



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the June 18, 2020 Planning Board Meeting
Date: 06/12/20

II. PUBLIC HEARINGS – OLD BUSINESS

- A. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road** requesting Conditional Use Permit approval for an Open Space Planned Unit Development according to the requirements of Section 10.725 of the Zoning Ordinance and Site Plan Review approval for the construction of 22 single-family homes and a new road with related parking, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.

Description

The applicant requests a postponement to the July 16, 2020 Planning Board meeting.

Planning Department Recommendation

Vote to postpone the application to the July 16, 2020 Planning Board meeting.

II. PUBLIC HEARINGS – OLD BUSINESS (Cont.)

- B.** The application of **Richard Fusegni, Owner**, for property located at **1574 Woodbury Avenue** requesting a Conditional Use Permit for a drive-through facility in accordance with Section 10.440 (19.40) of the Zoning Ordinance and Site Plan Review Approval for the construction of a new retail bank with parking, utilities, landscaping, lighting, drainage and associated site improvements. Said property is shown on Assessor Map 238 Lot 17 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Description

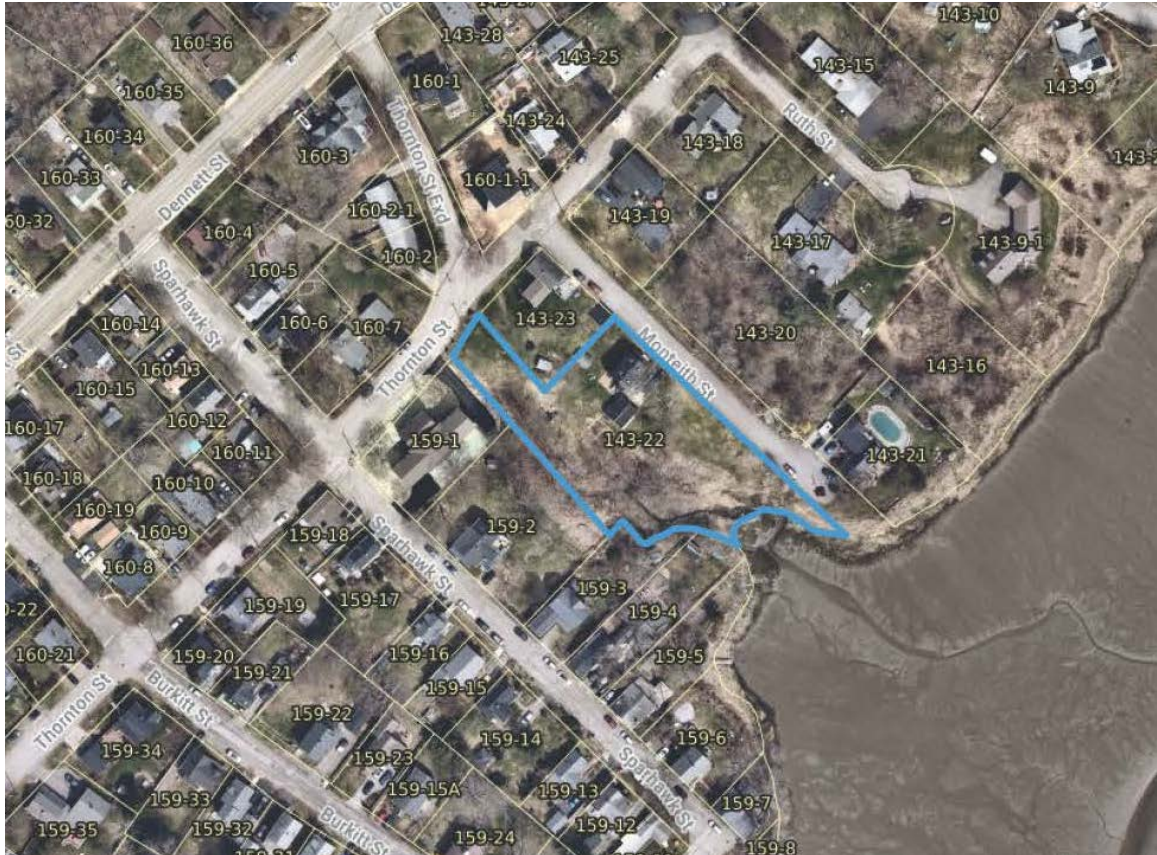
The applicant requests a postponement to the July 16, 2020 Planning Board meeting. They have revised their application since TAC reviewed and are returning to TAC to discuss the proposed revisions.

Planning Department Recommendation

Vote to postpone the application to the July 16, 2020 Planning Board meeting.

III. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Charles & Allison Dudas**, Owners, for property located at **32 Monteith Street** requesting a wetland conditional use permit in accordance with Section 10.1017 of the Zoning Ordinance to remove an existing garage and shed and add a new garage of 657 square feet, a new addition of 495 square feet and a new deck of 285 square feet. Overall this application represents a reduction of impervious surface in the wetland buffer from 2,228 to 2,152 square feet. Said property is shown on Assessor Map 143 Lot 22 and lies within the General Residence A (GRA) District.



Description

This application is to remove an existing garage and shed and add a new garage of 657 square feet, a new addition of 495 square feet and a new deck of 285 square feet. Overall this application represents a reduction of impervious surface in the wetland buffer from 2,228 to 2,152 square feet.

Conservation Commission Review

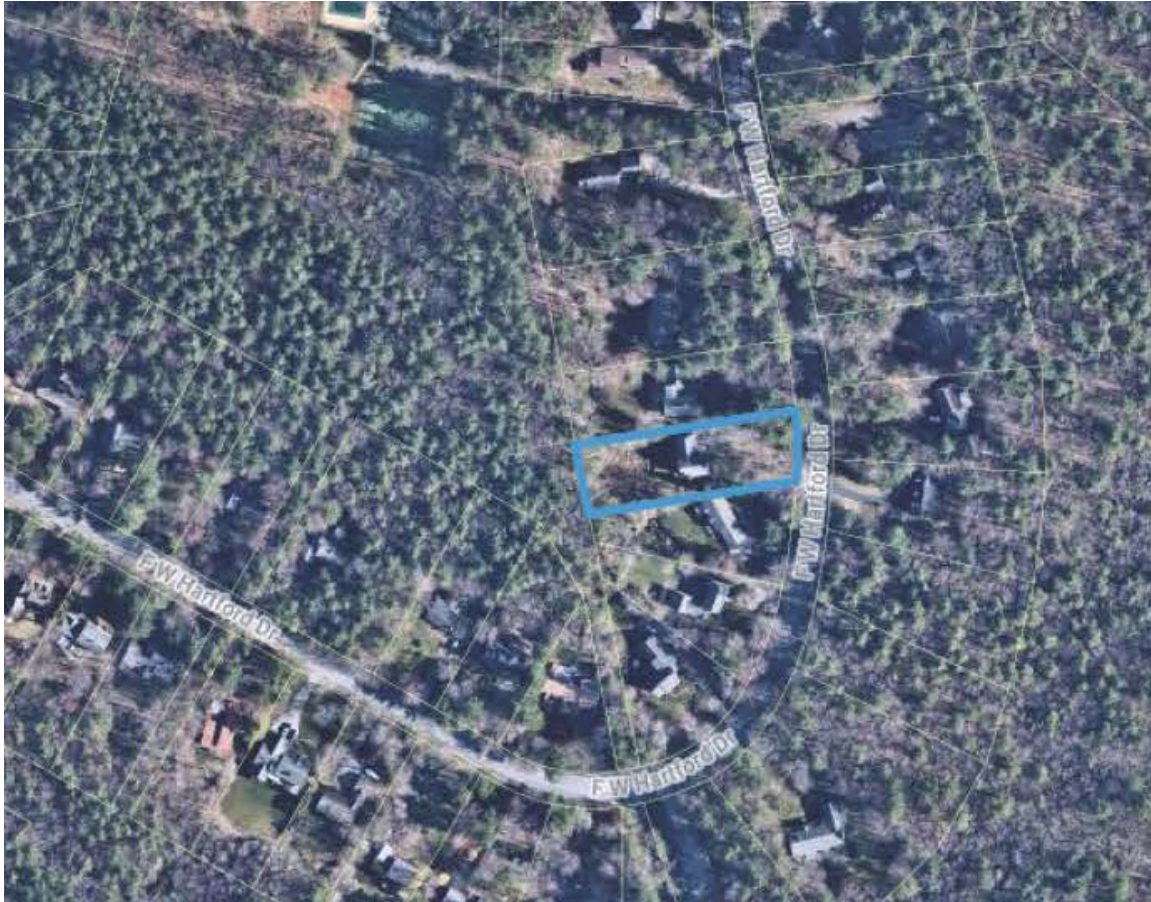
The Conservation Commission will be reviewing this application at the June 17, 2020 meeting and staff will provide a recommendation at the meeting.

Planning Department Recommendation

An updated recommendation will be provided at the meeting.

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B.** The application of the **Nikolas Uhlin Revocable Trust, Owner**, for property located at **375 FW Hartford Drive** requesting a wetland conditional use permit in accordance with Section 10.1017 of the Zoning Ordinance to install a shed with 200 square feet of impact completely within the wetland buffer. Said property is shown on Assessor Map 270 Lot 14 and lies within the Single Residence B (SRB) District.



Description

This is an application to install a new shed in the buffer of an inland wetland.

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 proposed shed is in a lawn area in the back yard of the applicant's property.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* According to the applicant this is the most feasible location on the site to locate the shed on this property.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed shed will not significantly change any of the wetland functions and values.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no changed to the natural woodland proposed with this project.
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 if the shed 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 plans to remove the grass from below the shed to be replaced with crushed stone to allow infiltration of water below the shed.

The Conservation Commission reviewed this application at the May 13, 2020 meeting and voted unanimously to approve the application as presented with two stipulations, which have been incorporated into the staff recommendation below.

Planning Department Recommendation

- 1) *Vote to approve the Wetland Conditional Use Permit to install a shed with 200 square feet of impact completely within the wetland buffer with the following stipulations:*
 - 1.1) *The applicant shall install a crushed stone drip edge around the perimeter of the shed.*
 - 1.2) *Additional plantings shall be placed in the area between the wetland buffer and rain garden.*

III. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. The application of **Ryan & Adrienne Cress, Owners**, and the **City of Portsmouth, Applicant**, for property located at **185 Edmond Avenue** requesting a wetland conditional use permit in accordance with Section 10.1017 of the Zoning Ordinance to replace a culvert on city property and install drainage on an abutting private property. The wetland buffer impact on 185 Edmond Avenue is 1,375 square feet and on the abutting City property is 150 square feet. All of the wetland buffer impact is temporary disturbance. Said property is shown on Assessor Map 220 Lot 56 and lies within the Single Residence B (SRB) District.

Description

This is a drainage improvement project to repair a drainage line connecting two wetland/drainage areas.

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 impacts proposed from this project are all temporary.* A new headwall will be installed along with new sections of pipe and a new drainage catch-basin where the drain pipe changes direction. The area is suited to the activity since it is where the existing drainage currently is located.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given that this is all replacement work and all temporary impacts this is the most reasonable location for the work.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given the temporary nature of this project there will be no adverse impact from this project.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project is primarily within a lawn area which does include several small trees and lilac bushes. The trees and lilac bushes that are located over the existing drainage pipe or in the area where the excavator needs to access the site will be relocated upon completion of the project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project requires only temporary impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant will be planting a wetland seed mix on the bank closest to the wetland and standard seed mix on other upland/lawn areas.

The Conservation Commission reviewed this application at the June 10, 2020 meeting and voted unanimously to approve the application as presented.

Planning Department Recommendation

Vote to approve the Wetland Conditional Use Permit to replace a culvert on city property and install drainage on an abutting private property as presented.

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The application of **Jonathan & Elizabeth Weeks, Owners**, of property located at **480 FW Hartford Drive** requesting a wetland conditional use permit in accordance with Section 10.1017 of the Zoning Ordinance to replace a rotting deck with a larger deck and new stairs with an overall impact of 378 square feet in the wetland buffer. The project will include crushed stone under the deck for stormwater infiltration. Said property is shown on Assessor Map 249 Lot 15 and lies within the Single Residence B (SRB) District.

Description

This is a deck repair and expansion project located in an inland wetland buffer.

Conservation Commission Review

The Conservation Commission will review this application at the June 17, 2020 meeting and staff will provide a recommendation at the meeting.

Planning Department Recommendation

An updated recommendation will be provided at the meeting.

IV. OTHER

- A. The request of **ADL Portsmouth Residence Trust, Owner** for property located at **325 Little Harbor Road** for a 1-year extension of the Conditional Use Permit for the conversion of an existing accessory structure into a Detached Accessory Dwelling Unit that was granted on June 20, 2019.



Description

The project received Conditional Use Permit approval from the Planning Board on June 20, 2019 for the conversion of an existing accessory structure into a Detached Accessory Dwelling Unit.

Per the Zoning Ordinance Section 10.246.10, a conditional use permit shall expire unless a building permit is obtained within one year of the date granted. The Board may grant one one-year extension if the extension is granted and acted upon prior to the expiration date. No other extensions may be requested.

Planning Department Recommendation

Vote to approve a 1-year extension of the Conditional Use Permit approval to expire on June 20, 2021.

V. CITY COUNCIL REFERRALS

A. Portsmouth Housing Authority – Release of Reverter

Description

The City holds a reverter interest in certain property owned by the Portsmouth Housing Authority (PHA) on Court Street which was conveyed to the PHA by the City in 1968. The reverter provision in the deed from the City to PHA says that if the property is not used for “housing for the elderly”, ownership of the land reverts back to the City. PHA now wants to exchange some, but not all, of the property covered by the reverter with an abutter as part of its workforce housing project. Because it involves the conveyance of the City’s interest in real estate, the ordinances require this matter should be forwarded to the Planning Board by the City Council for a report back and recommendation.

In addition to Attorney Bosen, the City Attorney will be available at the Planning Board meeting to answer any questions related to this request.

Planning Department Recommendation

Vote to recommend that the City Council release the reverter provision in the deed.

V. CITY COUNCIL REFERRALS (Cont.)

It is recommended that Item V.B. and V.C. be discussed together and voted on separately.

A motion is required to consider these items together.

- A.** Request for Release of Interest in Paper Street known as Ruth Street which abuts 276 Dennett Street
- B.** Request for Release of Interest in Paper Street known as Ruth Street which abuts 294 Dennett Street



Description

A paper street is one which shows on a plan, especially the City tax map, but which does not exist on the ground. The most common way for that situation to come about is when a street is “dedicated” to public use by a landowner recording a plan showing the street. This happened frequently in the days before planning board approval was required for the recording of plans. A street so dedicated becomes a public street only when “accepted” by the City. The acceptance can be formal, often by vote of the City Council, or by implication based on City use and maintenance of the street.

For a street dedicated (shown on a recorded plan) before 1969, the dedication was automatically terminated if the City did not accept the street within 20 years. The owners of lots fronting on those paper streets may have implied easements to use the paper streets for access and development, but such easements do not override local zoning and subdivision regulations.

While the City is being asked to formally release any interest it has in this paper street, such a vote would not necessarily have any impact, except to clarify the record. Additional title research will be required by anyone wishing to formally acquire the paper street in order to determine who else, if anyone, may have legal interest and/or ownership of this property.

These requests have been reviewed by the Public Works Department and the Legal Department and, to date, staff have found no reason for the City to retain any interest it may have in this paper street.

Planning Department Recommendation (Item B)

Vote to recommend that the City Council release any interest it may have in the paper street known as Ruth Street to the centerline of where it abuts the property at 276 Dennett Street (Map 143 Lot 13).

Planning Department Recommendation (Item C)

Vote to recommend that the City Council release any interest it may have in the paper street known as Ruth Street to the centerline of where it abuts the property at 294 Dennett Street (Map 143 Lot 26).