



MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Jillian Harris, Planner 1
Subject: Staff Recommendations for the October 15, 2020 Planning Board Meeting
Date: 10/09/2020

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A.** The request of Foundry Place, LLC, Owner, for property located at **89 Foundry Place** for amended 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.

III. PUBLIC HEARINGS – OLD BUSINESS

- A.** Request by Public Service Company of New Hampshire d/b/a Eversource Energy for naming of a privately-owned road located off **Gosling Road** on **Assessor Map 214** as **Jacona Road**. This was referred to the Planning Board by the City Council.



Description

This a request from Eversource and GSP Schiller who own properties that are accessed from a presently unnamed private road. The parcels all presently have an address of Gosling Road. This creates challenges for emergency response. The parties are requesting the name the private road as Jacona Road and assign the properties and buildings listed below with new addresses:

Eversource Facilities

Portsmouth Substation (parcel 214-3, presently addressed 300 Gosling Road)
Resistance Substation (parcel 214-1, presently 400 Gosling Road)

GSP Schiller LLC Facilities

The Red Building (parcel 214-2, presently 280 Gosling Road)
NT Tank Farm (parcel 214-2, presently 280 Gosling Road)
Wood Yard Building (parcel 214-2, presently 280 Gosling Road)
SR Tank Farm (parcel 214-2, presently 280 Gosling Road)

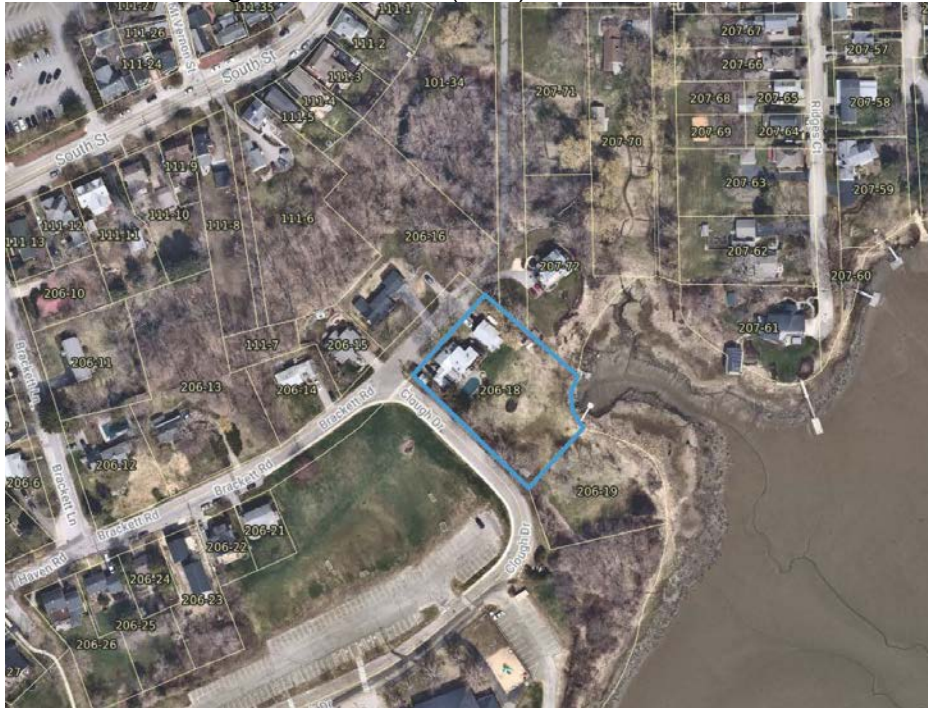
While this is not a public road, the subdivision regulations and City Ordinances reference the Planning Board's role in road naming. While the regulations do not stipulate that this has to be done as a public hearing, it has been the Planning Board's policy to notify abutting properties and to allow for a public hearing prior to approving the name. This process is also consistent with state laws governing the naming of streets. The City Council referred this request to the Planning Board at the October 5, 2020 meeting.

Planning Department Recommendation

Vote to recommend that the City Council approve the renaming of the private road to Jacona Road.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of the **Pamela Blalock Trust Agreement, Owner**, for property located at **148 Brackett Road**, requesting Wetland Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance to install a living shoreline consisting of grading and planting, shoreline revetment repair and replacement dock to restore the eroding shoreline at this location. Said property is located on Assessor Map 206 Lot 18 and lies within the Single Residence B (SRB) District. LU 20-175



Description

This application is to provide shoreline improvements in the form of several restoration berms and a raingarden where there is currently bare ground and lawn area. Also, a new concrete dock footing and a stone shoreline revetment are proposed along an eroding section of shoreline.

Conservation Commission Review

1. *The land is reasonably suited to the use activity or alteration.* The proposed work is necessary to protect an eroding bank and to enhance a lawn area with more native shoreline plantings.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The applicant is proposing to protect and restore this area of the site which is in need of protection. As such it 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.* The applicant has proposed a thoughtful design which incorporates vegetation enhancement stormwater infiltration and shoreline protection. The project is designed to enhance the functional value of the tidal buffer zone.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The natural vegetated state is being enhanced by this project. Where there is currently lawn and bare ground wetland buffer plantings are proposed along with a series of berms and saltmarsh plantings directly along the shoreline above the proposed revetment.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project has been designed to reduce the impacts from the erosion that is currently taking place on the site. The proposed buffer plantings, berms raingarden, saltmarsh plantings and revetment have been designed to reduce existing adverse impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has proposed plantings which are designed to enhance the buffer with native plantings.

The Conservation Commission reviewed the wetland conditional use permit application at the September 9, 2020 meeting and voted unanimously to recommend approval of this application with the following stipulations:

- 1) That the applicant provide a marsh failure plan in the event that the proposed marsh restoration project does not succeed as proposed.
- 2) The applicant provide a deed restriction to protect the restored marsh area from conversion back to a lawn area.

Planning Department Recommendation

- 1) *Vote to grant the Wetland Conditional Use Permit with the following stipulations:*
 - 1.1) *That the applicant provide a marsh failure plan in the event that the proposed marsh restoration project does not succeed as proposed.*
 - 1.2) *That the applicant provide a deed restriction to protect the restored marsh area from conversion back to a lawn area.*

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. The request of **Five Hundred Five Lafayette Road, LLC, Owner**, for property located at **605 Lafayette Road**, seeking amended Site Plan Review Approval for modification to the enclosure for a dumpster. Said property is located on Assessor Map 229 Lot 9 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.



Description

The Planning Board, at its January 16, 2020 meeting, approved the installation of a dumpster including a concrete pad and enclosure along with a waiver from Section 9.3.5 of the Site Plan Regulations requiring dumpsters to be a minimum of 20 feet from the property line. The approval was granted with the following stipulation:

- 1) Plans should include an alternative dumpster screen commensurate with the quality and character of the recently constructed principal building.

The attached enclosure designs (dated January 16, 2020 from Bernie Pelech) were included in the presentation as a handout from the applicant and discussed as part of the approval. The applicant is seeking an amended approval to construct a chain link enclosure due to cost and has included a spec sheet identifying the proposed materials and construction they wish to proceed with.

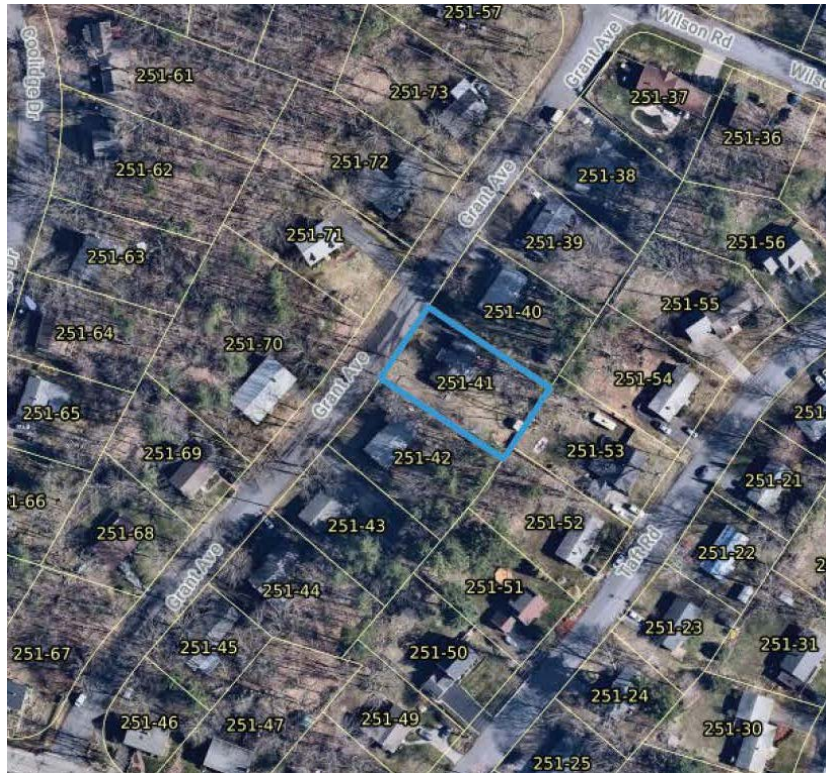
Planning Department Recommendation

[Should the Board find that the amended enclosure design is satisfactory, staff recommends the Board]

Vote to grant Amended Site Plan approval as presented.

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. The application of **Kenton Slevenski, Owner**, for property located at **175 Grant Avenue**, requesting a Conditional Use Permit in accordance with Section 10.814 of the Zoning Ordinance for the construction of a second-story addition with an Attached Accessory Dwelling Unit of 750 s.f. gross floor area. Said property is located on Assessor Map 251 Lot 41 and lies within the Single Residence B (SRB) District. CUP for ADU 20-177



Description

The applicant is requesting a conditional use permit to create an attached accessory dwelling unit (AADU) included in a second-story addition.

The Zoning Board of Adjustment, at their September 15, 2020 meeting, granted a variance from Section 10.521 to allow a lot area of 13,950 where 15,000 is the minimum required, thereby making this a conforming residential lot.

In addition to the dimensional requirements of Section 10.521, 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.

Required Standard	Planning Department Comments
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.
Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.	N/A
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 to have one bedroom and one office and to be 750 s.f.
Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling.	The ADU is proposed as part of a second story addition and maintains the appearance of a single-family-dwelling.
No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.	The proposed addition is entirely vertical to the primary dwelling unit.
An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40% of the total visible façade area of the dwelling as seen from that street.	The applicant has outlined compliance with this requirement.
The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.	The applicant notes that increases to the footprint are entirely related to the principal dwelling (overhang, porch, stair bumpout).
The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.	The applicant notes that the roofline/height will be equal to the primary dwelling, but that a gabled pitch and secondary gable bumpout will provide prominence to the principal dwelling compared to the AADU.

Required Standard	Planning Department Comments
The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.	The AADU is designed to be aesthetically consistent with the existing single family structure.

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 consistent with the principal dwelling on the lot.	The AADU is designed to be aesthetically consistent with the existing single family structure.
2. The site plan provides adequate open space, landscaping and off-street parking for both the ADU and the primary dwelling.	Both the primary dwelling and the AADU will have access to usable open space and landscaping. Required total parking is 3 spaces and 3 spaces are provided.
3. The ADU will maintain a compatible relationship to adjacent properties in terms of location, design and off-street parking layout and will not significantly reduce the privacy of adjacent properties.	The proposed AADU 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 location of this unit in an established residential neighborhood is unlikely to create a noticeable change in traffic.

<u>Planning Department Recommendation</u>
<p>1) <i>Vote to find that the application satisfies the requirements of 10.814.60.</i></p> <p>2) <i>Vote to grant the conditional use permit as presented, with the following stipulations:</i></p> <p>2.1) <i>In accordance with Sec. 10.814.90 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. 10.814, including the owner-occupancy requirement and shall renew the certificate of use annually.</i></p>

IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- D. The request of **Foundry Place, LLC, Owner**, for property located at **89 Foundry Place** for amended Site Plan Review Approval and a third 1-year extension of the Site Plan Review approval that was originally granted on November 16, 2017 and most recently granted a second 1-year extension on September 18, 2019, which will expire on November 16, 2020. Said property is shown on Assessor Map 138 Lot 62 and lies within the Character District 5 (CD5) District.



Description

The project received site plan review approval from the Planning Board on November 16, 2017 for the construction of a 4-story mixed use building with a penthouse (including interior parking garages on two levels, retail space on the ground floor, office space on the first floor and 43 residential units on the second, third, fourth and penthouse floors) with a footprint of 12,574 s.f. and gross floor area of 81,498 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements. On August 23, 2018 the Board granted a 1-year extension of approval to November 15, 2019 and again on September 18, 2019 to November 16, 2020.

The applicant is seeking a third 1-year extension and amended Site Plan Review approval for land use and site changes including a revised residential unit count from 43 to 55, elimination of some of the commercial space, revised parking layout and entrance to the parking garage and a reduction in building height and footprint.

Technical Advisory Committee Review

The TAC reviewed this application at the October 6, 2020 meeting and voted to recommend approval with the following stipulations:

Conditions to be Completed Prior to Planning Board review

1. DPW review and approval required for the proposed location of water lines and electrical service to the property.
2. Fire Department review and approval required to confirm interior layout of garage is adequate for compliance with code requirements related to access/egress locations and occupancy load.

Conditions to be Completed Prior to Building Permit Issuance

3. Plans shall be adjusted per DPW and Fire Department requirements as referenced above.
4. Remove all notes on the plans referencing 'by the City'. All improvements that the City owed are complete. Instead use 'preserve/protect/replace'.
5. Remove any references to regrading of Hill St 'extension'.
6. Plans should reflect that all electrical upgrades previously discussed with City on Hill St will be accomplished under this approval. This includes reimbursement to the City for conduit that was placed previously in Hanover and Autumn Streets for this purpose.
7. Bike rack in parking garage is not accessible when vehicles are parked in abutting spaces. Plans shall be adjusted to show that the rack has been moved to a more visible and accessible location.
8. The note designating the 3 parking spaces on Hill Street as short-term parking shall be revised to reflect that these will be assigned to the Hill/Hanover Group.
9. Notes shall be added to the plan that the property owner agrees to install and maintain landscaping proposed in public right-of-way.

The applicant is meeting with DPW and the Fire Department staff related to items 1 and 2 above. Since TAC, the applicant also submitted a revision to the interior layout and location of the utility room and water lines as well as an updated parking calculation. An update will be provided on status of the DPW and Fire Department review at the Planning Board meeting.

Planning Department Comments

The Planning Board may, for good cause shown, extend an approval by one (1) year. Site Plan Review Regulations require additional one (1) year extensions be reviewed by TAC and the Planning Board and that the owner shall submit the previously approved plans and supporting data. A time extension may be granted if the Board determines that the applicant has shown good cause for the extension and that no change has taken place that would materially affect the currently approved site plan in regard to:

- Traffic flow, volume, or congestion;
- Pedestrian safety;
- Drainage;
- Water availability;
- Sewer capacity;
- Design standards;

- Landscape elements; and
- Zoning compliance.

The Planning Board also has the authority to amend or deny a previously approved application.

Planning Department Recommendation

1) [If the Planning Board determines that the applicant has shown good cause and that no changes have occurred since the approval was granted that would materially affect the items listed above]

Vote to approve a 1-year extension of the Site Plan Review Approval to expire on November 16, 2021.

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

2.1) Plans shall be adjusted per DPW and Fire Department requirements.

2.2) Remove all notes on the plans referencing 'by the City'. All improvements that the City owed are complete. Instead use 'preserve/protect/replace'.

2.3) Remove any references to regrading of Hill St 'extension'.

2.4) Plans should reflect that all electrical upgrades previously discussed with City on Hill St will be accomplished under this approval. This includes reimbursement to the City for conduit that was placed previously in Hanover and Autumn Streets for this purpose.

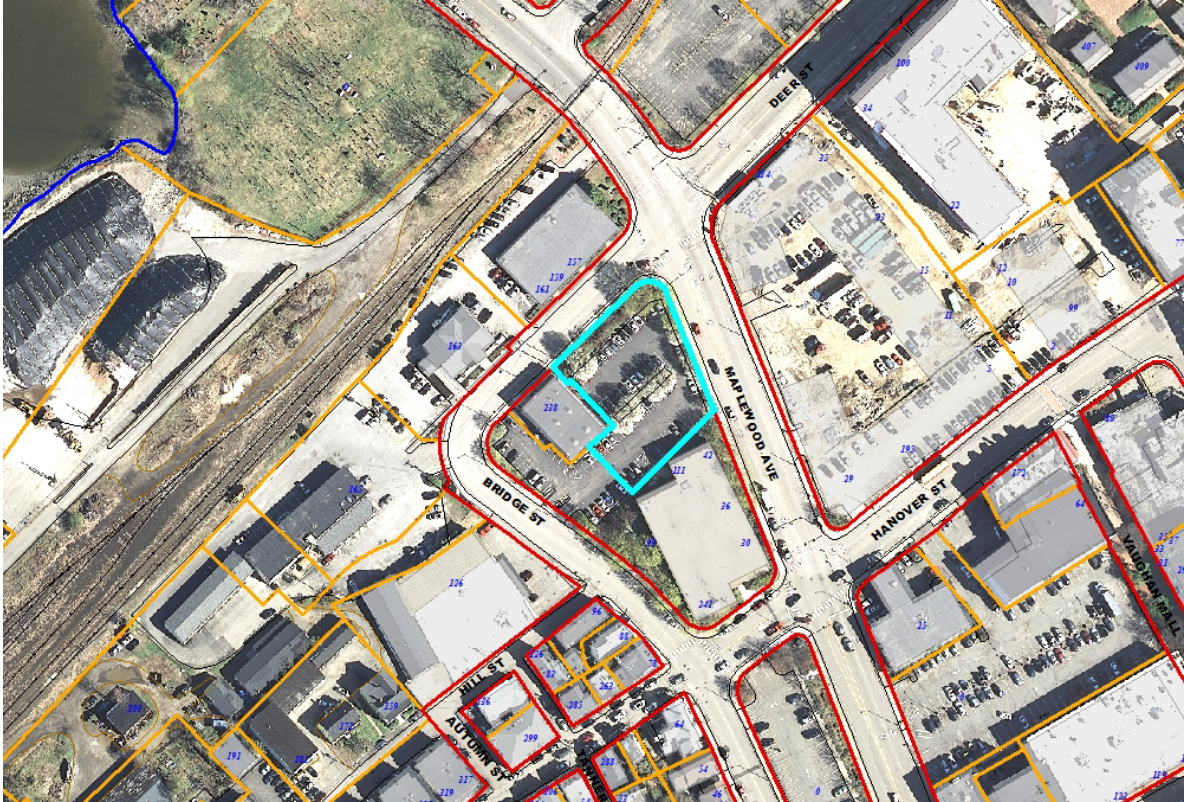
2.5) Bike rack in parking garage is not accessible when vehicles are parked in abutting spaces. Plans shall be adjusted to show that the rack has been moved to a more visible and accessible location.

2.6) The note designating the 3 parking spaces on Hill Street as short-term parking shall be revised to reflect that these will be assigned to the Hill/Hanover Group.

2.7) Notes shall be added to the plan that the property owner agrees to install and maintain landscaping proposed in public right-of-way.

V. OTHER BUSINESS

- A. The request of **30 Maplewood, LLC, Owner**, for property located at **0 Maplewood Avenue** for modifications to a previously approved Easement and License Plan. Said property is shown on Assessor Map 125 Lot 2A and lies within the Character District 4 (CD4) District.



Description

The property owner for 46-64 Maplewood Ave is requesting to eliminate a 637 s.f. covered pedestrian easement sub-area which was approved as part of a previously approved Site Plan Review and to add a 726 s.f. off-site pedestrian easement sub-area, therefore creating a continuous pedestrian walkway between the two buildings connecting Maplewood Avenue and Bridge Street.

Planning Department Recommendation

Vote to recommend that City Council approve the amended Easement and License Plan for 0 Maplewood Avenue, Tax Map 125, Lot 2A as proposed.