



---

**MEMORANDUM**

---

**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner 1  
**Subject:** Staff Recommendations for the November 21, 2019 Planning Board Meeting  
**Date:** 11/14/19 rev 11/19/19

---

**III. DETERMINATIONS OF COMPLETENESS**

**1. SITE PLAN REVIEW**

- A. The application of the Roman Catholic Bishop of Manchester, Owner, for property located at 98 Summer Street requesting Site Plan Review approval.
- B. The application of Francis Delbene and Gwyn Burdell, Owners, for property located at 32 Union Street requesting Site Plan Review.

Planning Department Recommendation

*Vote to determine that the applications are complete according to the Site Plan Review Regulations contingent on the granting of any required waivers under Section VI of the agenda and to accept the applications for consideration.*

**2. SUBDIVISION REVIEW**

- A. The application of the **Weeks Realty Trust, and Carter Chad, Owners** and **Tuck Realty Corporation, Applicant** for property located at **3110 Lafayette Road** requesting Preliminary and Final Subdivision approval (Lot Consolidation and Lot Line Revision).

Planning Department Recommendation

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



---

**IV. PUBLIC HEARINGS – OLD BUSINESS**

- A. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road**, requesting a Wetland Conditional Use Permit to impact 4,013 square feet of inland wetland and 21,089 square feet of wetland buffer to construct 22 single family homes. Impacts include installation of three forty-two foot wide culverts for a road crossing through a wetland and wetland buffer impacts for road construction and stormwater management. Said property is shown on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.

Description

The applicant's wetland scientist is in the process of meeting with third party wetland and wildlife scientists. Staff recommends this application be postponed until the results of those reviews have been completed and provided to the Conservation Commission.

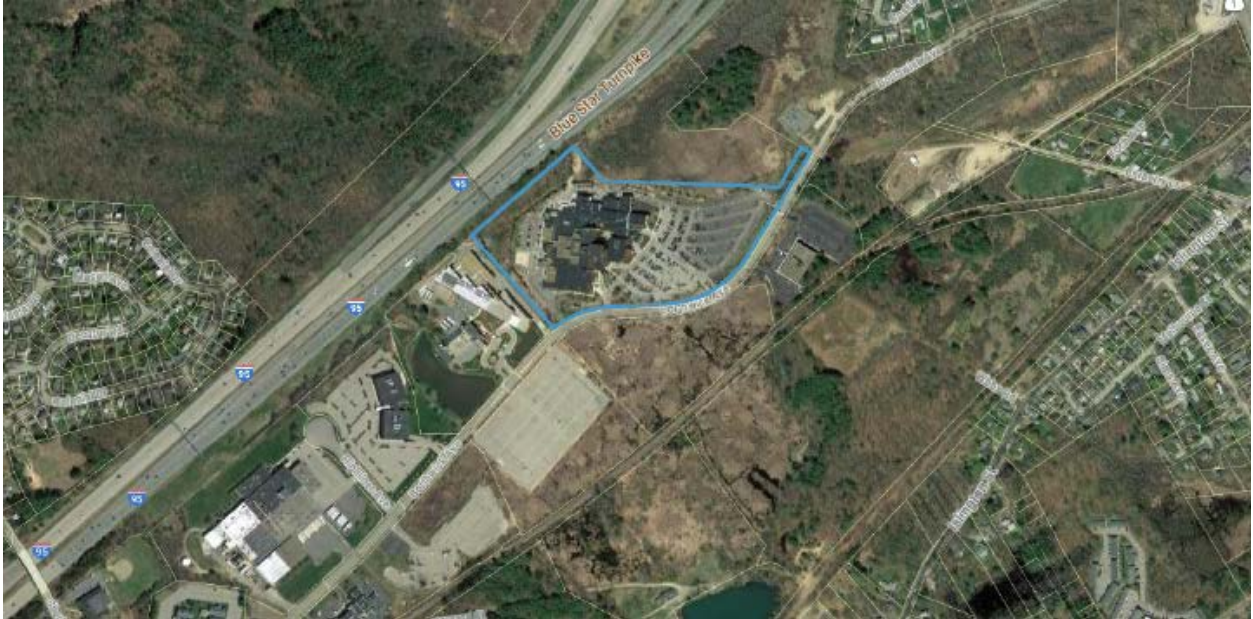
**Planning Department Recommendation**

*Vote to postpone the application to the December 19, 2019 Planning Board meeting.*



## V. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **HCA Health Services of New Hampshire, Inc., dba Portsmouth Regional Hospital. Owner**, for property located at **333 Borthwick Avenue**, requesting Wetland Conditional Use Approval for a two-story building addition with a footprint of 1,220 square feet in the area of the former mobile-MRI unit. The applicant proposes a permanent disturbance of 2,954 square feet and temporary disturbance of 1,610 square feet all within the 100' inland wetland buffer. Said property is shown on Assessor Map 240, Lot 2-1 and lies within the Office Research (OR) District.



### Description

The applicant is requesting conditional use approval to construct a two story addition and to reconfigure the sidewalk and pavement areas outside the building.

### 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 project is to expand the existing building footprint by 1,220 square feet where there is currently a mobile MRI unit. This project will also relocate a sidewalk around this portion of the building and reduce some of the paved area on the site.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The addition to the building is to expand the hospital's functionality specifically to expand the ICU and Med/Surg stepdown. This expansion is located completely in the buffer but in an area of existing impervious surface. This location is appropriate given the need to expand the hospital and the fact that the project is overall reducing the amount of impervious surface.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant is proposing to disturb 2,455 square feet for this project and with the building expansion, new sidewalk and removed pavement will result in an impervious area of 2,282 square feet or a reduction of 173 square feet of impervious surface all in the wetland buffer.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project is not impacting any natural vegetation for this project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given that this project is proposed in a completely developed area this is the least impacting alternative.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing to restore all bare soil areas left after pavement is removed by planting seed. The applicant should provide additional details on the planting of the expanded pervious area with specifications for seed and future maintenance requirements of this area.

The Conservation Commission reviewed this application at the November 13, 2019 meeting and voted unanimously to approve the application as presented with the following stipulation:

- 1) In the disturbed area shown on the plan where re-seeding is specified it shall include a conservation seed mix and native plantings.

**Planning Department Recommendation**

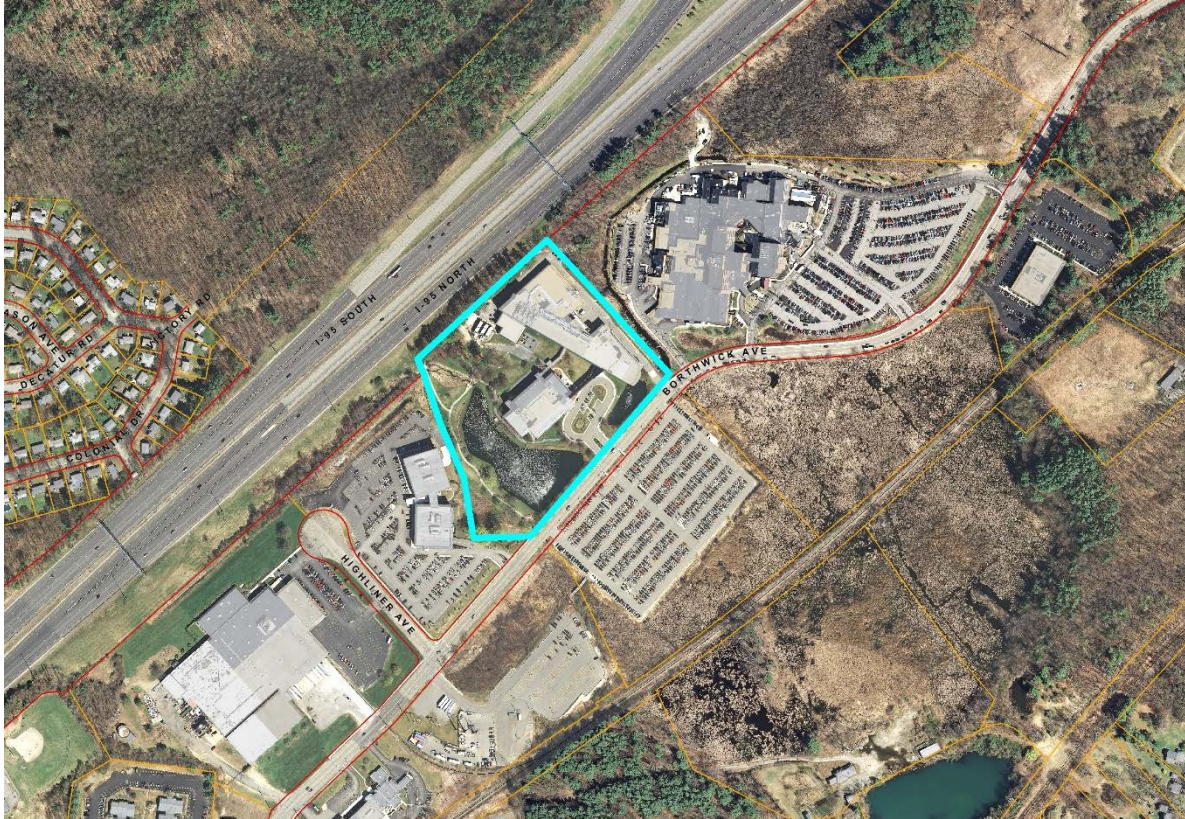
- 1) *Vote to approve the application as presented with the following stipulation:*
  - 1.1) *In the disturbed area shown on the plan where re-seeding is specified it shall include a conservation seed mix and native plantings.*



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

---

- B. The application of **Liberty Mutual Insurance, Owner**, for property located at **225 Borthwick Avenue**, requesting Wetland Conditional Use Approval to install four paver pads for picnic tables in the 100-foot inland wetland buffer for a total project impact of 200 square feet. Said property is shown on Assessor Map 240, Lot 1 and lies within the Office Research (OR) District.



### Description

This is an application to install four small patio areas to accommodate four picnic tables.

### 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 location for the picnic tables is near a manmade pond at the Liberty Mutual campus on Borthwick Avenue.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The picnic tables are in a lawn area and are setback a reasonable distance from the pond. The new pavers will be in the lawn separated from the pond by the existing walkway.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed small stone paved areas will not create an impact on the wetlands on this property or adjacent properties given their small size and distance from wetland areas.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no alteration of natural vegetation on the site other than removal of lawn to install the pavers.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given the small size of the proposed pavers to be installed and the separation from the wetland area this is the least impacting alternative for this proposal.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant will not be disturbing any undisturbed areas of the wetland buffer.

The Conservation Commission reviewed this application at the November 13, 2019 meeting and voted unanimously to approve this project as presented.

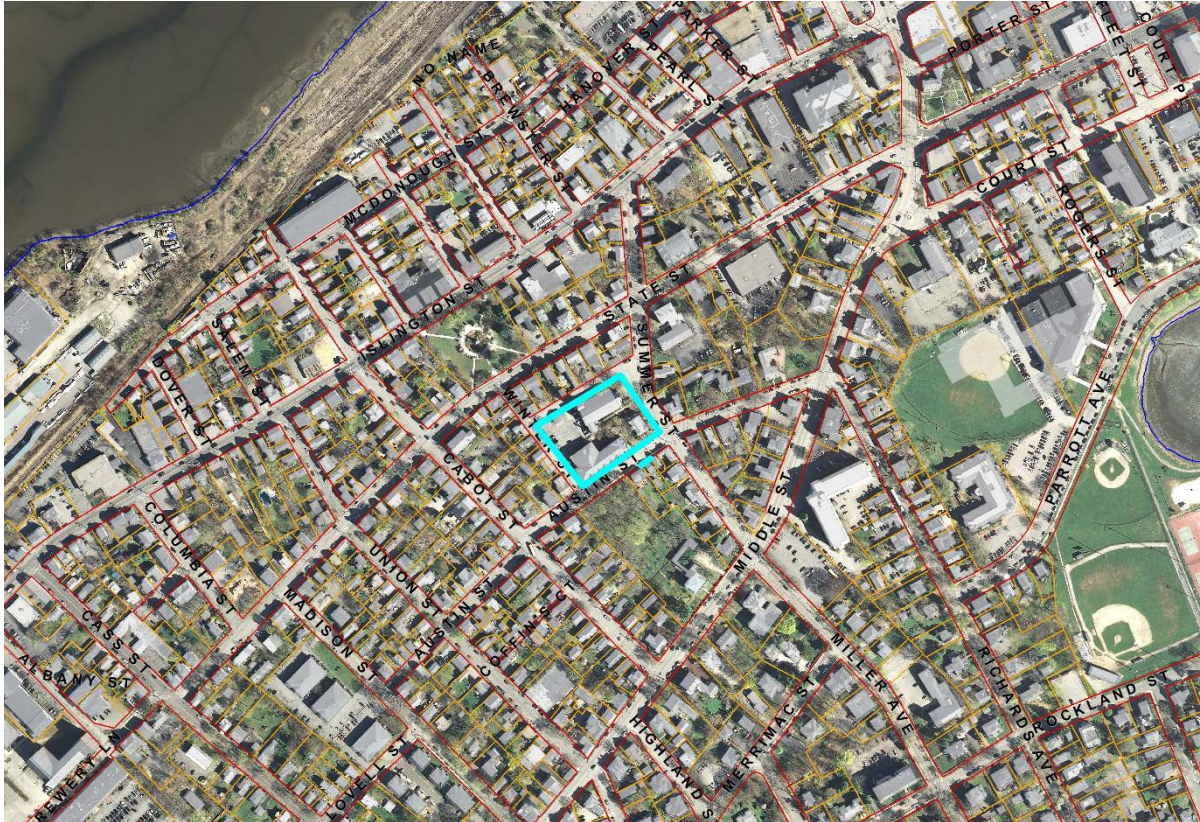
Planning Department Recommendation

*Vote to approve the conditional use permit as presented.*



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

- C. The application of the **Roman Catholic Bishop of Manchester, Owner**, for property located at **98 Summer Street** requesting Site Plan Review approval to create a new parking lot following demolition of an existing building, with associated site improvements, grading, stormwater management and landscape improvements. Said property is shown on Assessor Map 137, Lot 1 and lies within the General Residence C (GRC) District.



### Description

The applicant is seeking site plan review approval for a new parking lot and associated site improvements following demolition of the former St. Patrick's School building.

The Technical Advisory Committee reviewed this application at the November 5, 2019 meeting and voted to recommend approval with the following stipulations:

- 1) The LEFT TURN ONLY sign proposed for Winter Street shall be changed to a NO RIGHT TURN sign. A left arrow should also be painted on the driveway throat of the parking lot.
- 2) A NO PARKING HERE TO CORNER sign shall be installed 20 feet from the back edge of the sidewalk on Austin Street and Winter Street.
- 3) The existing sewer and water connections from the school need to be abandoned properly.
- 4) The "Green Statement" shall be revised per comments from TAC.
- 5) The lighting plan shall be updated to include the ability for parking lot lights to be timed for dimming at certain times of day.

- 6) The landscaping plan shall be updated to provide an all-season landscaped buffer at the Winter Street and Austin Street end to screen the parking lot from abutters.
- 7) Applicant should include details on how parking for church patrons will be managed to encourage use of the parking lot and to reduce impact on the neighborhood streets.

TAC members also expressed concern regarding the narrowness of Winter Street and the ongoing traffic and parking congestion and related issues for public safety access. There was some discussion about the potential to widen the street along the entire length of the applicant's property. However, although the addition of an access drive from Winter Street to the parking lot may exacerbate some of the existing congestion and safety issues, the applicant is not willing to consider allocating additional land to the City for street widening. The applicant has agreed to provide land for widening of a portion of the street, which will help alleviate safety issues at the intersection with Albany Street.

On November 8, 2019 the applicant submitted revised plans addressing stipulations 1-6 above to the satisfaction of the Planning Department. The remaining stipulation has been included below in the recommended stipulations of approval.

Planning Department Recommendation

*1) Vote to grant Site Plan Review Approval with the following stipulations:*

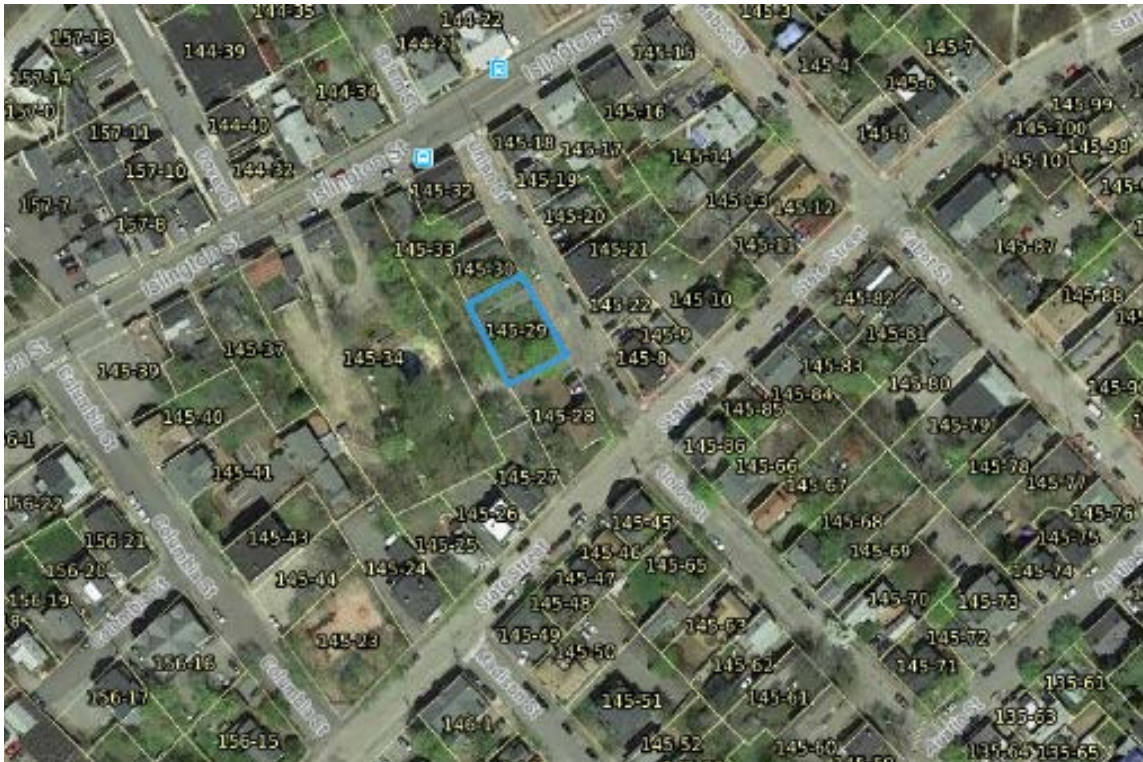
- 1.1) Applicant should include details on how parking for church patrons will be managed to encourage use of the parking lot and to reduce impact on the neighborhood streets.*
- 1.2) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.*



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

---

- D. The application of **Francis Delbene and Gwyn Burdell, Owners**, for property located at **32 Union Street** requesting Site Plan Review approval for the addition of a third dwelling unit on the lot, to be constructed on the top floor of a new accessory garage structure with a footprint of 784 s.f. and 1,280 s.f. GFA with associated site improvements, grading, utilities, stormwater management and landscape improvements. Said property is shown on Assessor Map 145, Lot 29 and lies within the General Residence C (GRC) District.



### Description

The applicant is seeking site plan review approval for the construction of a third dwelling unit on the property to be constructed over a new garage structure.

The Technical Advisory Committee reviewed this application at the November 5, 2019 meeting and voted to recommend approval with the following stipulations:

- 1) The sewer lateral should be shown as 6" in the ROW.
- 2) A waiver for overhead electric utilities would be supported by TAC because of future street improvements that may necessitate moving this pole.
- 3) The gas line should run directly to the structure in a straight line square to the main.

On November 8, 2019 the applicant submitted revised plans addressing stipulations 1-3 above to the satisfaction of the Planning Department.

### Waiver Requests

The applicant has submitted a request for a waiver to the site plan review regulations to allow overhead electric utilities. This request was supported by TAC because of future street improvements.

**Planning Department Recommendation**

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

- a) *Section 8.1.2 – requiring all new and relocated wires, conduits, and cables to be located underground.*

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

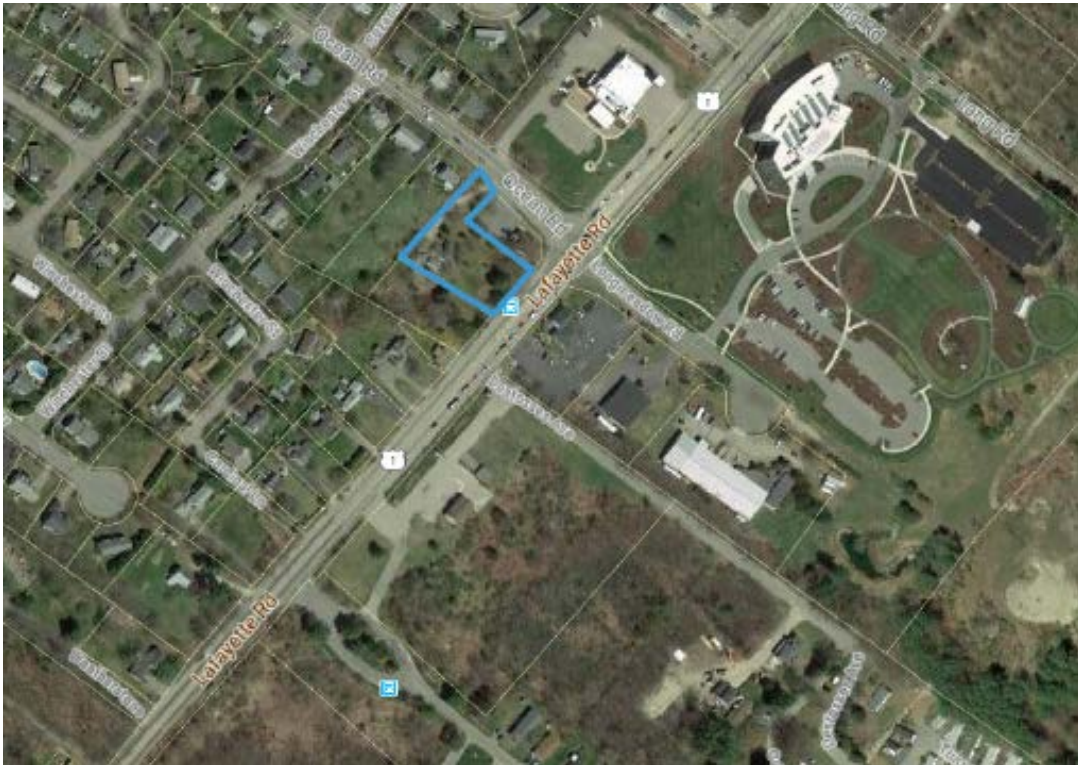
2) *Vote to grant Site Plan Review Approval with the following stipulations:*

- 2.1) *The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.*

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

---

E. The application of the **Weeks Realty Trust, Owner**, and **Carter Chad, Owner** and **Tuck Realty Corporation, Applicant** for property located at **3110 Lafayette Road** requesting Preliminary and Final Subdivision approval (Lot Consolidation and Lot Line Revision) between three lots as follows. Lot 151-1 and Lot 151-2 as shown on Assessor Map 292 consolidated into one 58,617 s.f. lot. A Lot Line Revision between the proposed lot and Lot 153 as shown on Assessor Map 292 as follows: Lot 153 decreasing in area from 36,649 s.f. to 15,000 s.f. with 113.15 ft. of continuous street frontage on Ocean Road; and proposed Lot 151-1 with 80,266 s.f. and 229.59 ft. of continuous street frontage on Lafayette Road. Said properties lie within the Single Residence B (SRB) District.



Description

The applicant proposes to consolidate two lots and adjust the lot line of the remaining lot. The Zoning Board of Adjustment at their October 22, 2019 meeting granted variances from Section 10.521 to allow the following:

- 1) To allow a lot area per dwelling unit of 4,459 s.f. where 15,000 s.f. is required.

**Planning Department Recommendation**

- 1) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
  - 1.1) *Lot numbers as determined by the Assessor shall be added to the final plat.*
  - 1.3) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
  - 1.4) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
  - 1.5) *The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*



## VI. PRELIMINARY CONCEPTUAL

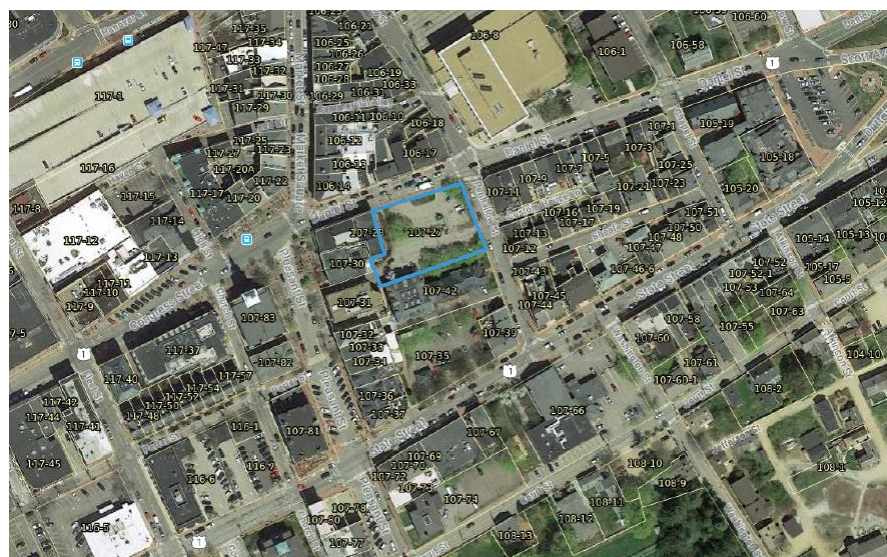
The City's Site Plan Review Regulations provide two options for "pre-application review" as authorized by RSA 676:4,II: "preliminary conceptual consultation" and "design review". The Site Plan Review Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction 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:

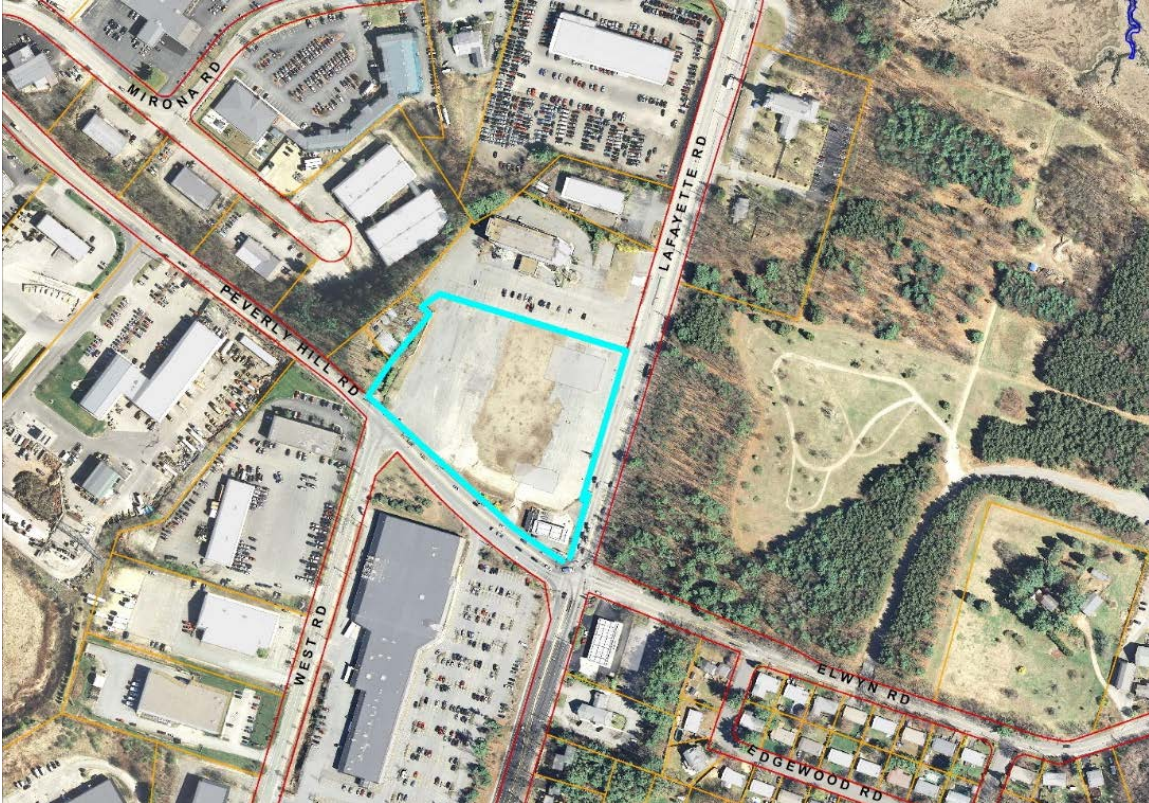
[Preliminary conceptual consultation ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements 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. 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 request of **Dagny Taggart, LLC, Owner** for property located on **0 Daniel Street** seeking Preliminary Conceptual Consultation for the construction of a 4-story commercial building with community space and associated site improvements. Said property is located on Assessor Map 107, Lot 27 and lies within the Character District 4 (CD4) District.



- B.** The request of **4 Amigos, LLC, Owner** for property located at **1400 Lafayette Road** seeking Preliminary Conceptual Consultation for a multi-unit garden-style & townhouse-style residential development with associated community space and associated site improvements. Said property is located on Assessor Map 252, Lot 7 and lies within the Gateway Neighborhood Mixed Use Center (G2) District



---

## VII. OTHER BUSINESS

- A.** Request from Normandeu Associates for comments regarding NHDOT Lafayette Road Corridor project #29640

Normandeu Associates is consulting to NHDOT for the Portsmouth US Route 1 Corridor project. The letter provided to the Board is a standard form that is typically sent to consulting parties as part of the information gathering phase of a state or federally funded transportation project. City staff as well as other land use review boards and commissions have also been asked to provide input along with other community representatives. The Planning Department will provide a brief overview of the project study area and then invite comments and discussion from the Board members which we will summarize and forward to the consultant.

- B.** Rockingham Planning Commission representation

The City of Portsmouth currently has a vacancy on the Rockingham Planning Commission (RPC), which was previously held by Jody Record. As governed by NH



RSA 36:46-III, Commissioners shall be appointed by the City Council for four-year terms. The Planning Board must first nominate a representative commissioner for consideration by the Council and the Council then makes the appointment. Portsmouth has three spots on the Commission, there are typically two City Council representatives, who are put forward by the Mayor and then a third that is usually a representative from a land use board or a member City staff. Peter Britz currently serves as the City's alternate.

**Planning Department Recommendation**

*Vote to recommend that the City Council appoint Elizabeth Moreau as one of the City's representative commissioners to the Rockingham Planning Commission.*

C. Request from Dagny Taggart, LLC to release the City's interest in land at 3 Pleasant Street

The Owner received site plan review approval from the Planning Board at the September 19, 2019 meeting for the construction of an addition and renovation to an existing bank and office building at the property located at 3 Pleasant Street. The approval also included provision of community space under the provisions of the Zoning Ordinance Section 10.5A43.33, which allows for an additional story in height (up to 10 feet) if at least 20% of the development is assigned and improved as community space. Per the requirements of the Ordinance, the community space must be dedicated for public use with permanent deeded access to the City of Portsmouth. A portion of the proposed community space is subject to an existing easement restriction (held by the City) that was part of a deed recorded at the Rockingham Registry of Deeds in 1910 when the City transferred the property to the NH National bank of Portsmouth. After discussion with the Legal and Planning Department, the owner is requesting that the City terminated the easement restriction. Any release of land or rights on land by the City must first be reviewed by the Planning Board to provide a recommendation to the City Council.

**Planning Department Recommendation**

*Vote to recommend that the City Council release the restriction on the property at 3 Pleasant Street.*