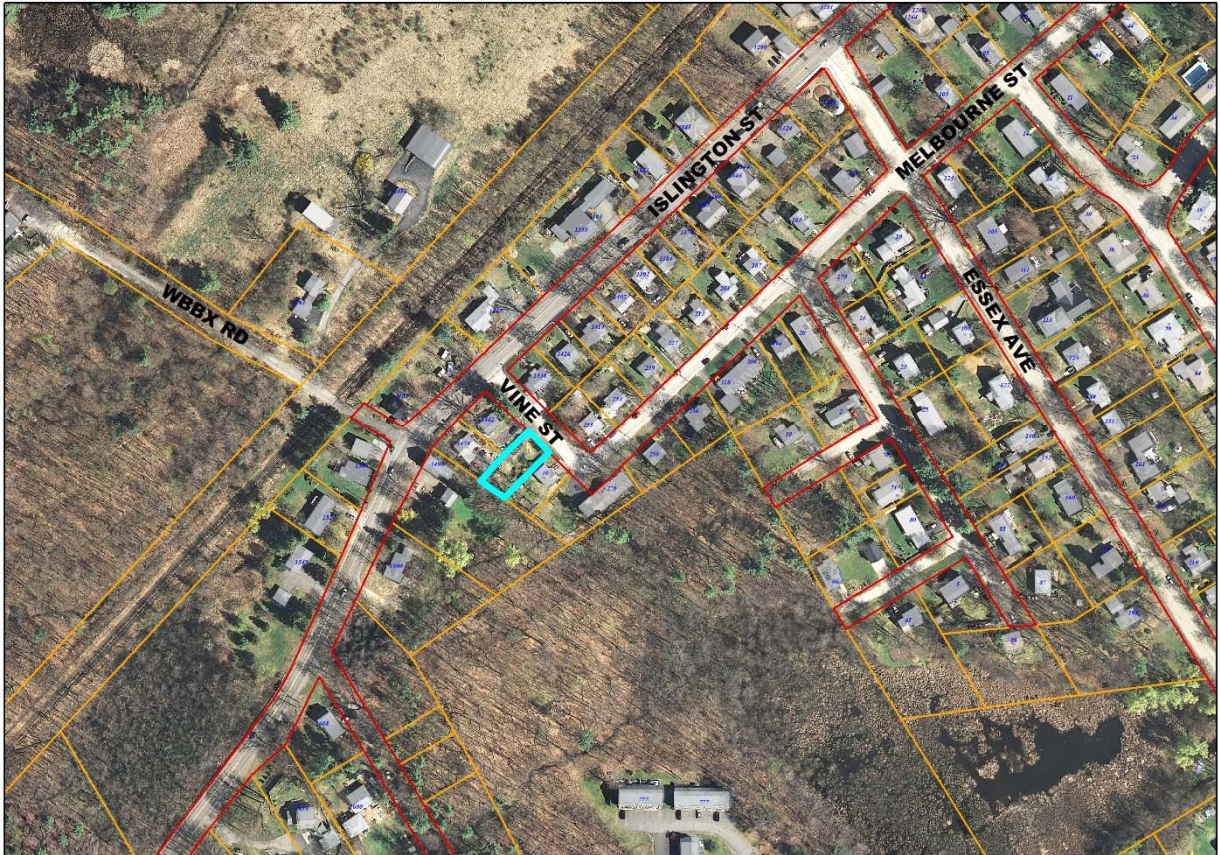




## V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

---

- B.** The application of **Mark C. Therrien, Owner**, for property located at **6 Vine Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 12' x 16' deck where a 10' x 16' patio was approved as part of a previous approval by the Planning Board on March 19, 2015, with 192 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 233 as Lot 107 and lies within the Single Residence B (SRB) District.



### Description

The applicant has submitted an application to construct a deck where a patio had previously been approved. The size of the new deck is slightly larger and slightly further from the wetland area. Given this is a deck rather than a patio, this should result in no increase of impact to the buffer or an overall reduction in buffer impacts.

### 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.* This modification is suited to the proposed area.

*2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed deck is located at the rear of the home which is the most appropriate location for a deck on this site.

*3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed deck will result in better infiltration of water so should not adversely affect the wetland buffer in this location.

*4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The only vegetation impact is to a lawn area where the deck is proposed.

*5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The overall result of the project will be an increased opportunity for stormwater infiltration under the deck.

*6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The prior conditional use permit application for this site included plantings in the wetland buffer.

The Commission reviewed this application at the May 9, 2018 meeting and voted unanimously to recommend approval of the Conditional Use Permit with no stipulations.

<p><u>Planning Department Recommendation</u></p>
--------------------------------------------------

<p><i>Vote to grant approval of the conditional use permit.</i></p>
---------------------------------------------------------------------

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

---

- C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,840 ± s.f. single family home with associated garage, septic system and driveway, with 14,022 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District.



### Description

The applicant is proposing to construct a new home, barn, driveway, septic system rain garden and associated grading almost completely within the 100 foot wetland buffer. The Planning Board reviewed a previous application for this property at the February 15, 2018 meeting and voted to deny the application. Key concerns expressed were the size of the impact (including the size of the building and the length of the driveway) and the fact that this is an existing un-impacted and undeveloped area.

### Conservation Commission Review

The applicant recently submitted a new application for this site. A meeting was held with the applicant's engineer prior to submission of this application at the request of the

applicant's engineer. At this meeting staff let the applicant know that it was staff's opinion that concerns with the prior application had to do with the scale of the house, the location of the house and the inclusion of a two car garage in the application. Staff stated that an application with no garage, a small footprint where a three story home with parking under and a location as close to the road as possible would be a desirable approach to developing this challenging lot. Given the design presented some but not all of the input provided by staff was included in the new design presented.

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 site is a very challenging site in the buffer of two vernal pools on one side and an scrub/shrub & emergent freshwater wetland on the other. While the site is vacant it is a challenging site to develop because there is very little land outside of the wetland buffer. The applicant has provided several designs this being the third attempt to design the project. Staff's recommendation was to reduce the footprint further and suggested removing the garage in favor of parking under the structure and a taller structure or a two story home with a smaller living space. While there was substantial reduction in site and structure impacts this is not the design presented.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given the configuration of this lot there is no opportunity to develop this site without some impact to the wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* This project is proposed in an undeveloped natural area within the buffer of two wetland areas. The proposed design of the home and the gravel driveway could create an impact on the wildlife use of the vernal pools and the lower emergent vegetation. If every effort is made to reduce the footprint of the project and the project is moved closer to the road adverse impacts could be avoided with careful site management in construction and future site management.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The applicant has been sensitive to the wooded nature of the site and has worked to reduce the amount of tree removal necessary to achieve the project goals.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* While this application has reduced impacts from previous applications staff has recommended an approach that has less impact than that proposed application. This is not that approach presented but with some design adjustment this project could be developed with a smaller overall footprint.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has taken steps to reduce the impacts and no site developed is proposed in the vegetated buffer strip.

The Commission reviewed this application at the May 9, 2018 meeting and voted unanimously **against** a motion to recommend approval of the Conditional Use Permit. Some of the key concerns expressed by the Commission were that the impacts were too great in the wetland buffer, the size of the development was too large, and the value of the habitat was too high to allow the impact.

Planning Department Recommendation:

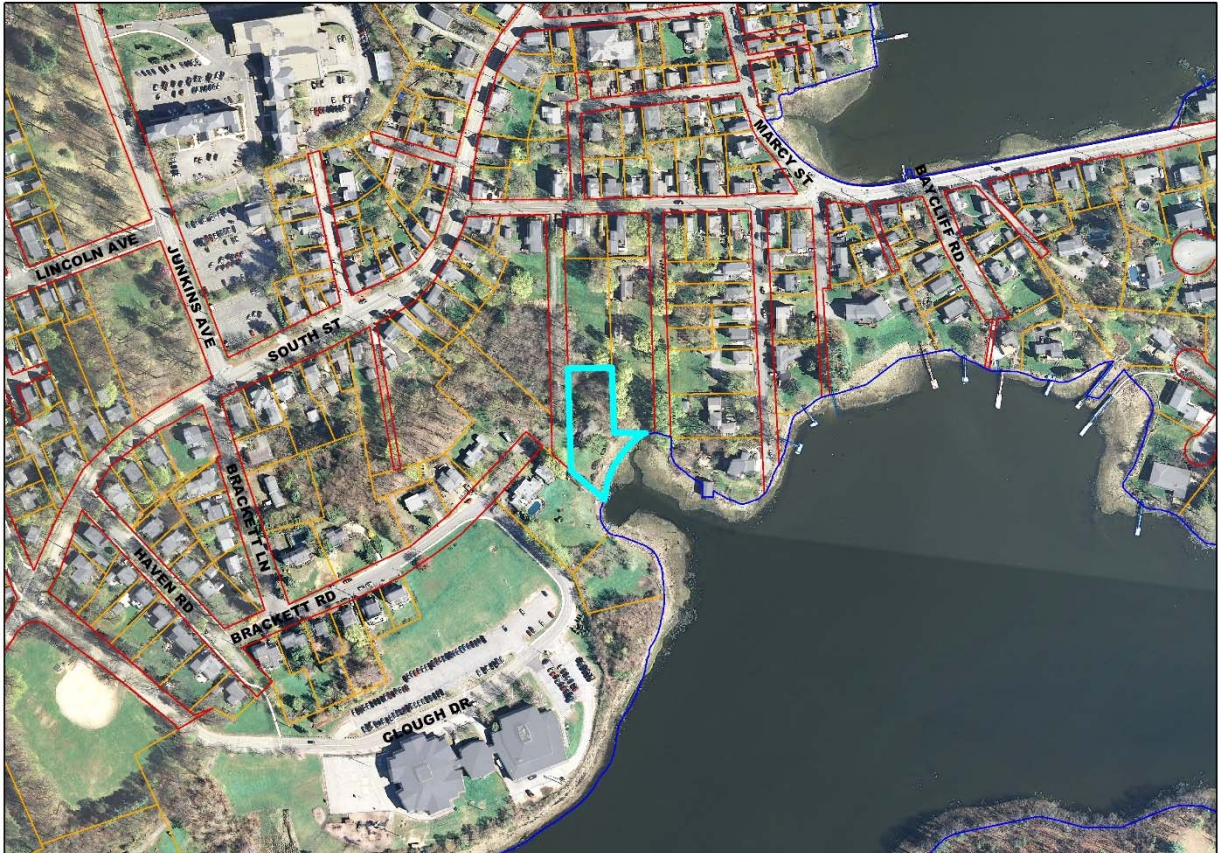
*For the purposes of denial, it is general practice for the Planning Board to consider a motion to grant, hold discussion on the motion and the reasons not to grant, and then vote against the motion rather than voting directly on a motion to deny.*



**V. PUBLIC HEARINGS – NEW BUSINESS (Cont.)**

---

- D. The application of **Daniel and Shea N. Cook, Owners**, for property located at **150 Brackett Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to replace an existing 570 ± s.f. deck with a proposed 892 ± s.f. deck and conversion of 443 ± s.f. of asphalt to porous pavement, with 1,996 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 207 as Lot 72 and lies within the Single Residence B (SRB) District.



Description

The applicant has submitted an application to remove an existing deck and replace it with a slightly larger deck in the same location. The project also proposes to replace an existing paved driveway with a porous pavement driveway. Overall the removal of the impervious surface results in a net reduction in impervious surface on the site.

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.* Given there is a deck in the buffer zone currently the land is reasonably suited to the activity.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The existing deck is being replaced in its current location, which is the most feasible site given the configuration of the property.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The deck is located in a sensitive tidal buffer zone. It is important that erosion control measures are in place to protect the tidal resource. Given the replacement of the existing pavement with porous pavement the project should result in a net improvement to the resource area if care is taken during construction to avoid temporary construction impacts.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no impact proposed to the vegetation on the site.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The overall result of the project will be a net reduction in impervious surface in the tidal buffer zone.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing a project with a net reduction in impervious surface.

The Commission reviewed this application at the May 9, 2018 meeting and voted unanimously to recommend approval of the Conditional Use Permit, with the following stipulations:

- 1) The language regarding maintenance of the stone drip edge be amended to include more detail such that it will be maintained when water is ponding or there is other evidence that the stone drip edge is not functioning to drain water from the area.
- 2) That the City's regulations on fertilizer and pesticides be added to the conditional use plan
- 3) The Commission recommended the applicant consider adding additional plantings to the tidal wetland buffer to help improve wetland buffer function
- 4) That Commission recommended that the applicant use a certified organic landscaping practices in maintaining their yard.



Planning Department Recommendation:

*Vote to grant approval of the conditional use permit with the following stipulations:*

- 1) The language regarding maintenance of the stone drip edge be amended to include more detail such that it will be maintained when water is ponding or there is other evidence that the stone drip edge is not functioning to drain water from the area.
- 2) The City's regulations on fertilizer and pesticides shall be added to the conditional use plan.
- 3) The applicant shall consider adding additional plantings to the tidal wetland buffer to help improve wetland buffer function
- 4) The applicant shall add a note that certified organic landscaping practices will be used in maintaining the yard.



## VI. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

---

The Subdivision Rules and Regulations and Site Plan Review Regulations provide two options for “pre-application review” as authorized by RSA 676:4,II: “preliminary conceptual consultation” and “design review”. For many projects, preliminary conceptual consultation is at the option of the applicant. However, in September 2016 the Subdivision Regulations were amended to require preliminary conceptual consultation for any application that includes the subdivision of more than 5 acres of land or the creation of more than 5 lots. The Site Plan Review Regulations were similarly amended to require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the statute as follows:

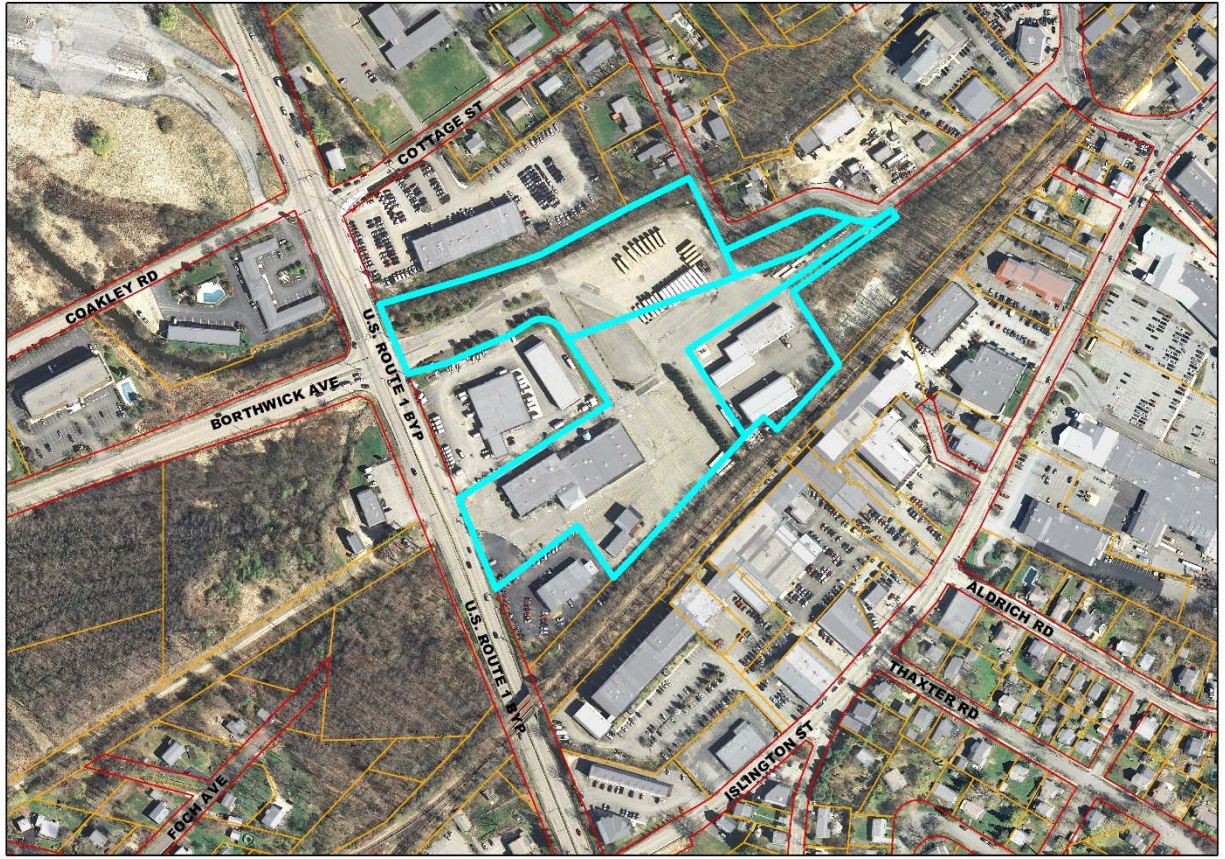
*[Preliminary conceptual consultation ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements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

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application.

In *The Planning Board in New Hampshire: A Handbook for Local Officials*, the NH Office of Energy and Planning stresses the importance of limiting the discussion to concepts: *New Hampshire statutes place great emphasis on the obligation of the planning board to provide notice to the abutters and the public of any substantive discussions on specific development proposals. Neither the applicant nor the planning board may go beyond the general and conceptual limits and begin discussing the design or engineering details of a proposal until the abutters and general public have been notified. This must occur either prior to the design review phase of the pre-application review or when a completed application has been filed.*

Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage.

- A. The application of **Torrington Properties, Inc. and Waterstone Properties Group, Inc., Applicants**, for property located at **428 Route 1 By-Pass**, requesting Preliminary Conceptual Consultation review for a mixed use development.



Description

The proposal includes four separate parcels of real estate, over 30,000 sq.ft. of gross floor area, the creation of 20 or more dwelling units and the construction of more than one principal structure on a lot.

- B. The application of **Connect Community Church**, for property located at **200 Chase Drive**, requesting Preliminary Conceptual Consultation review for a multi-unit residential building.



Description

The proposal includes the creation of 20 or more dwelling units.