



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the April 9, 2020 Planning Board Meeting
Date: 3/13/20 (revised 04/06/20)

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. The application of **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval.
- B. The application of **4 Amigos, LLC, Owner**, for properties located at **1400 Lafayette Road, Peverly Hill Road and 721 Peverly Hill Road** requesting Site Plan Review approval.
- C. The application of **Nickerson Home Improvement Co. Inc.** and the **Linette and James Revocable Trust of 2000, Owners** and **Perley Lane, LLC, Applicant**, for properties located at **95 Brewster and 49 Sudbury Streets** requesting Site Plan Review approval.

Planning Department Recommendation

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

III. PUBLIC HEARINGS – OLD BUSINESS

It is recommended that Items III.A, IV.A, IV.B, IV.C and IV.D be considered and voted on together.

A motion is required to consider and vote on these items together

- A. The application of **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval to demolition an existing building and upgrade the existing shopping center with new and additional signage, a new driveway entrance off of Woodbury Avenue, and repurposing of the former supermarket space to separate retail space and new grocery space with accessory cafe/food court. Said property is shown on Assessor Map 238 Lot 16 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Description: The Applicant has requested to postpone to the April 16, 2020 Planning Board meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **4 Amigos, LLC, Owner**, for properties located at **1400 Lafayette Road, Peverly Hill Road and 721 Peverly Hill Road** requesting Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 s.f. and 122,000 GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space. Said properties are shown on Assessor Map 252 Lots 7, 4 & 5 and lie within the Gateway Neighborhood Mixed Use Center (G2) District.

Description: The Applicant has requested to postpone to the April 16, 2020 Planning Board meeting.

- B. The application of **Nickerson Home Improvement Co. Inc.** and the **Linette and James Revocable Trust of 2000, Owners** and **Perley Lane, LLC, Applicant**, for properties located at **95 Brewster and 49 Sudbury Streets** requesting Site Plan Review approval to demolish the existing structures and construct 3 dwelling units in two structures, with related grading, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor's Map 138 Lots 57 and 58 and lie within the General Residence C (GRC) District.

Description: The Applicant has requested to postpone to the April 16, 2020 Planning Board meeting.

- C. The application of **Millport Inc., Owner** and **Thomas Bath, Applicant**, for property located at **1001 Islington Street** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an outdoor Dining and Drinking Area as an accessory use. Said property is shown on Assessor Map 172 Lot 4 and lies within the Character District 4-W (CD4W) District.

Description: The Applicant has requested to postpone to the April 16, 2020 Planning Board meeting.

- D. 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: The Applicant has requested to postpone to the April 16, 2020 Planning Board meeting.

Planning Department Recommendation

Vote to postpone these applications to the April 16, 2020 Planning Board meeting or until such a time as the Board is able to reconvene for these applications to be heard.

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **PNF Trust of 2013, 282 Middle Street, LLC and KC Realty Trust, Owners**, for properties located at **266, 270 and 278 State Street and 84 Pleasant Street** requesting Preliminary Conceptual Consultation for construction of a 4-story mixed-use building with basement level parking and reconstruction of 84 Pleasant St, with an addition and new driveway connection on Church Street. Said properties are shown on Assessor Map 107 Lots 77, 78, 79 and 80 and lie within the Character District 4 (CD4) District.



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.

VI. OTHER BUSINESS

- A. The request of the **Islamic Society of the Seacoast Area, Owner**, for property located at **686 Maplewood Avenue** for a 1-year extension of the Site Plan Review Approval that was granted on April 18, 2019.

Description

The project received site plan approval from the Planning Board on April 18, 2019 for the construction of a 2-story building for religious assembly with a footprint of 3,880 s.f. and Gross Floor Area of 5,333 s.f.

Planning Department Recommendation

Vote to approve a 1-year extension of the Site Plan Approval to expire on April 18, 2021.

- B. The request of **City of Portsmouth, Owner and Department of Public Works, Applicant**, for property located at **Banfield Road** for a 1-year extension of the Wetland Conditional Use Permit Approval that was granted on April 25, 2019.

Description

The project received wetland conditional use permit approval from the Planning Board on April 25, 2019 for work within the wetland buffer to replace three culverts, install a guardrail, and construct granite curbing with a multi-use trail/sidewalk from Ocean Road to Heritage Avenue.

Planning Department Recommendation

Vote to approve a 1-year extension of the Conditional Use Permit Approval to expire on April 25, 2021.

- C. Request by **Bryan C. Pappas, Owner** of property located at **2 Brackett Lane** to release any City interest in an adjacent property listed as Assessor Map 206, Lot 1 and located between Brackett Lane and Haven Road.

Description

Any requests for release of interest in land must be reviewed by the Planning Board prior to any action by the City Council. Legal and DPW staff have done a preliminary review of this request and, to date, have not identified any prior history or current use of the property that serves a public purpose. Staff has also not verified whether the City currently has any ownership rights or other interest in the property.

Planning Department Recommendation

Vote to recommend that the City Council release any City interest in land identified as Assessor Map 206, Lot 1.

- D. Request of **Cate Street Development, LLC, Owner**, for property located at **428 US Route 1 By-Pass** for a 1-year extension of the Wetland Conditional Use Permit that was granted on March 21, 2019.

Description

The project received wetland conditional use permit approval from the Planning Board on March 21, 2019 for 19,567 s.f. of temporary impacts and 50,225 s.f. of permanent impacts for a total of 69,792 s.f. of wetland buffer disturbance to redevelop the lots for residential living space including office and retail space.

Planning Department Recommendation

Vote to approve a 1-year extension of the Wetland Conditional Use Permit Approval to expire on March 21, 2021.

- E. Request of **Cate Street Development, LLC Owner**, for property located at **428 US Route 1 By-Pass** for a 1-year extension of the Conditional Use Permit granted pursuant to Section 10.5B71.20 of the Zoning Ordinance on March 21, 2019 and amended on September 26, 2019 to allow a density of 28 dwelling units per acre and requested modifications to standards.

Description

The project received conditional use permit approval from the Planning Board on March 21, 2019, which was amended on September 26, 2019.

Planning Department Recommendation

Vote to approve a 1-year extension of the Conditional Use Permit Approval to expire on March 21, 2021.