



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the February 21, 2019 Planning Board Meeting
Date: 02/15/19

II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of Service Credit Union, Owner, for property located at 3003 Lafayette Road, requesting Subdivision approval.

Planning Department Recommendation

Vote to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

- A. The application of **Clipper Traders, LLC, Owner**, for property located at **105 Bartlett Street, Portsmouth Lumber and Hardware, LLC, Owner**, for property located at **105 Bartlett Street**, and **Boston and Maine Corporation, Owner**, for railroad property located between **Bartlett Street and Maplewood Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for proposed roadway improvements to include-configuration of parking, construction of parking islands, re-grading and installation of curbing to direct stormwater; utility improvements; drainage improvement and treatment including separation of stormwater from sewer, parking improvements and removal of two dilapidated structures, with 37,733 \pm s.f. of impact to the tidal wetland buffer. Said properties are shown on Assessors Map 157 as Lots 1 & 2 and Assessors Map 164 as Lots 1, 2, 3, and 4 and are located within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Zoning Districts. (This application was postponed at the December 20, 2018 and January 17, 2019 Planning Board Meetings).

Description

The applicant has requested to withdraw the application.

Planning Department Recommendation

Vote to accept the withdrawal of this application.

III. PUBLIC HEARINGS – OLD BUSINESS (cont.)

- B. The application of **Thomas and Ann Taylor, Owners**, for property located at **43 Whidden Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to install permeable pavers for two parking spaces and plantings, with 400 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 109, as Lot 2 and lies within the General Residence B (GRB) and Historic District. (This application was postponed at the November 15, 2018 Planning Board Meeting).

Description

The applicant has requested to postpone the application to the March 21, 2019 Planning Board Meeting.

Planning Department Recommendation

Vote to postpone the application to the March 21, 2019 Planning Board Meeting.

III. PUBLIC HEARINGS – OLD BUSINESS (cont.)

- C. The application of **Patrick Liam Hughes, Owner**, for property located at **65 Fields Road**, requesting Conditional Use Permit approval pursuant to Section 10.814.40 of the Zoning Ordinance to construct an attached accessory dwelling unit (AADU) in an existing residential structure, with a footprint of 760 s.f. and a gross floor area of 760 s.f. Said property is shown on Assessor Map 170 as Lot 4 and lies within the Single Residence B (SRB) District.

Description

The applicant requests a conditional use permit to create an attached accessory dwelling unit (AADU) in an existing residential structure.

Because the resulting unit will be an attached accessory dwelling unit (AADU), the provisions of Sec. 10.814.40 apply.

Section 10.521 Dimensional Requirements

	Required	Provided / Proposed
Min. lot area (sf)	15,000	7,405.20
Lot area / dw unit (sf)*	15,000	7,405.20
Street frontage (ft)	100	144.35
Lot depth (ft)	100	149.43
Primary front yard (ft)	22'+/-	25.3'
Secondary front yard	22'+/-	17.1'
Right side yard (ft)	10	13.5'
Rear yard (ft)	30	16.9'
Height (ft)	35	<35'
Bldg coverage (%) max.	20%	23%
Open Space (%) min.	40%	70.67%
Parking (#)	3	3

* For an attached accessory dwelling unit, the lot area per dwelling unit requirement only applies to the principal single family use.

The applicant was granted relief from the Zoning Board of Adjustment at their November 20, 2018 meeting to approve existing nonconformities of the lot in order to become eligible for an attached accessory dwelling unit. The following variances and/or special exceptions were granted:

- a) a lot area of 7,405.2+/- s.f. where 15,000 is the minimum required;
- b) a 16.9'+/- rear yard where 30' is required;
- c) a secondary front yard of 17'+/- where 30' is required; and
- d) building coverage of 23+/- % where 20% is the maximum allowed.

In addition to the dimensional requirements of Section 10.521 above, the Ordinance requires that an AADU comply with the following standards (Section 10.814.30 and 10.814.40).

Required Standard	Planning Department Comments
The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership.	The applicant has indicated compliance with this requirement, verification will be required in order for a certificate of use to be issued.
Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling.	The applicant has indicated compliance with this requirement, verification will be required in order for a certificate of use to be issued.
Neither the principal dwelling nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.	The applicant has indicated compliance with this requirement.
An interior door shall be provided between the principal dwelling unit and the ADU.	An interior door is being provided.
The ADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.	The ADU is proposed for an existing 760 s.f. portion of the structure. The applicant is requesting a waiver for this requirement.
Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling.	The applicant is not proposing any modifications to the exterior of the residence.

In order to grant a conditional use permit for an ADU, the Planning Board must first make the following findings (Sec. 10.814.60):

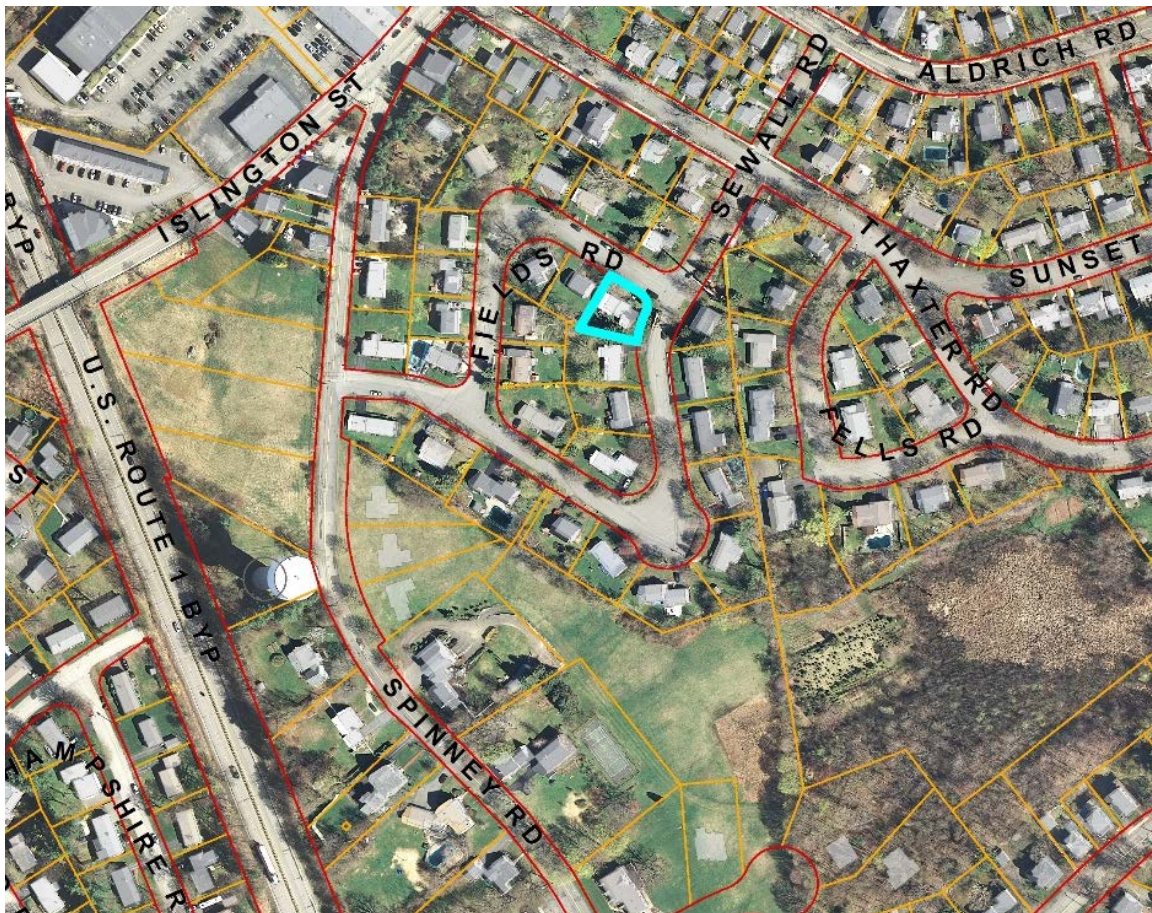
Required Findings	Planning Department Comments
1. Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.	The applicant is not proposing to modify the exterior of the existing residence and the proposed AADU will be located in an existing portion of the structure.
2. The site plan provides adequate open space and landscaping that is useful for both the ADU and the primary dwelling.	Both the primary dwelling and the AADU will have access to usable open space and the existing landscaping on the property will not be altered.
3. The ADU 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 residence is not proposed to be modified. It should not be incompatible with adjacent properties, nor have a significant impact on the privacy of adjacent properties.
4. The ADU will not result in excessive noise, traffic or parking congestion.	The applicant is providing 3 parking spaces and is seeking a waiver for required parking space dimensions. The location of this unit in an established residential neighborhood is unlikely to create a noticeable change in traffic.

Request for Modifications

The applicant requests modifications pursuant to Section 10.814.80 of the Zoning Ordinance as it pertains to:

- 1) Section 10.814.42 of the Zoning Ordinance – for approval of an AADU of 760 s.f. of gross floor area where 750 s.f. is the maximum allowed.
- 2) To allow 3 parking spaces that do not comply with the dimensional requirements of Section 10.1114.21 of the Ordinance. Specifically, while three parking spaces can be provided, they will be 8.5' X 15' instead of 8.5' X 19' and therefore will protrude a few feet into the public right-of-way, but not into the street.

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



Planning Department Recommendation

1. *Vote to grant a modification from the following sections:*
 - 1.1) *Section 10.814.42 of the Zoning Ordinance – for approval of an AADU of 760 s.f. of gross floor area where 750 s.f. is the maximum allowed.*
 - 1.2) *To allow 3 parking spaces that do not comply with the dimensional requirements of Section 10.1114.21 of the Ordinance.*
2. *Vote to find that the application satisfies the remaining requirements of 10.815.40.*
3. *Vote to grant the conditional use permit as presented, with the following stipulations:*
 - 3.1) *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.*
 - 3.2) *The conditional use permit shall expire unless the initial certificate of use is obtained within one year from the date granted. The Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.*
 - 3.3) *Documentation of the conditional use permit shall be recorded at the Rockingham County Registry of Deeds once the certificate of use has been issued.*

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **The Vaughn Family Revocable Trust, Owner, Steven Riker, Applicant**, for property located at **50 Pleasant Point Drive**, requesting a Wetland Conditional Use Permit pursuant to Section 10.1017 of the Zoning Ordinance for 1,096 square feet of temporary impact and 641 square feet of permanent impact for a total of 1,737 square feet of wetland buffer disturbance for construction of an attached garage with associated site improvements. Said property is shown on Assessor Map 201 as Lot 11 and lies within the Single Residential B (SRB) District.

Description

This application for improvements on the residential lot including construction of an attached garage, construction of a breezeway, remodel of the existing home, relocation of the driveway a deck addition and associated landscaping.

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 overall project proposes a net reduction in impervious surface in the 100' tidal buffer zone and includes a wetland buffer planting plan which should enhance the function of the wetland buffer.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The existing home is completely within the wetland buffer and there is not sufficient room on the lot to relocate all the impacts outside of the wetland buffer. The proposed location of the new garage and other improvements have been developed to reduce the impacts to the 100' wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project represents a reduction in impervious surface and should result in a slightly enhanced wetland buffer on the site due to the new buffer plantings in the shoreline area. It is not clear on the plan how the tidal buffer plantings will be installed. Will there be erosion control measures needed for this work? Given its close proximity to the saltmarsh edge care should be taken to reduce any impacts to this area.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The design does not call for the removal a natural buffer area but the application does propose the removal of three trees due to the proximity to the existing house and proposed garage.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this proposal has taken a number of positive steps to reduce impervious surface on the site and improve buffer function through new plantings and the proposal is an effort to reduce adverse impacts making this a less impacting alternative.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal includes a buffer plating area of 567 square feet in an area which is currently lawn.

The Conservation Commission reviewed this application at the February 13, 2019 meeting and voted unanimously to recommend approval with the following stipulation:

1. Provide a gutter along the roofline of the second floor with a downspout to the pea stone covered patio, or other infiltration area.

Planning Department Recommendation

1. *Vote to grant the wetland conditional use permit with the following stipulation:*
 - 1.1) *Provide a gutter along the roofline of the second floor with a downspout to the pea stone covered patio, or other infiltration area.*

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. The application of **The Neil A. Fitzgerald Family Trust, Owner, R. Timothy Phoenix, Applicant**, for property located at **226 Park Street**, requesting Conditional Use Permit approval pursuant to Section 10.814.50 of the Zoning Ordinance to construct a new detached garage containing a detached accessory dwelling unit (DADU) with a gross floor area of 410 square feet. Said property is shown on Assessor Map 149 as Lot 50 and lies within the General Residence A (GRA) District.

Description

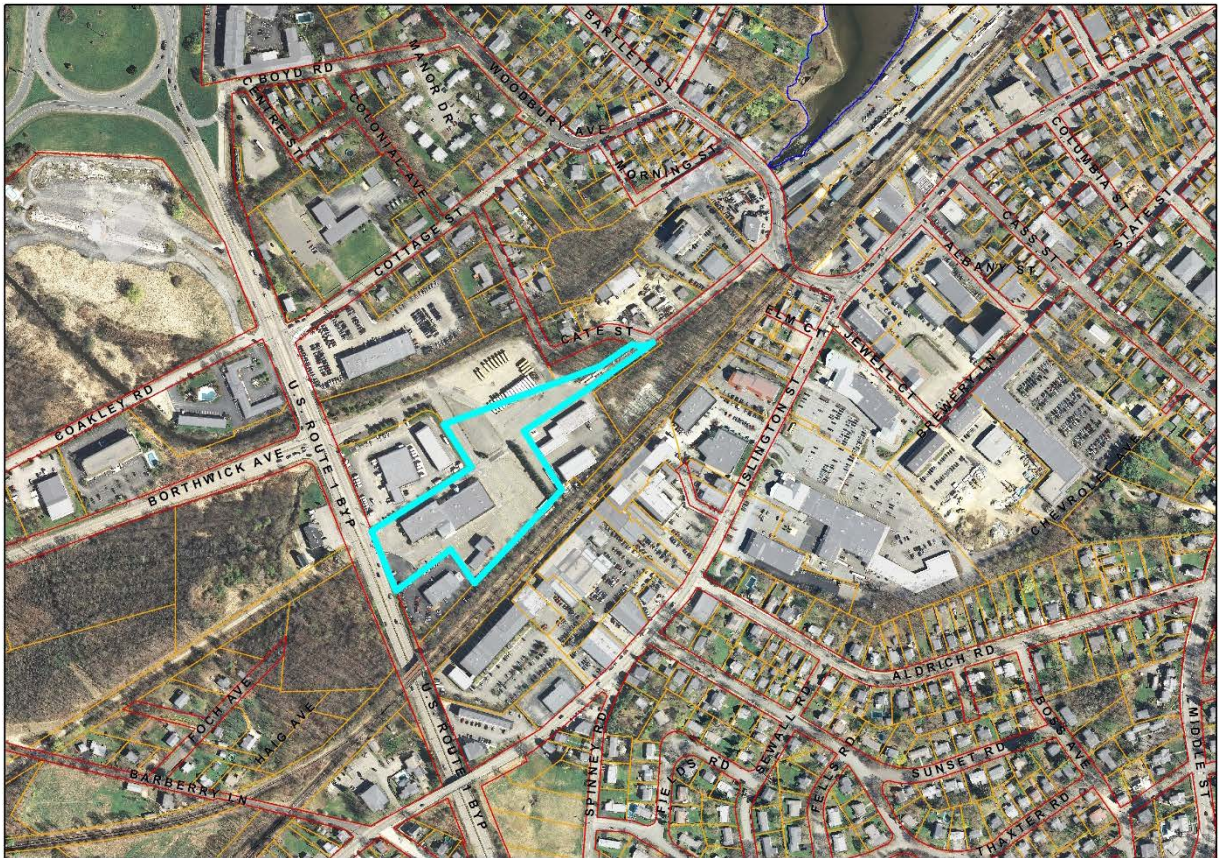
The applicant has requested to withdraw the application.

Planning Department Recommendation

Vote to accept the withdrawal of this application.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. The application of **Cate Street Development, Owner & Applicant**, for property located at **428 Route 1 Bypass**, requesting Wetland Conditional Use Permit pursuant to Section 10.1017 of the Zoning Ordinance for 19,567 square feet of temporary impacts and 50,225 square feet of permanent impacts for a total of 69,792 square feet of wetland buffer disturbance to redevelop the lots for residential living space including office and retail space. Said property is shown on Assessor Map 172 as Lot 1, Assessor Map 173 as Lot 2, Assessor Map 165 as Lot 2 and Assessor Map 163 as Lots 33 & 34 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.



Description

The applicant has requested to postpone the application to the March 21, 2019 Planning Board Meeting.

Planning Department Recommendation

Vote to postpone the application to the March 21, 2019 Planning Board Meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The application of **Service Credit Union, Owner and City of Portsmouth, Applicant**, for property located at **3003 Lafayette Road**, requesting Preliminary and Final Subdivision Approval between two lots and a proposed new right-of-way as follows: Lot 1 as shown on Assessor Map 291 decreasing in area from 764,798 s.f. to 627,374 s.f. with 570' of continuous street frontage on Lafayette Road; and Lot 1-1 as shown on Assessor Map 291 decreasing in area from 1,179,324 s.f. to 1,163,825 s.f. with 980' of continuous street frontage on Lang Road; and Proposed Lot 1-2 on Assessor Map 291 with 74,148 s.f. and 294.83' of continuous street frontage on a proposed new right-of-way connecting Longmeadow Road and Lang Road with an area of 78,775 s.f. Said properties are located in the Gateway Corridor (G1) District and the Garden Apartment/Mobile Home Park (GA/MH) District.



Description

The proposed project includes the construction of 2,000-foot roadway that connects Land Road to Longmeadow Road. This extension of Longmeadow Road will be built to facilitate traffic movement from Lang Road to Longmeadow Road to improve safety and traffic flow at the Lang Road / Lafayette Road intersection. The proposed alignment requires a subdivision and lot line adjustment for the creation of a new city right-of-way and a new lot identified as Tax Map 291, Lot 1-2, which is the location of an existing

stormwater wetland used for treatment of the existing Service Credit Union site and a portion of the proposed roadway.

Technical Advisory Committee Review

The TAC reviewed this application at the February 5, 2019 meeting and voted to recommend approval with the following stipulation to be completed prior to Planning Board review:

1. Applicant to consider feasibility of moving the fire hydrant to the other side of the road.

On February 12, 2019 the applicant submitted revised plans addressing the stipulation above to the satisfaction of the Planning Department.

Planning Department Recommendation

Vote to grant 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.*