



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the February 27, 2020 Planning Board Meeting
Date: 02/24/20

I. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The application of **LCSG, LLC, Owner**, for properties located at **160 and 168-170 Union Street** requesting Site Plan Review approval.

Planning Department Recommendation

Vote to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.

SUBDIVISION REVIEW

- A. The request of **Candace Couture and Boston and Maine Corporation, Owners**, for properties located at **199 McDonough Street and Barlett Street** requesting Preliminary and Final Subdivision approval.
- B. The application of **Richard Fusegni, Owner**, for property located at **201 Kearsarge Way** requesting Preliminary and Final Subdivision approval.

Planning Department Recommendation

Vote to determine that the applications are complete according to the Subdivision Rules and Regulations contingent on the granting of any required waivers under Section II of the agenda and to accept the applications for consideration.

II. PUBLIC HEARINGS – NEW BUSINESS

- A. The request of **Candace Couture and Boston and Maine Corporation, Owners**, for properties located at **199 McDonough Street and Barlett Street** requesting Preliminary and Final Subdivision approval (Lot Line Revision) between two lots as follows: Lot 42 on Assessor Map 144 increasing in area from 1,585 s.f. to 2,491 s.f. with 59 ft. +/- of continuous street frontage on McDonough Street; and Lot 4 on Assessor Map 164 decreasing in area from 130,680 s.f. to 129,774 s.f. +/- with 76 ft. +/- of continuous street frontage on Maplewood Ave. and Bartlett St. Said properties are shown on Assessor Map 144 Lot 42 and Map 164 Lot 4 and lie within the General Residence C (GRC) and the Character District 4-L1 (CD4-L1) Districts.

Description

The proposed Lot Line Revision proposes to transfer 906 +/- s.f. from the existing railroad property (Map 164, Lot 4) to the 199 McDonough Street property (Map 144, Lot 42) increasing the lot area of Map 144, Lot 42 from 1,585 s.f. to 2,491 s.f.

The proposed lot line revision will not cure any non-conformities with existing local land use ordinances and any proposed changes to the existing building or newly proposed structures will be required to meet zoning requirements or obtain necessary relief from the Zoning Board of Adjustment.

Waiver Request

The applicants are requesting a waiver from Section VI.6 of the Subdivision Regulations (Dimensions of Property Lines). The plans provided to not show the full extent of the B&M Property known as Tax Map 164, Lot 4.

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 Subdivision Regulations, and to waive the following regulations:*

- a) *Section VI.6 – Dimensions of Property Lines*

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

- 2) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*

- 2.1) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
2.2) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
2.3) *The final plat shall be recorded at the Registry of deeds by the City or as deemed appropriate by the Planning Department.*

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. The request of **132 Middle Street, LLC** and **134 Middle Street, LLC, Owners**, for properties located at **132 and 134 Middle Street** requesting Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for a renovation of an existing building that will result in a net increase of 1 dwelling unit that proposes to provide 7 on-site parking spaces where 8 currently exist and a minimum of 24 are required under the current zoning ordinance. Said properties are shown on Assessor Map 127 Lots 12 and 11 and lie within the Character District 4-L1 (CD4-L1) District.

Description

The project involves the renovation and remodeling of an existing structure at 132-134 Middle Street, currently 20 dwelling units and 1 commercial unit. The proposed use will be 21 residential units (adding one residential unit and removing the commercial unit). There are 7 off-street parking spaces proposed (some stacked) where 24 are required and therefore the applicant is seeking a Conditional Use Permit under Section 10.241.23(c).

Conditional Use Permit for Parking

The off-street parking standards in the City's Zoning Ordinance require 24 parking spaces for the site based on the parking requirements for residential uses as provided in Section 10.1112.31. The parking requirement is calculated using the floor area per dwelling unit requirement for the 21 dwelling units and the required one visitor parking spaces for every 5 dwelling units.

Per Section 10.1112.14 of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum parking spaces required by the off-street parking standards. An application for a conditional use permit for off-street parking must include a parking demand analysis.

Per Section 10.1112.142, an application for a conditional use permit shall identify permanent measures to reduce parking demand including but not limited to proximity to public transit and shared parking on a separate lot. The applicant has noted that the property is located on a public transit route and within easy walking distance to jobs and amenities.

The applicant believes that the provided parking is sufficient for the proposed use and that while the relief seems large, it is actually quite small in that the conversion creates the need for one additional space and it could be argued that the intensive commercial re-use of the unit may require more parking than the proposed residential use.

Technical Advisory Committee Review

Per Section 10.1112.141 of the Zoning Ordinance, the parking demand analysis must be reviewed by the Technical Advisory Committee prior to submission to the Planning Board. TAC reviewed the analysis at the February 11, 2020 Work Session and did not have any comments on the analysis, however they did support the removal of the space that is currently located in front of the building as it does not comply with the dimensional standards of the Ordinance and creates a potential safety hazard due to its proximity to the sidewalk. The applicant has adjusted the plans accordingly.

Planning Department Recommendation

Conditional Use Permit – Parking

- 1) *Vote to accept the findings of the applicant's parking demand analysis and to find that the provision of 7 parking spaces on-site will be adequate and appropriate for the proposed 21-unit apartment building.*

- 2) *Vote to grant a conditional use permit pursuant to Section 10.1112.14 to permit a total of 7 parking spaces with the following stipulation:*
 - 2.1) *Per the requirements of the Zoning Ordinance, the six proposed tandem spaces shall be assigned to the same dwelling units and shall not be used to provide guest parking.*

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. The application of **LCSG, LLC, Owner**, for properties located at **160 and 168-170 Union Street** requesting Site Plan Review approval for the construction of a new single family residence and separate building with a 4-bay garage and an apartment above on a site where a duplex currently exists resulting in a total building footprint of 3,106 s.f. and 8,117 new GFA with associated site improvements, grading, utilities, lighting, stormwater management and landscape improvements. Said properties are shown on Assessor Map 135 Lots 30 and 29 and lie within the General Residence C (GRC) District.

Description

The project proposes to construct a new single-family residence and 4-bay garage with apartment above on a site where a duplex currently exists resulting in a total of 4 dwelling units in 3 structures.

Technical Advisory Committee Review

The TAC reviewed the site plan application at the February 4, 2020 meeting and voted to recommend approval with the following stipulations:

1. Plans shall be updated to show that water and sewer lines for the previously demolished structure will be terminated at the respective mains;
2. Correct error showing two sewer connections to 160 Union Street;
3. Plans shall be reviewed with DPW Water Division to verify water service requirements;
4. Plans shall be revised to show that the water line going to the building in the rear goes into a heated space and a meter shall be required at that location. Space must be reasonably large enough to work on meter (24" wide, 30" high);
5. Fire service supply shall be added to the utilities plan;
6. A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments;
7. The installation of the drainage connection to the street shall require the oversight of City staff or a third party engineer.

On February 11, 2020 the applicant submitted revised plans addressing stipulations 1-2 & 4-7 above to the satisfaction of the Planning Department. The remaining stipulations have been included in the recommended stipulations of approval.

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 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.*
- 2.) *Plans shall be reviewed with Plumbing Inspector and DPW Water Division to verify water service requirements;*
- 3.) *Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

Conditions Subsequent (to be completed after the issuance of a building permit)

- 4.) *A stormwater maintenance and inspection report shall be conducted annually and provided to the City's Planning and Public Works Departments.*
- 5.) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
- 6.) *The installation of the drainage connection to the street shall require the oversight of City staff or a third party engineer.*

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The application of **Richard Fusegni, Owner**, for property located at **201 Kearsarge Way** requesting Preliminary and Final Subdivision approval to demolish the existing single family home and subdivide a lot with an area of 47,062 s.f. and 205' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 15,482 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 15,856 s.f. and 100.2' of continuous street frontage; and Proposed Lot 3 with an area of 15,723 s.f. and 82.84' of continuous street frontage. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District.

Description

The applicant previously received Planning Board approval for a 2-lot subdivision at the June 2018 meeting with the existing house proposed to remain. The current application is for a 3-lot subdivision with the existing house to be demolished and the rear portion of the lots to be preserved as open space with a conservation easement.

The Zoning Board of Adjustment, at their September 17, 2019 meeting, granted a variance from Section 10.521 of the Zoning Ordinance to allow a lot with 83' of frontage where 100' is required.

Technical Advisory Committee Review

The TAC reviewed the subdivision and site plan applications at the February 4, 2020 meeting and voted to recommend approval with the following stipulations:

1. The driveway to 5-2 shall be shifted as far from the intersection with Kearsarge Way as possible;
2. The drainage for the houses shall be incorporated into the back yard areas where they can be maintained without impacting the portion of the property designated to be a conservation area;
3. Plans shall show 2" water main being abandoned;
4. Birch Street is to be reclaimed and reconstructed to City Standards;
5. Owner shall provide easement to turn around in driveway of 5-2 for plowing/city access;
6. Add location of gas, electric, and communication lines to plan;
7. Applicant shall provide more detail about how the conservation restriction area is proposed to be monumented to prevent future encroachment and clearing by the lot owners;
8. Street addresses shall match the driveway locations;
9. Driveway radii on Kearsarge Way shall be tightened.

On February 11, 2020 the applicant submitted revised plans addressing stipulations 1, 3 & 7-9 above to the satisfaction of the Planning Department. The remaining stipulations have been included in the recommended stipulations of approval.

Planning Department Recommendation

Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:

1. The drainage for the houses shall be incorporated into the back yard areas where they can be maintained without impacting the portion of the property designated to be a conservation area:
 - 1-1) Drainage easements shall be provided across lot 3 for lot 2 and lot 1;
 - 1-2) Plans shall be updated and approved by DPW to show grading around CB1;
 - 1-3) Plans shall be updated to note stabilized construction entrances shall be installed for all 3 lots.
2. Birch Street shall be reclaimed and reconstructed to City standards and plans shall be updated to include a cross-section for review and approval by DPW;
3. Owner shall provide an easement to allow the City to turn around in the driveway of Lot 5-2 for the purpose of snow plowing and the easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council;
4. The location of gas, electric, and communication lines shall be added to the subdivision plans;
 - 4-1) For underground electric and communication lines, the sidewalk from Birch St. to the driveway of Lot 5-2 shall be widened to provide 5.5' clear.
5. Sheets C2 and C3 shall be reviewed and approved by DPW for confirmation of stormwater, grading and utility updates and standard details;
6. Lot numbers as determined by the Assessor shall be added to the final plat;
7. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;
8. GIS data shall be provided to the Department of Public Works in the form as required by the City;
9. The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- E. The request of **Vaughan Street Hotel, LLC and Stone Creek Realty, LLC, Owners** and **XXS Hotels, LLC, Applicant**, for properties located at **299 Vaughan Street and 53 Green Street** for Design Review for the construction of a 5-story hotel with community space. Said properties are shown on Assessor Map 124 Lot 10 and Assessor Map 119 Lot 2 and lie within in the Character District 5 (CD5) District.

Description

This item is a request for Design Review under the Site Plan Review Regulations. Under the State statute (RSA 676:4,II), the Design Review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is not mandatory and is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this pre-application phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

The process as outlined in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and, if so, vote to accept the request and schedule a public hearing. The Board voted to accept the application at the January 2020 meeting.

Design review discussions must take place in a public hearing. At the conclusion of the public hearing process, the Board makes a determination that the design review process for the application has ended. Completion of the design review process also has the effect of vesting the project to the current zoning.

Planning Department Recommendation

Vote to find the Design Review Process is complete.

III. OTHER BUSINESS

- A. The request of **Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC and Iron Horse Properties, LLC, Owners**, for properties located on **105 Bartlett Street and Bartlett Street** for Preliminary Conceptual Consultation for the construction of 174 dwelling units in two (2) multi-family apartment buildings and one (1) mixed-use building with first floor office, amenity space and upper story apartments. The project is proposing to designate 25% of the property as Community Space. Said properties are shown on Assessor Map 157 Lots 1 and 2, Map 164 Lots 1, 2 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

Description

As authorized by NH RSA 676:4,II, 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 state 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. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

IV. DESIGN REVIEW – ACCEPTANCE OF REQUEST

- A. The request of **Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC and Iron Horse Properties, LLC, Owners**, for properties located on **105 Bartlett Street and Bartlett Street** for Design Review for the construction of 174 dwelling units in two (2) multi-family apartment buildings and one (1) mixed-use building with first floor office, amenity space and upper story apartments. The project will designate 25% of the proposed property as Community Space. Said properties are shown on Assessor Map 157 Lots 1 and 2, Map 164 Lots 1, 2 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

Description

This item is a request for Design Review under the Site Plan Review Regulations. Under the State statute (RSA 676:4,II), the Design Review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is not mandatory and is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this pre-application phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

The process as outlined in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and, if so, vote to accept the request and schedule a public hearing.

Planning Department Recommendation

Vote to accept the request and schedule a public hearing for the March 19, 2020 Planning Board meeting.