

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Kevin M. Baum, Esquire
DATE: January 2, 2020
Re: Applicant: Iron Horse Properties, LLC
Owners: Iron Horse Properties, LLC; Clipper Traders, LLC; Portsmouth Lumber & Hardware, LLC
Project Location: 105 Bartlett Street
Tax Map 157/Lots 1&2 and Tax Map 164/Lot 4-2
Character Districts CD4-W and CD4-L1

Dear Chairman Rheume and Zoning Board Members:

On behalf of Iron Horse Properties, LLC (“Iron Horse” or “Applicant”), we are pleased to submit this Memorandum and exhibits in support of Zoning Relief for the above referenced property.

I. EXHIBITS

1. 1/2/20 Site Plan Set – by Tighe & Bond Engineers:
 - C-101 (Existing Conditions Plan)
 - C-102 (Overall Site Plan)
 - C-102.1 (Roadway)
 - C-102.2 (Primary Project Area)
 - C-102.4 (Basement Level Site Plan)
2. Landscaping Concept Plan – by Woodburn & Company.
3. Property Constraints Plan – by Tighe & Bond Engineers.
- 4.A-F 3D Massing Plans – comparing 220 unit by-right massing, 178 unit original submission and revised 178 unit proposed development.
5. Zoning Overview Plan (GIS Map).
6. North Mill Pond Greenway Conceptual Plan excerpts – by the City of Portsmouth, Planning Department.¹
7. Permission to Lay Pipes Under Tracks Agreement between the Boston and Maine Railroad and Frank Jones Brewing Co.
8. Historic Conditions Photographs² and Sanborn Maps.³
9. Existing Conditions Site Photographs.
10. 9/11/19 Conservation Commission Minutes.
11. Trip Generation Memorandum Update – by Stephen G. Pernaw & Company, Inc.

¹ Source: http://files.cityofportsmouth.com/files/planning/190123_N_Mill_Pond_Digital.pdf

² Source: Portsmouth Athenaeum Photographic Collection

³ Source: Library of Congress Digital Collections, Sanborn Maps, Portsmouth, Rockingham County, New Hampshire available at <https://www.loc.gov/collections/sanborn-maps/?fa=location:rockingham+county%7Clocation:new+hampshire%7Clocation:portsmouth&st=gallery>

12. Architectural Renderings.⁴
13. 1/2/20 - Appraiser Opinion – by Robert Concannon, MAI, Risk Management Associates.

II. PROPERTY/PROJECT

A. *Overview*

Iron Horse seeks relief for a proposed mixed-use office and approximately 178 unit multifamily development with associated amenities (the “Project”) at 105 Bartlett Street in the CD4-W and CD4-L1 Zoning Districts. **Exhibit 1**. The specific project area (the “Property”) is bounded by North Mill Pond to the northwest, the B&M Railroad to the southeast and northeast, and Bartlett Street to the southwest. *Id.* (Sheet C-102). The area includes the rear portion of Tax Map 157, Lot 2 (Ricci Lumber), Tax Map 157, Lot 1 (Great Rhythm Brewery and Play All Day Doggie Daycare) and the front portion of Tax Map 164, Lot 4-2 (former Pepperell Cove Marine and former B&M railyard) to approximately Cabot Street. *Id.* (C-101 - Existing Conditions Plan); **Exhibit 9** (Existing Conditions Photographs).

The original project proposed up to 272 units, including 3 multifamily buildings along the Mill Pond in CD4-W. As detailed below, in response to comments from neighbors and Planning Department staff, Iron Horse has significantly revised the project, reducing the number of proposed units to approximately 178, and has created significantly more open space nearest the North Mill Pond, exchanging horizontal for vertical development rights (**Exhibits 1, 2, 4**).

Iron Horse proposes to construct a 4 story, ±42 unit multifamily structure (Building A), a 4-5-story, ±96 unit multifamily structure (Building B), and a 2-5 story, mixed use building with first floor commercial/office and ±40 units of upper story residential use (Building C), including renovations to a 2 story portion of the existing Great Rhythm/Play All Day building for use as an amenity building. **Exhibit 1** (Sheet C-102.2); **Exhibit 2** (Landscaping Concept); **Exhibit 4.E, F** (Massing Plans). The proposed residential units are anticipated to be market rate apartments with a mix of approximately 5% studio/micro units, 45% 1 bedroom units, 45% 2 bedroom units and 5% 3 bedroom units. Iron Horse proposes to relocate existing storage buildings utilized by Ricci Lumber in order to improve traffic flow and open space. *Id.* The Project will also remove

⁴ The architectural renderings are provided for example only to assist the ZBA with its review of the Project. The final design of the buildings may be further modified as part of the Site Plan Application Review process or due to conditions discovered during the construction process.

the existing, dilapidated remains of the former railroad roundhouse located within the Cabot Street view corridor. **Exhibit 1; Exhibit 3.**

Iron Horse will assign ±55,192 square feet (~25% of site) of community space along the edge of North Mill Pond for public use as part of the North Mill Pond Greenway, a walking/bicycle path currently in development by the City of Portsmouth. **Exhibit 6** (Greenway Conceptual Plans). This area provides a significant benefit to the proposed Greenway since “with the exception of the one-acre community park, all of the land in the proposed linear greenway is currently owned by private entities and will require land easements or acquisition by the City.”⁵ Notably, Iron Horse also proposes a large public courtyard/park which effectively consolidates and expands the Greenway nearest Buildings A and B, centered around the former railroad roundhouse designed by Woodburn & Company. **Exhibit 2** (Landscaping Concept); **Exhibit 4.E, F.** Iron Horse also proposes, as a condition of ZBA approval, an approximately ±40 foot wide no-build restriction over Tax Map 164, Lot 4-2 in the CD4-L1 zone adjacent to Building A to create a permanent view corridor from Salem Street.

In addition to zoning relief discussed in Section III below, Iron Horse intends to seek a lot line adjustment⁶ from the Planning Board to relocate the lot lines between Ricci Lumber, the existing private roadway and Lot 157-1 as well as to remove the property line between Lot 157-1 and Lot 164-4-2. The Project will also undergo Planning Board and Technical Advisory Committee review pursuant to the site plan review process.

B. Physical and Legal Constraints

The Property as a whole, and in particular the Project area, is heavily burdened by existing physical and legal restrictions that significantly restrict the developable portion of the Property⁷ without relief (**Exhibit 3**):

- The Property itself is very long, narrow and abnormally shaped. The land does not easily lend itself to typical dimensional zoning restrictions, which are largely based

⁵ The area required for the development of the City’s proposed North Mill Pond Greenway, a multi-use community park/path along North Mill Pond. See <https://www.cityofportsmouth.com/planportsmouth/north-mill-pond-trail-and-greenway>

⁶ The Applicant anticipates that approval of a lot line adjustment will be a condition of variance approval.

⁷ The Supreme Court has continually confirmed that a municipality’s power under its zoning ordinance must be balanced by a property owner’s Constitutional rights under the NH Constitution pt. 1, arts. 2, 12. The purpose of a variance is to allow for a waiver of the strict letter of the zoning ordinance without sacrifice to its spirit and purpose. *Simplex Technologies v. Newington*, 145 N.H. 727 (2001).

upon “regularly shaped” square or rectangular lots. *Id.* Its narrow front and rear yards, the existence of a long established railroad line on its eastern side, and meandering western side yard due to the North Mill Pond shoreline, restrict development and/or requires irregular/atypical building design. **Exhibit 1.**

- The Property is burdened by an existing municipal sewer line running under the proposed roadway/parking area on its eastern portion. **Exhibit 3** (Constraints Plan); *see also Exhibit 7* (Pipe Agreement).⁸ The sewer line location significantly restricts the developable area of the Property as accessibility for future maintenance and repairs must be maintained.
- Development on the western portion of the Property is restricted due to the proximity of North Mill Pond and the building restrictions set forth in the New Hampshire Shoreland Water Quality Protection Act and associated state and municipal regulations. Those restrictions generally prohibit construction within the first 50 feet of shoreline. Additionally, the Property is located within multiple zoning districts and height requirement areas imposing variable dimensional and height restrictions across the project area. **Exhibit 5** (GIS Map). These physical and regulatory restrictions result in a very narrow developable area on the Property.
- New buildings or structures located within 400 feet of North Mill Pond along the eastern shore are subject to a public view corridor restriction pursuant to Portsmouth Zoning Ordinance (“PZO) Section 10.5A42.40 (North Mill Pond Public View Corridors). The owner of any lot along North Mill Pond intersecting with Dover Street, Cabot Street, Cornwall Street and Langdon Street must maintain a public view corridor at a width equal to the width of those streets.⁹ **Exhibit 3** (Constraints Plan) Those right of ways intersect the eastern Property line at an approximately 72 degree oblique angle, increasing the actual building separation on the Property to ±65 feet (absent angular,

⁸ The location of the sewer line, now maintained by the City is known; however, there is no easement on record for its use. The sewer is believed to have been constructed by the Frank Jones Brewery, later conveyed to the City, and thus subject to the B&M Railroad/Brewery Agreement.

⁹ PZO §10.5A42.40 requires that: “All new buildings or structures located within 400’ of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street, Cabot Street, Cornwall Street and Langdon Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.”

irregular shaped buildings) well in excess of the width of the existing ±43 foot Cabot Street right of way. **Exhibit 1** (Sheet C-102.2); **Exhibit 3**.

- PZO Section 10.516.20 requires a minimum 15-foot side yard setback from railyard. Notwithstanding the lack of setback requirements in the CD4-W District and intent for reduced setbacks in the CD4-L1 District (min. 5'/max. 20'), the PZO requires a 15 foot setback along the eastern Property boundary, along the existing railroad right of way. **Exhibit 3**. This setback further narrows the developable area of the Property.

C. *Historic Use of Property and Surrounding Area*

The Property was historically utilized as a railyard (**Exhibit 8**), including the roundhouse, the B&M Railroad machine shop, a large coal storage building, multiple tracks and other associated railroad uses. *Id.* Nearby uses included the former very large 5+ story Portsmouth Shoe Company manufacturing facility located to the southeast between Dover Street and Cass Street¹⁰ and the nearby Frank Jones Brewery and Eldridge Park Brewery complexes. *Id.* Located farther to the southeast was housing for many shoe factory employees, which largely remains in place today. *Id.*

Portions of the Property have for many years been used commercially (Ricci Lumber Co., Great Rhythm Brewery, Play All Day Doggie Daycare, Pepperell Cove Marine) and industrially as a railyard. More recently most of the Project area has remained undeveloped and in poor condition with debris and overgrowth, frequently occupied by the homeless. **Exhibit 9**. The former roundhouse is significantly deteriorated and the remaining railyard portion of the Property, although recently proposed for propane tank storage, is not presently in use.

Indeed, the area is strewn with railroad remnants including building fragments, old rails, cross ties and all manner of other debris, junk and trash. (See Photos **Exhibit 9**). These current conditions are not only an eyesore, they contribute to hazards to people and the environment from fire, decay, runoff and personal injury. Iron Horse will remedy these issues by establishing, safe, beautiful, productive use of the area including public access to the shoreline, via the City's planned North Mill Pond Greenway, the proposed courtyard/park and providing much needed residential housing within walking distance of Downtown.

D. *Public Meetings and Development Proposals*

¹⁰ In fact, Anna (Addorio) Ricci (Portsmouth 1907-1995), also known as Nona Ricci to Ed Hayes, principal of the Applicant and Ricci Lumber Co., worked at the factory for many years.

Development Plans for the Property began in early 2018 when Clipper Traders, LLC sought and in August, 2018 obtained a zoning amendment to change the underlying zoning district from Office Research and Transportation Corridor to CD4-W and CD4-L1, followed by subdivision approval to realign the layout to create the existing road and lots, previously owned primarily by the B&M Railroad.¹¹ Iron Horse later acquired additional land from B&M via a Planning Board approved lot line adjustment. Several example renderings of possible proposed buildings were shown for context during these proceedings; however, until recently, formal development plans were not completed.

Subsequently, more detailed development plans for the Property were prepared, proposing up to 272 dwelling units¹² with concentrated development in the CD4-W District due in part to the greater height/stories permitted, with more horizontal density. The proposal included removing and constructing new structures in the area of the Great Rhythm/Play All Day building, with significantly more building footprint within the shoreland buffer area.

Plans for the 272 unit proposal were initially presented on September 4, 2019 at a community meeting that included the Stark Street, Bartlett Street and Islington Creek neighborhoods and to the Portsmouth Conservation Commission as of September 11, 2019. Iron Horse representatives also met separately on several occasions with neighbors and other interested parties to discuss the proposal and had multiple meetings with City Planning Department Staff to determine required relief for the Project. The overwhelming feedback received at public meetings, the Conservation Commission and City Staff was to reduce the building footprint within the 100 foot shoreland buffer from North Mill Pond, vary the height of the buildings, decrease overall density, and to provide a larger, more cohesive community space adjoining the North Mill Pond Greenway. *See e.g. Exhibit 10* (Conservation Commission Minutes at p. 4) (“Chairman Miller commented that vegetation would be of interest to the Commission especially with landscaping and restoring as much function as possible.”); (“Ms. McMillan agreed that they should move it back away from the buffer”); (“Vice Chairman Blanchard commented that the egress for the buildings should be away from the pond side if

¹¹ Although there were “island” lots that included the existing buildings (Ricci, Great Rhythm/Play All Day), the surrounding parking areas and access ways were owned by B&M and leased to the interior businesses.

¹² The 272 unit proposal included proposed townhouse structures on the eastern portion of the Property between approximately Cabot Street and Langdon Street. That portion of the Property is not part of the current Developer’s project.

possible. They should keep activity away from the buffer as much as possible.”) The Commission members also expressed concern about future sea level rise and recommended locating buildings away from North Mill Pond and at higher elevation. *Id.* at p. 3.

Based on this community feedback, Iron Horse modified its initial proposal, reducing the unit count first to 220 units then to the present ±178. The proposal includes retaining and renovating a portion of the existing Great Rhythm/Play All Day building as an amenities building rather than removing it entirely, thus limiting new construction closest to the North Mill Pond shoreline. Iron Horse also changed the shape and alignment of the proposed multifamily Buildings A and B to further limit new construction in the 100 foot buffer and to provide for a large publicly accessed courtyard/park that consolidates and expands the adjacent Greenway in the area of the former railroad turntable. **Exhibit 2.**

Iron Horse originally submitted a variance application based on the above-described design for ZBA review at its December 17, 2019 meeting. Subsequent to that filing, Iron Horse met again with Planning Staff and held continued meetings with neighbors to review the pending application/plans. In response to those discussions, Iron Horse voluntarily withdrew its December application and has further modified its proposal by reducing the overall length of Building A, eliminating the eastern-most portion of the building from the Salem Street corridor/CD4-L1 Zoning District, where a two-story, 30 foot tall building permitted by right (with incentives). Iron Horse now proposes to remove all structures from this area and transfer that density to a partial, stepped story on the rearmost portion of Building C, farthest from North Mill Pond, completely within the CD4-W District, and the presently more densely developed western portion of the Property. Iron Horse further proposes a permanent view corridor extending from Salem Street via a no-build restriction to be imposed as a condition of approval.¹³

Iron Horse’s present proposal to concentrate development away from North Mill Pond and the Salem Street corridor, adds slightly greater building height on the more densely developed portion of the Property and completely within the CD4-W Zoning District. This transfers horizontal for vertical development rights, thus maintaining a commercially viable number of dwelling units while protecting the Dover Street view corridor, adding a permanent Salem Street view corridor, with far less overall building coverage/impact within the 100 foot

¹³ PZO §10.5A42.40 requires maintenance of view corridors on lots intersecting Dover Street, Cabot Street, Cornwall Street and Langdon Street. No corridor is required for Salem Street.

buffer and CD4-L1 zone. **Exhibit 4** (Massing Plans). Indeed, the revised proposal reduces presently existing impacts within the 50-100 buffer by approximately 33% and approximately 37% overall (0-100 feet). **Exhibit 1**.

Notably, Iron Horse has also graded the first floor of Buildings A, B and C to raise the elevation of all occupied levels of the building to provide additional flood protection. The project is fully compliant with the recently passed Portsmouth Flood Plain Ordinance revisions.

The public space contains a rain garden with native plantings, improving sheet flow to the Mill Pond that also memorializes the historic railroad use of the site via the reuse of existing granite blocks from the foundation of the former roundhouse and an interpretive plaque. The revised proposal for 178 units, with changes to the Great Rhythm/Play All Day building to an amenities building, actually reduces the number of vehicle trips in comparison to Iron Horse's prior 272 unit development proposal and increases the number of vehicle trips only slightly over the existing Great Rhythm/Play All Day use. **Exhibit 11** (Traffic Memorandum).

E. The Project Furthers the Goals of the 2025 Master Plan

In addition to meeting the intent of the PZO, the Project furthers the goals of the City's 2025 Master Plan¹⁴ to:

1. Support reinvestment in underutilized buildings and land (Goal 1.1.1) – The Property, long underutilized and littered with debris and discarded railroad structures and equipment will be cleaned up and transformed into needed housing with beautiful public/community space.
2. Enhance the quality and connectivity of pedestrian facilities (Goal 1.1.2) – Community space dedicated for the Project will be directly utilized for the North Mill Pond Greenway, a multi-use path providing bicycle and pedestrian access from Bartlett Street to Maplewood Avenue.
3. Promote the creation of open spaces, seating areas and other outdoor amenities (Goal 1.1.3); Encourage public access, use and enjoyment of the downtown waterfront (Goal 1.1.5); Enhance neighborhood parks, recreational facilities and playgrounds, and add new ones

¹⁴ The City of Portsmouth Zoning Ordinance makes clear that the purpose thereof is to implement the goals and objectives of the City's Master Plan. (See Section 10.120.) Purpose 10.121, General Purpose and Intent, which states: "The purpose of this Ordinance is to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan. The Ordinance is intended to implement the goals and objectives of the Master Plan."

where appropriate (Goal 1.4.1) – The Project will: support the development of the North Mill Pond Greenway; enable the creation of an adjacent new publicly accessed courtyard/park; and complete with seating, utilizing materials that memorialize the historic roundhouse.

4. Identify and protect scenic road corridors and priority views of the waterfront and historic structures (Goal 2.2.1); Actively protect, enhance and acquire public waterfront access (Goal 2.3.2) – The Project: protects scenic view corridors from Dover and Cabot Streets; creates a new permanent view corridor from Salem Street; creates new public open space that preserves views and access to North Mill Pond; and memorializes/utilizes portions of the historic railroad roundhouse and turntable.

5. Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirements and increased maximum heights (Goal 3.2.2); Encourage the creation of smaller housing units, such as micro-units (Goal 3.2.5) – Granting the variances, specifically to allow for increased heights of Building B and C, allows for the creation of needed housing, with mixed sized, 1-3 bedroom and studio/microunit apartments, all within walking/bicycling distance to downtown.

6. Implement Bicycle and Pedestrian Plan priorities in the neighborhoods (Goal 4.2.1); Identify and implement off-road multi-use paths along North Mill Pond and other transportation and utility corridors (Goal 4.2.4) – Community space dedicated for the Project enables the construction of the North Mill Pond Greenway, an off-road multi-use bicycle and pedestrian path along North Mill Pond. All buildings will have bicycle racks.

7. Incorporate sea level rise projections based on up-to-date state of the art dynamic models into adaptation planning and land use regulations (Goal 5.5.1) – The proposal moves new construction away from North Mill Pond, increases the area outside of the 100 foot buffer, and places living spaces at elevations above anticipated flood levels in compliance with the recently passed flood plain ordinance amendments.

Iron Horse's proposed design, driven by: the irregular shape of the Property; the restrictions imposed by the North Mill Pond (including the proposed Greenway); the public sewer line running the length of the premises; the view corridors; the remaining rail line, and community/Conservation Commission/Staff review/input requires zoning relief in order to:

- (a) relocate the existing Ricci Lumber storage buildings closer to the railroad corridor in alignment with several existing Ricci structures;
- (b) realign the Dover Street view corridor to maintain a width equal to the right of way, preserving views to North Mill Pond consistent with the intent of the PZO, allowing for a shorter building length and creation of a permanent Salem Street view corridor; and
- (c) retain existing improvements and realign new structures to minimize construction within the 100 foot shoreland buffer and increase public/open space by relocating/redesigning the multifamily buildings to transfer development/lot coverage/density from horizontal to vertical by adding one story to Building B and a portion of Building C.

III. RELIEF REQUIRED

Despite all of the physical/legal lot constraints, and Iron Horse's voluntary changes to reduce units and add significantly more open/public space, only three variances are required:

1. PZO §10.516.20 – To permit the relocation of the existing Ricci Lumber storage buildings 6 feet from the side yard adjoining a railroad right of way where 15 feet is required.

The relocated buildings and parking area, to be used only for lumber and other material storage with no human occupancy and outdoor parking, will be placed in line with existing storage buildings and other parking areas on the Property, which are an equivalent distance from the railroad right of way.

2. PZO 10.5A42.40 – To realign the Dover Street view corridor to 90 degrees from McDonough Street from the existing oblique angle intersection, still maintaining a width equal to that of the public right of way.¹⁵

The proposal maintains a public view of North Mill Pond from the terminal end of Dover Street at a width equal to the public right of way. By realigning the angle of the view corridor from the existing street line, Iron Horse maintains the intent of the view corridor requirement

¹⁵ Iron Horse believes its proposal meets all of these requirements as it maintains a view corridor equal to the width of Dover Street and maintains existing public views from the end of Dover Street to North Mill Pond. PZO § 10.5A42.40 does not require owners to maintain any angle nor to maintain public views for any specific distance along the roadway. However, out of an abundance of caution, Iron Horse requests a variance in the event the ZBA deems one necessary to modify the angle of the view corridor from that of the existing street line.

while adjusting the distance between Buildings A and B, consistent with the intent of the CD4-W District, avoiding irregularly shaped structures. Iron Horse intends to remove what remains of the existing, dilapidated roundhouse, which currently restricts views of the pond from Dover Street. **Exhibit 1** (Sheet C-101); **Exhibit 3**.

3. PZO §10.5A43.31 and §10.5A46.10 – To permit, in combination with the application of an incentive, five-story, 60 foot building on portions of Building B and C (CD4-W) where four-story/50-foot tall buildings are permitted.

Buildings up to four-stories/50 feet are, with incentives, permitted by right in CD4-W pursuant to Zoning Map 10.5A.21.B. On the remainder, buildings up to two-stories/30 feet (with incentives) are allowed. In response to comments from the Conservation Commission, Planning Department Staff and members of the public, Iron Horse has maintained a portion of the existing Great Rhythm/Play All Day building and realigned the new buildings to reduce construction within the 100 foot buffer and remove all structures from CD4-L1, maximizing public space adjacent to North Mill Pond and the Greenway and a permanent view corridor from Salem Street. This layout significantly reduces the buildable area otherwise available for Iron Horse to construct up to 4-stories/50 feet. Thus, Iron Horse proposes to transfer from vertical to horizontal development of permitted density by reducing structures within the shoreland buffer and CD4-L1, instead adding an additional story to the rear portions of Buildings B and C, also decreasing the total number of units to 178 from the 272 and 220 unit proposals. **Exhibit 4** (Massing Plan). Historically five story buildings have been located in the area. **Exhibit 8** (Historic Conditions).

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H. 102 (2007) and its progeny.¹⁶ Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates

¹⁶ The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. The NH Constitution (pt. I, arts. 2, 12.) guarantees to all persons the right to acquire, possess and protect property. These guarantees limit all grants of power to the State that deprive individuals of reasonable use of their land. *Simplex*, 145 N.H. 727, *supra*.

the ordinance's basic zoning objectives." *Id.* "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance is set forth in PZO §10.121: "... to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan. The Ordinance is intended to implement the goals and objectives of the Master Plan."

1. The use of land, buildings and structures for business, industrial, residential and other purposes – Office and multifamily residential uses are permitted in the CD4-W and CD4-L1 Zones. The requested relief relates only to dimensional requirements and only in CD4-W. The variances will permit the relocation of existing storage buildings and parking on the Ricci Lumber lot, to a location consistent with other long-existing structures, improving open space, vehicular movement and parking. An additional stepped story on Building B and the southeast (rear) portion of Building C allows the development to shorten Building A and create a permanent Salem Street view corridor. By transferring horizontal building location development rights for vertical, the 100 foot buffer is better preserved, density is shifted closer to the existing Bartlett Street businesses and out of the CD4-L1 district, and significant additional public space is created, consistent with feedback from the Conservation Commission and the community.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Property meets applicable lot size, coverage, bulk, and open space requirements. The view corridor perpendicular to McDonough Street maintains a sight lines to North Mill Pond at a width equal to the existing right of way, reduces mass by allowing a shorter building length and creates an additional view corridor from Salem Street to the North Mill Pond. The additional vertical density provides a better layout, a reduction in the overall building coverages consolidates and increased open public space.

3. The design of facilities for vehicular access, circulation, parking and loading – Granting the variances to allow relocation of the Ricci Lumber storage buildings and parking will allow for better vehicular access, circulation, parking and loading on the Property. The proposed additional building height will either have no effect or will improve vehicular movement by decreasing building coverage on the lot.

4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – None of these are negatively affected by the requested relief. The relocated

storage buildings and parking will be consistent with existing structures and parking areas along the Ricci Lumber side property line and will provide an additional buffer from any lighting and/or noise from commercial operations on the lot. The proposed additional building stories/height moves the proposed buildings away from North Mill Pond and its associated buffer, allows for less building coverage, thus more publicly accessed open space, within which a rain garden and native plantings are proposed. Importantly, Planning Board/TAC site review will fully vet these issues.

5. The preservation and enhancement of the visual environment – The relocated Ricci Lumber storage buildings and parking creates a unified layout on that lot. An additional stepped story on Building B and a portion of Building C preserves the Dover/Cabot Street view corridors, allows for the creation of a Salem Street view corridor, and provides a larger, more cohesive community/public space along North Mill Pond. Importantly, the Project cleans up a long underutilized site, that currently includes debris, overgrowth and abandoned, deteriorating railroad lines and associated materials. The Project will revitalize this run down, formerly industrial area, creating needed housing, a beautiful public space and the continued development of the City's long planned North Mill Pond Greenway in accordance with the 2025 Master Plan.

6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The proposal provides open space centered around the former railroad roundhouse. Efforts are underway to partially preserve and memorialize the roundhouse turntable and other historic railroad use on the Property as safety and usability of the public space permit.

7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – All lot coverage and open space requirements are met. The requests related to building and parking locations (railroad right of way and view corridor angle) do not impact natural resources. The additional stories/height proposed for Building B and a portion of Building C allow a modest increase in vertical density in exchange for reduced building coverage, increased open space and lessen impact to the shoreland buffer, while creating a permanent building restriction/Salem Street view corridor. The site design, including former turntable area provides rainwater storage with a raingarden and native plantings for runoff control, improving the environment. Thus, the proposal will better protect natural

resources. Further, these issues will be vetted by NHDES, TAC and the Planning Board as part of the site review process.

Based upon the foregoing, none of the variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives.” *Malachy Glen, supra*, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The proposed uses on the Property are permitted by right. The layout of the Project, as modified by the variances, cleans up a dirty, neglected site, improves stormwater treatment, allows for better vehicular movement between the existing lots and longstanding existing businesses, creates an additional view corridor, allows for less building coverage, more open space and a better overall community/public use of the North Mill Pond shoreline and the City’s proposed Greenway. The proposal is thus consistent with the intent of the underlying CD4-W and CD4-L1 zones and the City’s Master Plan (*see* Section II, D at p. 7 *supra*). Accordingly, granting each requested variance will neither “alter the essential character of the locality,” nor “threaten the public health, safety or welfare.”

3. Granting the variance will not diminish surrounding property values.

The requested relief: cleans up the site; is an environmental improvement over existing conditions; improves vehicle movement; reduces building coverage; increases open space; permanently maintains a view corridors; creates a buffer/transition between the Project and nearby areas and allows for a more cohesive and larger community/public space on the Property. The redesign, adding one stepped story on Building B and a portion of Building C, are a result of feedback during community forums and public meetings. A better overall design is proposed, consistent with the intent of the PZO and 2025 Master Plan. The Project makes productive use of the long underutilized, blighted Property by construction of tastefully designed buildings with attractive public space adjacent to the North Mill Pond Greenway, creating a new public amenity accessible to the surrounding neighborhood. In light of these factors, and the redevelopment of

the blighted area as a whole as supported by the expert opinion of Real Estate Appraiser Robert Concannon (**Exhibit 13**), granting the variances will not diminish surrounding property values.

4. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property/project from others in the area.

The Property is irregularly shaped and tightly constrained by the North Mill Pond, associated Shoreland buffers, the railroad right of way, the sewer line and the required view corridors, the effective width of which are significantly increased beyond that of the adjoining right of way due to the oblique angle of the connecting streets. The proposed Greenway and adjacent courtyard/park for which the Applicant is providing community space, further restrict horizontal development on the Property. The only available access is through the long existing, previously developed area adjoining Bartlett Street. The developable areas on the Property are severely constrained absent relief. The lot is atypical to say the least when compared to the general intent of the CD4-W and CD4-L1 dimensional requirements. These factors clearly combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of the 15 foot setback to a railroad right of way is to provide a safe buffer between buildings and any rail line. The relocated Ricci Lumber buildings are for storage or parking only and not for any residential use or human occupancy. The proposed location is in line with long preexisting structures used by Ricci without incident for many years. Accordingly, there is no fair and substantial relationship between the purposes of the railroad setback and its application to the relocated, unoccupied, storage buildings and parking area.

The purpose of PZO Section 10.5A42.40 is to maintain sight lines to North Mill Pond from intersecting streets equal to the width of those streets. The intent of the provision is met here as the proposal maintains a ± 43 foot distance between Buildings A and B, equal to the width of Dover Street. However, as a result of the oblique angle at which Dover Street intersects the Property, an approximately 65 foot distance is required between the two buildings to maintain a 43' view corridor absent offset or irregularly shaped, angular building designs. This additional building separation is contrary to the intent of the CD4-W District, which requires no side yard

setbacks.¹⁷ Views across to the Property to North Mill Pond are maintained or improved by the Project. The proposal provides a 43' view corridor from the termination of Dover Street to the pond and creates a new permanent view corridor from Salem Street. Additionally, Iron Horse will remove from the Dover Street view corridor the existing obstruction, created by the remaining portions of the dilapidated roundhouse. Given the proposal's preservation/improvement of views, there is no fair and substantial relationship between the purposes of the North Mill Pond View Corridor requirement and its application in this instance.

Height/story restrictions exist to promote adequate air and light and prevent over massing. The proposed building layout complies with all coverage and open space requirements. With the exception of the railroad right of way, which relates to existing structures, all setback requirements are met or exceeded. The Project preserves view corridors from Dover Street, Salem Street and Cabot Street, further increasing air and light and preserving views to North Mill Pond. These view corridors, along with the setback of the buildings from North Mill Pond, from the side property line and railyard, blunts the impacts of the additional story/10 foot height for Building B and a portion of Building C. It bears repeating that the transfer of development density from horizontal to vertical allows the Project to far better protect the 100 foot buffer, decrease impervious coverage and create a larger and better community/public space. For all of these reasons, there is no fair and substantial relationship between the general public purposes of these provisions of the PZO and their specific application to the Property.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. *Vigeant v. Hudson*, 151 N.H. 747 (2005) The proposed use of the Property for office, multifamily residential and associated use is permitted and is consistent with the overall intent of CD4-W and CD4-L1 Districts and the 2025 Master Plan. As such, and for all of the reasons stated, this proposed use is reasonable.

5. Substantial justice will be done by granting the variance.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. *Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." *Malachy Glen, supra* at 109. Granting the variances allows the Applicant to

¹⁷ PZO §10.5A41.10B

develop the Project in a way that: improves vehicular access; better protects the North Mill Pond buffers; reduces building coverage; cleans up a tortured site; creates significant additional public space; creates a new view corridor; and promotes the development of the North Mill Pond Greenway, all in furtherance of the 2025 Master Plan. Granting the variances provides a significant benefit to the public. Conversely, denial deprives Iron Horse the reasonable use and development of the Property and denies the public additional places to work and live, the cleanup of a distressed site, and a truly wonderful public Greenway and courtyard. There is no benefit to the public that outweighs the harm to the owner if the requested variances are not granted. Denial would result in an unreasonable and unconstitutional taking of their rights.

V. **CONCLUSION**

For all of the reasons stated, the Applicant respectfully requests that the Portsmouth Zoning Board of Adjustment grant the submitted variance requests.












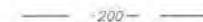



















Respectfully submitted,
Iron Horse Properties, LLC



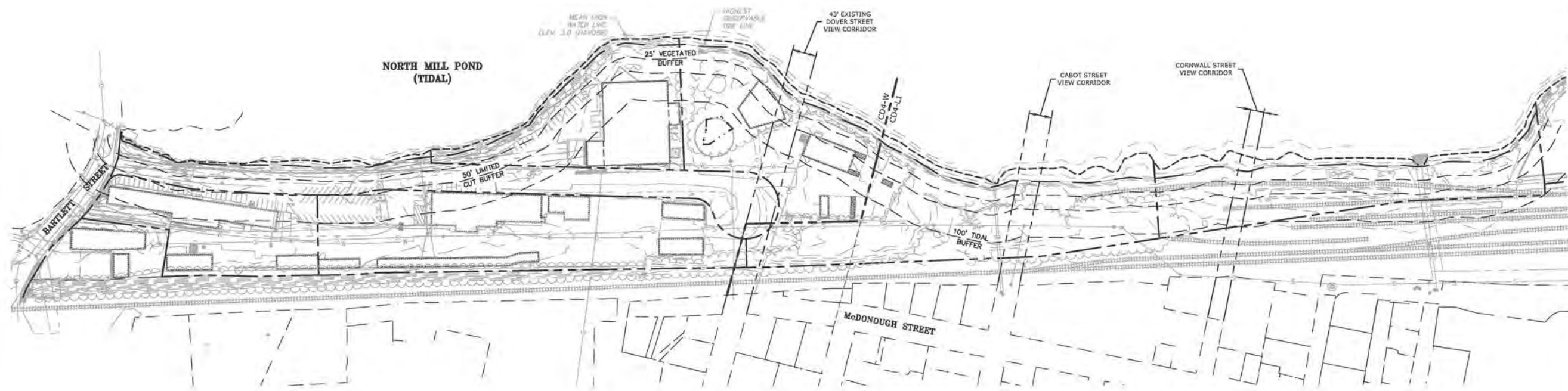
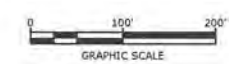
By: R. Timothy Phoenix
Kevin M. Baum

tabbles

LEGEND

-  BUILDING
-  BUILDING OVERHANG
-  BUILDING HATCH/TEXT
-  CURB
-  EDGE OF PAVEMENT
-  RETAINING WALL
-  STONE WALL
-  CHAIN LINK FENCE
-  FENCE LINE
-  TREELINE
-  PAVEMENT MARKING
-  TRAFFIC SIGN
-  MAJOR CONTOURS
-  MINOR CONTOURS
-  STORM DRAIN LINE
-  SANITARY SEWER LINE
-  WATER LINE
-  UNDERGROUND ELECTRIC LINE
-  OVERHEAD ELECTRIC LINE
-  UNDERGROUND GAS LINE
-  DRAIN MANHOLE
-  CATCH BASIN
-  SEWER MANHOLE
-  HYDRANT
-  WATER GATE VALVE
-  UTILITY POLE
-  TELEPHONE STRUCTURE
-  GAS GATE VALVE
-  BOLLARD
-  GAS SHUTOFF
-  WATER SHUTOFF

- EXISTING CONDITIONS PLAN NOTES:**
1. EXISTING CONDITIONS ARE BASED ON A FIELD SURVEY BY AMBT ENGINEERING, INC., DATED 3/5/2018.
 2. WETLAND DELINEATION BY STEVEN D. RIKER, CWS, ON 8/8/2017, AND FIELD LOCATED BY AMBT ENGINEERING, INC. ON 8/9/2017.
- REFERENCE PLANS:**
1. "PROPOSED SUBDIVISION PLANS, CLIPPER TRADERS, LLC" PREPARED BY AMBT ENGINEERING, INC., DATED DECEMBER 14, 2018.



Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

MARK	DATE	DESCRIPTION
A	1/2/2020	ZBA Submission

PROJECT NO: C-0960-006
DATE: January 2, 2020
FILE: C-0960-006_C-SITE.DWG
DRAWN BY: NAH
CHECKED: PMC
APPROVED: BML

OVERALL EXISTING CONDITIONS PLAN

SCALE: AS SHOWN

C-101

Last Saved: 12/29/2019
 Plotted On: Dec 23, 2019 9:24am By: NAH
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SITE DATA:

PROJECT LOCATION:
TAX MAP 157, LOT 1
TAX MAP 157, LOT 2
TAX MAP 164, LOT 1
TAX MAP 164, LOT 4
TAX MAP 164, LOT 4-2

105 BARTLETT STREET
PORTSMOUTH, NEW HAMPSHIRE
CHARACTER DISTRICT 4 (CD4-W)
WEST END INCENTIVE OVERLAY DISTRICT

ALLOWED USE ON SITE:
PROFESSIONAL OFFICE, BUSINESS OFFICE, RETAIL SALES, RESTAURANT,
MULTIFAMILY DWELLING

DEVELOPMENT STANDARDS

BUILDING PLACEMENT (PRINCIPAL BUILDING):	REQUIRED (CD4-W)	PROPOSED (CD4-W)
MAX PRINCIPAL FRONT YARD:	10 FT	0 FT
MINIMUM SIDE YARD:	15 FT ⁽¹⁾	<6 FT ⁽¹⁾
MINIMUM REAR YARD:	5 FT	323 FT
FRONT LOT LINE BUILDOUT:	50% MIN	65.0%

BUILDING AND LOT OCCUPATION:	REQUIRED (CD4-W)	PROPOSED (CD4-W)
MAXIMUM BUILDING BLOCK LENGTH:	200 FT	185 FT
MAXIMUM FACADE MODULATION LENGTH:	80 FT	<60 FT
MAXIMUM ENTRANCE SPACING:	50 FT	<50 FT
MAXIMUM BUILDING COVERAGE:	60% ⁽²⁾	42.30%
MAXIMUM BUILDING FOOTPRINT:	20,000 SF ⁽³⁾	20,000 SF
MINIMUM LOT AREA:	5,000 SF	320,768 SF
MINIMUM LOT AREA PER DWELLING UNIT:	N/A ⁽⁴⁾	N/A ⁽⁴⁾
MINIMUM OPEN SPACE:	15%	35% ⁽⁵⁾
MAXIMUM GROUND FLOOR GFA PER USE:	15,000 SF	15,000 SF

- (1) - PER 10.516.20, MINIMUM SIDE YARD SETBACK ADJOINING A RAILROAD RIGHT OF WAY SHALL BE 15FT
- (2) - MAXIMUM BUILDING COVERAGE ALLOWED IN THE WEST END INCENTIVE OVERLAY DISTRICT FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (3) - ADDITIONAL 5,000 SF OF GFA (INCREASED FROM 15,000 SF) ALLOWED FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (4) - NO MINIMUM LOT AREA PER DWELLING UNIT REQUIRED IN THE WEST END INCENTIVE OVERLAY DISTRICT FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (5) - ONLY INCLUDES 50' SETBACK FROM NORTH HILL POND.

BUILDING FORM (PRINCIPAL BUILDING):	REQUIRED (CD4-W)	PROPOSED (CD4-W)
BUILDING HEIGHT:	4 STORIES ⁽¹⁾ 50' MAX ⁽²⁾	5 STORY, 60' ⁽¹⁾ (BLDG B & C)
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE:	36 IN	<36 IN
MINIMUM GROUND STORY HEIGHT:	9 FT ⁽³⁾	12 FT
MINIMUM SECOND STORY HEIGHT:	N/A	N/A
FACADE GLAZING:		
SHOPFRONT FACADE:	70% MIN	>70%
OTHER FACADE TYPES:	20% TO 50%	
ALLOWED ROOF TYPES:	FLAT, GABLE, HIP, GAMBREL, OR MANSARD	FLAT
ROOF PITCH, IF ANY:		
GABLE:	6:12 - 12:12	
HIP:	3:12 MIN	
MANSARD/GAMBREL:	6:12 - 30:12	
ALLOWED BUILDING TYPES:	APARTMENT BUILDING	APARTMENT BUILDING
ALLOWED FACADE TYPES:	TBD	TBD

- (1) - ADDITIONAL 1 STORY (INCREASED FROM 3 STORIES) ALLOWED FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (2) - ADDITIONAL 10' OF BUILDING HEIGHT (INCREASED FROM 40') ALLOWED FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (3) - MINIMUM GROUND STORY HEIGHT ALLOWED IN WEST END INCENTIVE OVERLAY DISTRICT FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.

COMMUNITY SPACE:	REQUIRED (CD4-W)	PROPOSED (CD4-W)
	44,154 SF	55,192 SF
	20%	35%

POTENTIAL VARIANCES:	REQUIREMENT:	SECTION:
(I) - MINIMUM SIDE YARD SETBACK FROM RAILROAD:	10.516.20	
(II) - MAXIMUM BUILDING HEIGHT (CD4-W):	10.5446.10	

OFF-STREET PARKING REQUIREMENTS:

DWELLING UNITS:	REQUIREMENT:	PROPOSED:
0 SF TO 500 SF 0.5 SPACES PER UNIT	BUILDING A, 1 UNITS	0.5 SPACES
	BUILDING B, 2 UNITS	1 SPACE
	BUILDING C, 1 UNITS	0.5 SPACES
TOTAL MINIMUM PARKING SPACES REQUIRED =		2 SPACES
500 SF TO 750 SF 1.0 SPACES PER UNIT	BUILDING A, 26 UNITS	26 SPACES
	BUILDING B, 46 UNITS	46 SPACES
	BUILDING C, 14 UNITS	14 SPACES
TOTAL MINIMUM PARKING SPACES REQUIRED =		86 SPACES
OVER 750 SF 1.3 SPACES PER UNIT	BUILDING A, 27 UNITS	35 SPACES
	BUILDING B, 48 UNITS	63 SPACES
	BUILDING C, 13 UNITS	17 SPACES
TOTAL MINIMUM PARKING SPACES REQUIRED =		115 SPACES

OFFICE:		
1 SPACE PER 250 SF	10,000 SF	40 SPACES
MINUS 25% FOR WEST END INCENTIVE		30 SPACES
VISITORS:		
1 SPACE FOR EVERY 5 DWELLING UNITS	178 UNITS	36 SPACES
TOTAL MINIMUM PARKING SPACES REQUIRED =		261 SPACES

TOTAL PARKING SPACES PROVIDED:		
TOTAL PARKING SPACES PROVIDED =	134 SPACES (SURFACE PARKING)	
	54 SPACES (BUILDING A, UNDERGROUND)	
	44 SPACES (BUILDING B, UNDERGROUND)	
	32 SPACES ⁽¹⁾	

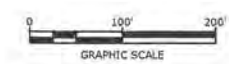
(1) - CONDITIONAL USE PERMIT REQUIRED FOR SHARED PARKING

PARKING STALL LAYOUT:	REQUIRED	PROPOSED
DRIVE AISLE WIDTH:	8.5' X 19'	8.5' X 19'
	24 FT	24 FT

BIKE SPACES REQUIRED:	REQUIRED	PROPOSED
1 BIKE SPACE / 5 DWELLING UNITS, MAXIMUM OF 30 SPACES	30 SPACES	30 SPACES

LEGEND

- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB
- PROPOSED BUILDING
- PROPOSED PAVEMENT SECTION
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BOLLARD
- BUILDING
- TYPICAL
- COORDINATE
- PROPOSED CURB RADIUS
- PROPOSED VERTICAL GRANITE CURB
- PROPOSED SLOPED GRANITE CURB
- BLDG
- TYP
- COORD
- 30'R
- VGC
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Proposed Multi-Family Development

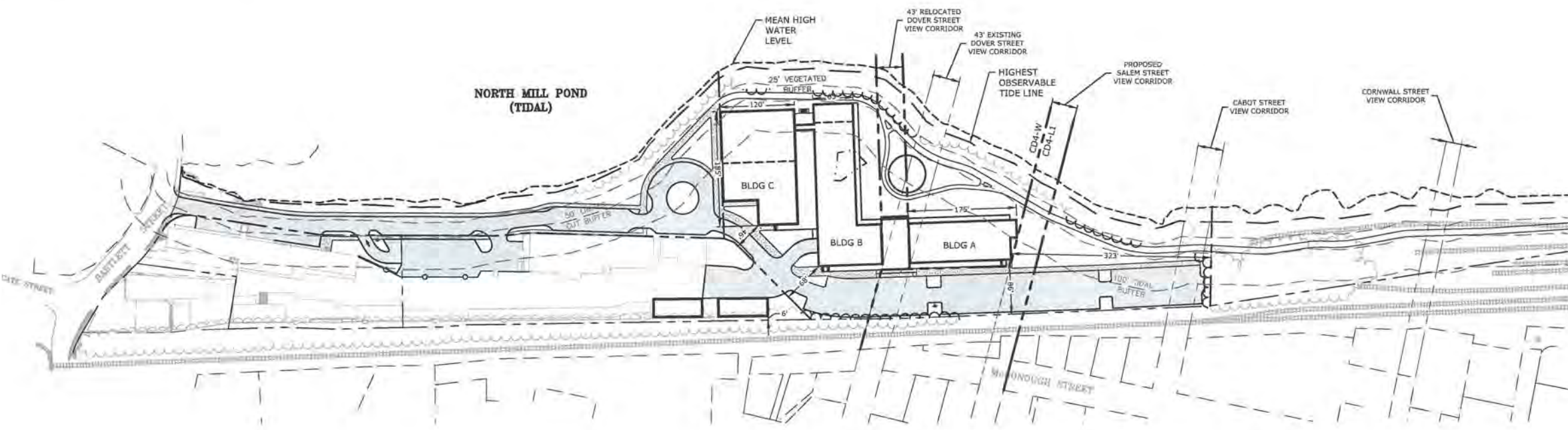
Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

MARK	DATE	DESCRIPTION
A	1/2/2020	ZBA Submission

PROJECT NO: C-0960-006
DATE: January 2, 2020
FILE: C-0960-006_C-SITE.DWG
DRAWN BY: NAH
CHECKED: PMC
APPROVED: BML

OVERALL SITE PLAN
SCALE: AS SHOWN
C-102

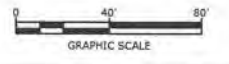
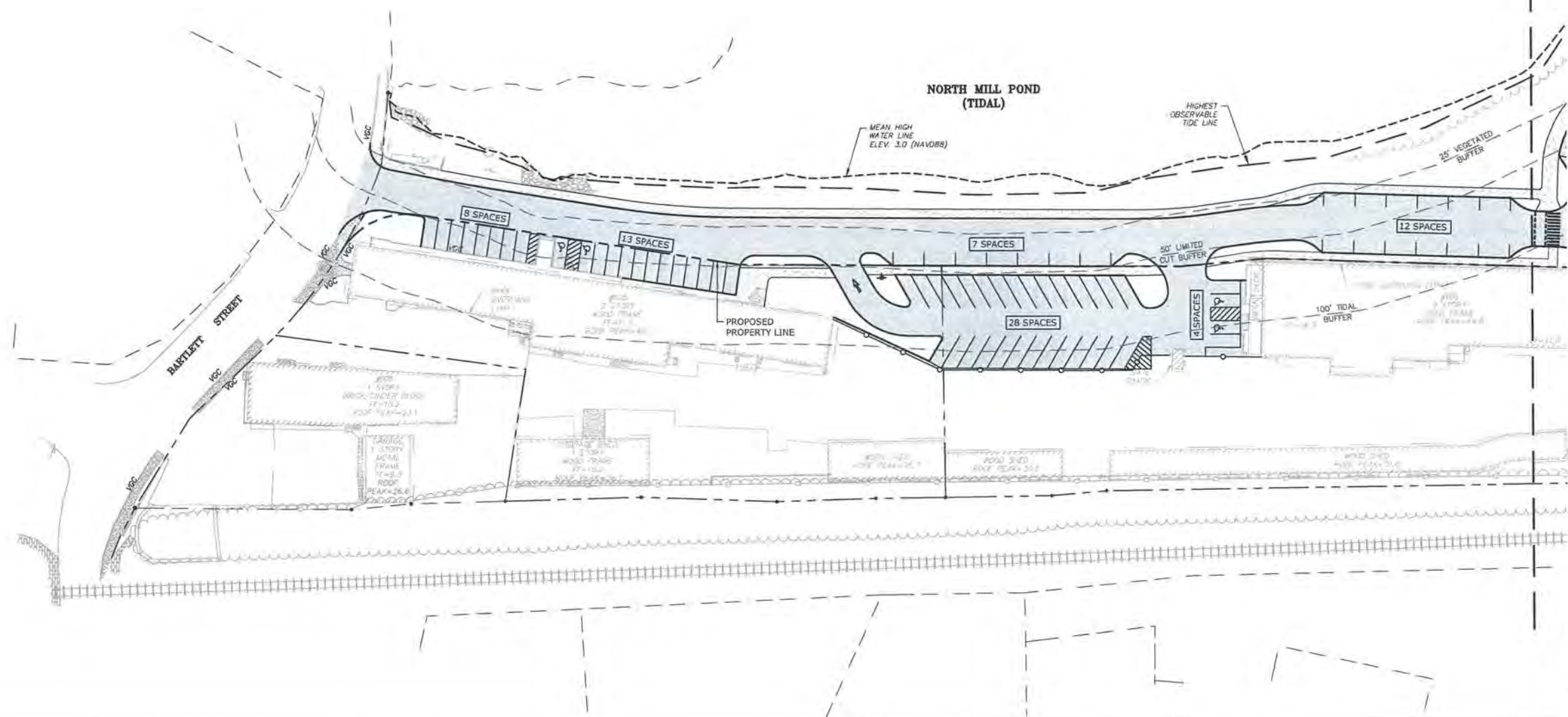




- SITE NOTES:**
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LEGEND

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	PROPOSED PROPERTY LINE
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	BUILDING
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	COORDINATE
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	PROPOSED VERTICAL GRANITE CURB
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Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
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PROJECT NO:	C-0960-006
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DRAWN BY:	NAH
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SITE PLAN	
SCALE:	AS SHOWN
C-102.1	

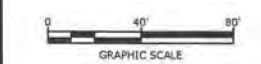
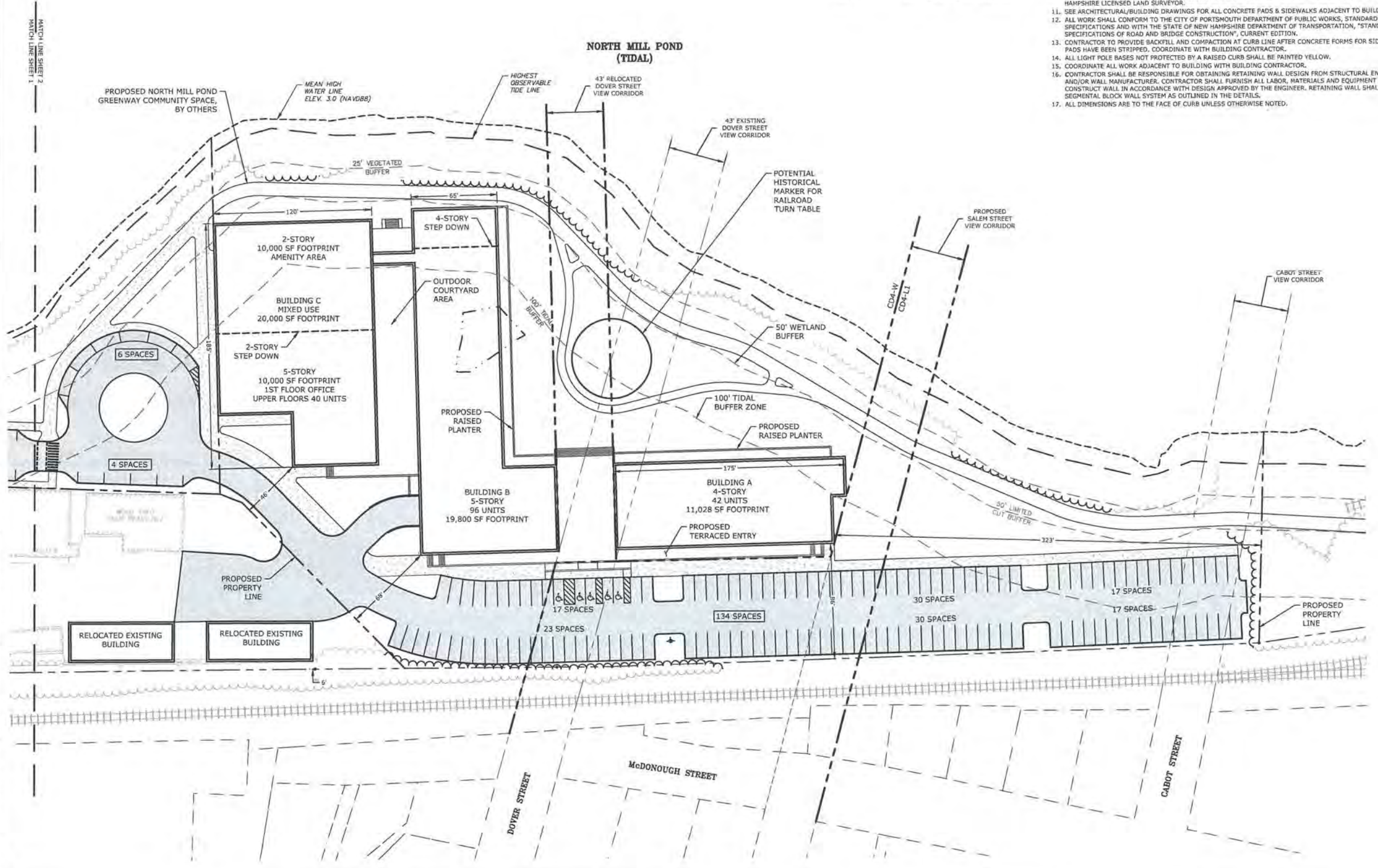


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- BLDG TYP COORD 30'R VGC SGC
- ▬ PROPOSED BOLLARD
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SCALE: AS SHOWN

C-102.2

Last Saved: 12/29/2019 11:27:00 AM
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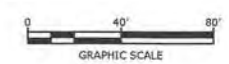
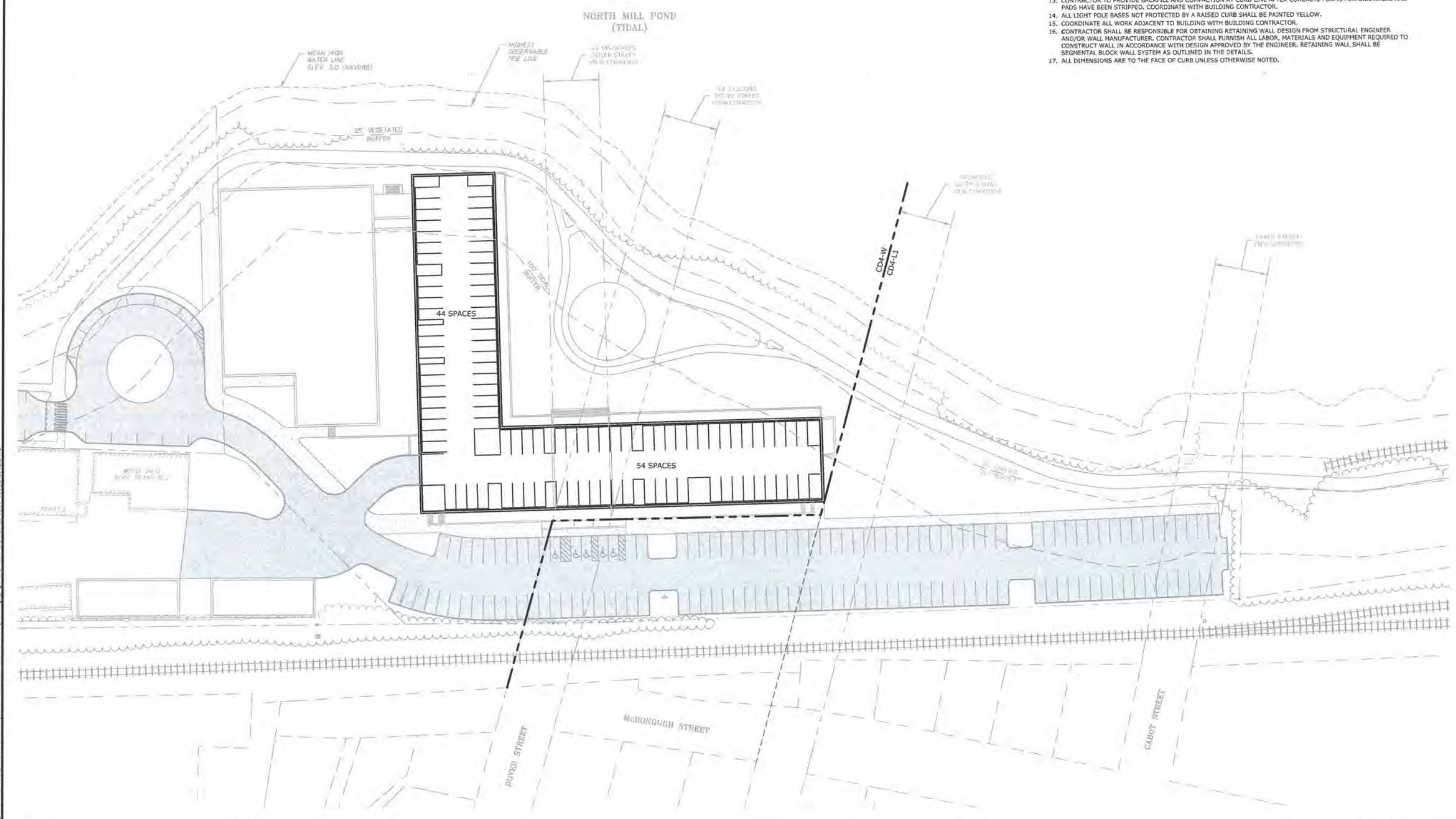


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2. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS, LATEST EDITIONS.
3. SEE DETAILS FOR PARKING STALL MARKINGS, ADA SYMBOLS, SIGNS AND SIGN POSTS.
4. CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES. STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE.
5. PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 3'-0" O.C. BORDERED BY FOUR (4) INCH WIDE LINES.
6. THE CONTRACTOR SHALL EMPLOY A NEW HAMPSHIRE LICENSED LAND SURVEYOR TO DETERMINE ALL LINES AND GRADES.
7. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAW CUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
8. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE, AND LOCAL CODES & SPECIFICATIONS.
9. COORDINATE ALL WORK WITHIN PUBLIC RIGHT OF WAY WITH THE CITY OF PORTSMOUTH.
10. CONTRACTOR TO SUBMIT AS-BUILT PLANS IN DIGITAL FORMAT (.DWG AND .PDF FILES) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A NEW HAMPSHIRE LICENSED LAND SURVEYOR.
11. SEE ARCHITECTURAL/BUILDING DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING.
12. ALL WORK SHALL CONFORM TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS, STANDARD SPECIFICATIONS AND WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, "STANDARD SPECIFICATIONS OF ROAD AND BRIDGE CONSTRUCTION", CURRENT EDITION.
13. CONTRACTOR TO PROVIDE BACKFILL AND COMPACTION AT CURB LINE AFTER CONCRETE FORMS FOR SIDEWALKS AND PADS HAVE BEEN STRIPPED. COORDINATE WITH BUILDING CONTRACTOR.
14. ALL LIGHT POLE BASES NOT PROTECTED BY A RAISED CURB SHALL BE PAINTED YELLOW.
15. COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING CONTRACTOR.
16. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING RETAINING WALL DESIGN FROM STRUCTURAL ENGINEER AND/OR WALL MANUFACTURER. CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED TO CONSTRUCT WALL IN ACCORDANCE WITH DESIGN APPROVED BY THE ENGINEER. RETAINING WALL SHALL BE SEGMENTAL BLOCK WALL SYSTEM AS OUTLINED IN THE DETAILS.
17. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.



Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

MARK	DATE	DESCRIPTION
A	1/2/2020	ZBA Submission

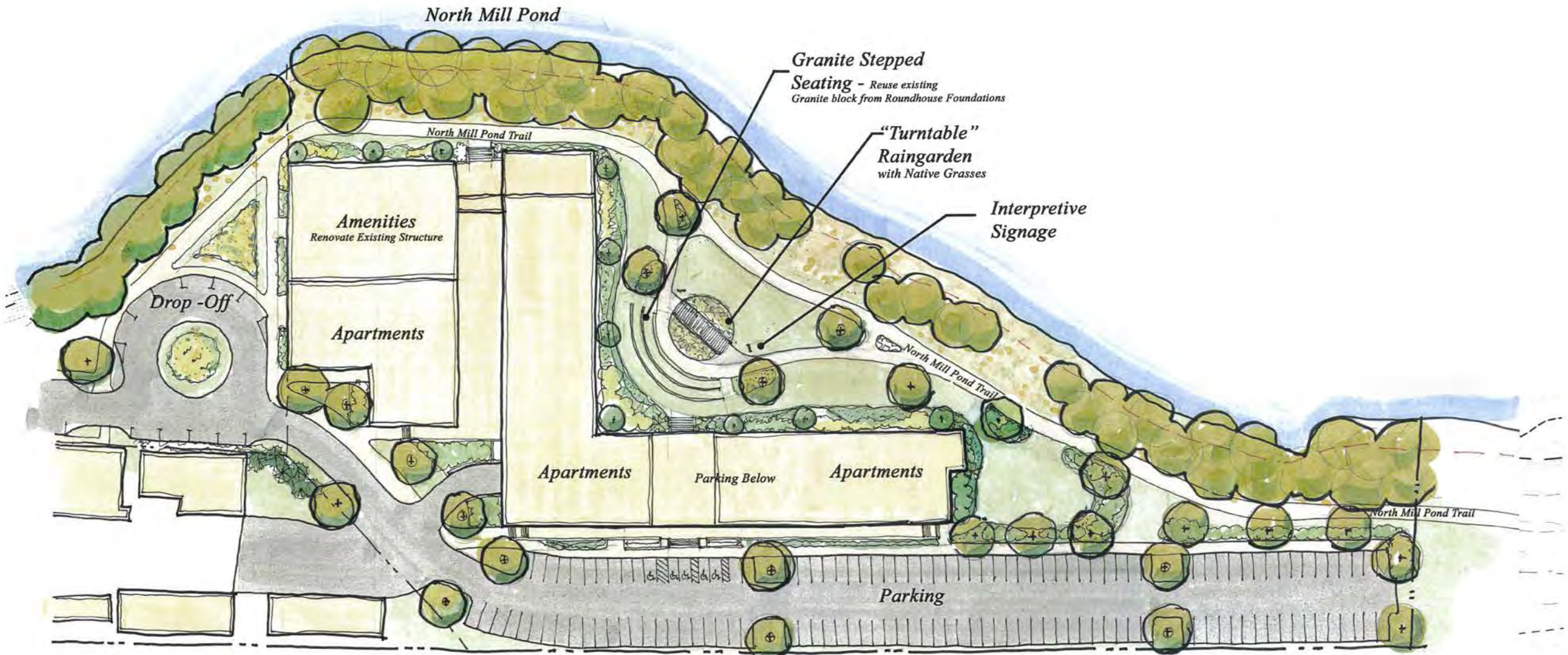
PROJECT NO: C-0960-006
DATE: January 2, 2020
FILE: C-0960-006_C-SITE.DWG
DRAWN BY: NAH
CHECKED: PMC
APPROVED: BML

BASEMENT LEVEL SITE PLAN

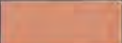




SCALE: AS SHOWN







C-102.3

Last Saved: 12/20/2019 11:38am By: NAH
 Plotted On: Dec 23, 2019 8:13am By: NAH
 Tighe & Bond, 31 C-0960-006
 105 Bartlett Street
 Portsmouth, NH 03801
 C-SITE.DWG



PROPOSED DEVELOPMENT 105 BARTLETT STREET PORTSMOUTH, NH CONSTRAINTS PLAN

- LEGEND**
-  EXISTING BUILDING
 -  APPROXIMATE LOCATION OF HISTORIC ROUND HOUSE
 -  PROPOSED BUILDING
 -  ZONING LINE
 -  PROPOSED PROPERTY LINE

BUILDING CONSTRAINTS	AREA
 PROPOSED DEVELOPMENT LOT	220,768 SF
 APPROXIMATE LOCATION OF CITY UTILITIES	21,790 SF
 NORTH MILL POND COMMUNITY SPACE AREA	55,192 SF
 EXISTING VIEW CORRIDOR	20,886 SF
 PROPOSED/RELOCATED VIEW CORRIDOR	19,336 SF
 15' MINIMUM RAILROAD SETBACK	9,793 SF

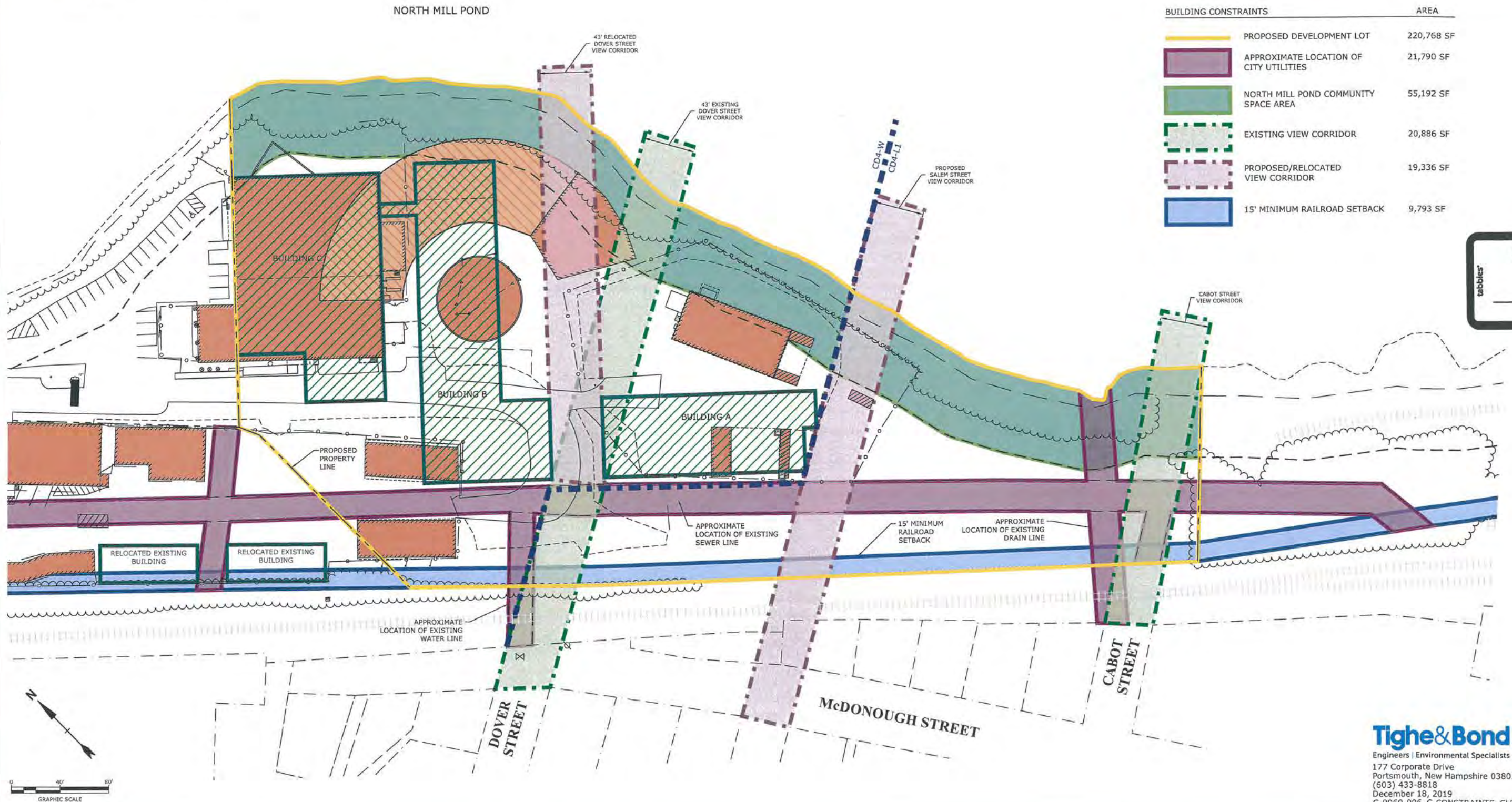


EXHIBIT
3

C:\9960\006_C-CONSTRAINTS_CLR.dwg Data Plotted: Dec 18, 2019 - 4:01pm Plotted By: MAHANSEN



Tighe & Bond
Engineers | Environmental Specialists
177 Corporate Drive
Portsmouth, New Hampshire 03801
(603) 433-8818
December 18, 2019
C-0960-006_C-CONSTRAINTS_CLR.dwg



ACREAGE: 7.07 NUMBER OF UNITS: 220 UNITS/ACRE: 31 TOTAL FOOTPRINT: 57,800 SF TOTAL SQUARE FOOTAGE: 220,000 SF FAR: .71 DATE : NOVEMBER 2019

EXHIBIT 4 A
NO HEIGHT/VIEW
CORRIDOR VARIANCE





ACREAGE: 7.07 NUMBER OF UNITS: 220 UNITS/ACRE: 31 TOTAL FOOTPRINT: 57,800 SF TOTAL SQUARE FOOTAGE: 220,000 SF FAR: .71 DATE : NOVEMBER 2019

**EXHIBIT 4 B
NO HEIGHT/VIEW
CORRIDOR VARIANCE**



ACREAGE: 7.07 NUMBER OF UNITS: 178 UNITS/ACRE: 25 TOTAL FOOTPRINT: 44,000 SF TOTAL SQUARE FOOTAGE: 190,000 SF FAR: 0.62 DATE : NOVEMBER 2019

EXHIBIT 4 C
DECEMBER MEETING
PROPOSAL
 (WITHDRAWN)





ACREAGE: 7.07 NUMBER OF UNITS: 178 UNITS/ACRE: 25 TOTAL FOOTPRINT: 44,000 SF TOTAL SQUARE FOOTAGE: 190,000 SF FAR: 0.62 DATE : NOVEMBER 2019

EXHIBIT 4 D
DECEMBER MEETING
PROPOSAL
(WITHDRAWN)



ACREAGE: 7.07 NUMBER OF UNITS: 178 UNITS/ACRE: 25 TOTAL FOOTPRINT: 50,200 SF TOTAL SQUARE FOOTAGE: 195,600 SF FAR: .64 DATE : DECEMBER 2019

EXHIBIT 4 E
CURRENT PROPOSAL





ACREAGE: 7.07

NUMBER OF UNITS: 178

UNITS/ACRE: 25

TOTAL FOOTPRINT: 50,200 SF

TOTAL SQUARE FOOTAGE: 195,600 SF

FAR: .64

DATE : DECEMBER 2019

**EXHIBIT 4 F
CURRENT PROPOSAL**

Zoning - Project and Surrounding Area



Property Information
 Property ID 0164-0004-0002
 Location BARTLETT ST
 Owner IRON HORSE PROPERTIES LLC

EXHIBIT
 5



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
 Data updated 7/17/2019

Map Theme Legends

Zoning

- Residential Districts**
- R Rural
 - SRA Single Residence A
 - SRB Single Residence B
 - GRA General Residence A
 - GRB General Residence B
 - GRC General Residence C
 - GA/MH Garden Apartment/Mobile Home Park
- Mixed Residential Districts**
- MRO Mixed Residential Office
 - MRB Mixed Residential Business
 - G1 Gateway Corridor
 - G2 Gateway Center
- Business Districts**
- GB General Business
 - B Business
 - WB Waterfront Business
- Industrial Districts**
- OR Office Research
 - I Industrial
 - WI Waterfront Industrial
- Airport Districts**
- AIR Airport
 - AI Airport Industrial
 - PI Pease Industrial
 - ABC Airport Business Commercial
- Conservation Districts**
- M Municipal
 - NRP Natural Resource Protection
- Character Districts**
- CD5 Character District 5
 - CD4 Character District 4
 - CD4W Character District 4-B
 - CD4-L1 Character District 4-L1
 - CD4-L2 Character District 4-L2
- Civic District**
- Civic District
- Municipal District**
- Municipal District
- Overlay Districts**
- OLOD Osprey Landing Overlay District
 - Downtown Overlay District
 - Historic District

City of Portsmouth

Height requirement area

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

*Penthouse Levels may exceed the building height by 2 feet.

Incentive Overlay Districts

- Incentive Overlay Districts**
- North End Incentive Overlay District
 - West End Incentive Overlay District

NORTH MILL POND GREENWAY PORTSMOUTH, NH

STAKEHOLDER MEETING
JANUARY 2019



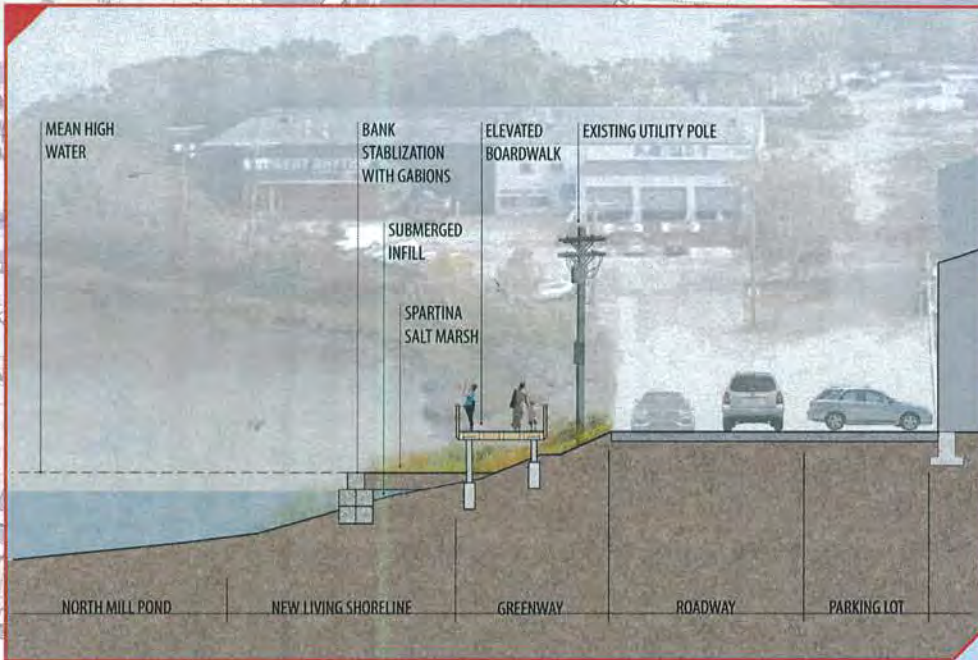
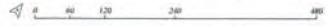
Tighe&Bond
Engineers | Environmental Specialists

HALVORSON DESIGN
PARTNERSHIP

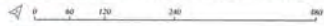
DEROSA Environmental Consulting, Inc.

BOARDWALK: SECTIONS AND PRECEDENT IMAGES

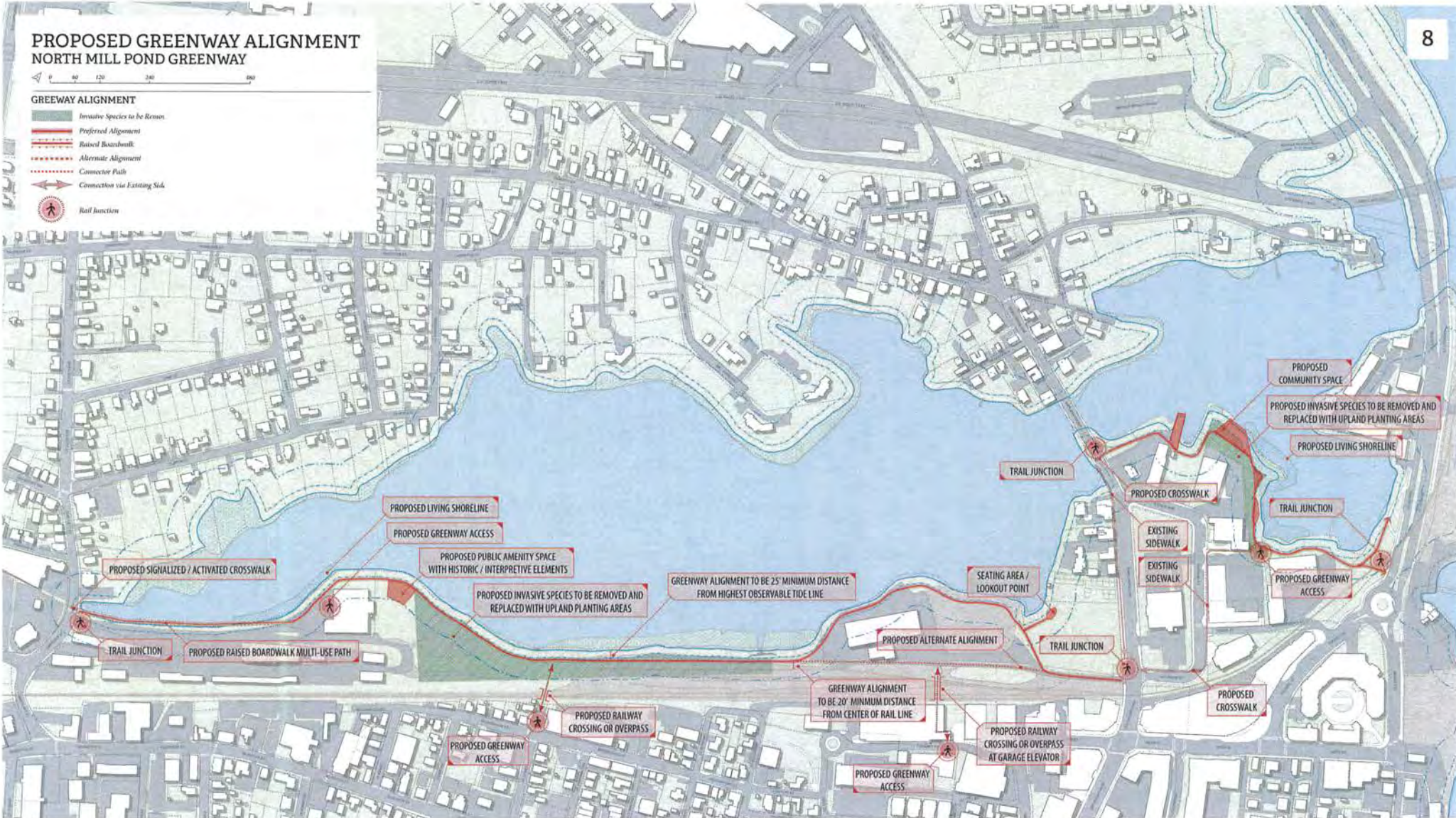
NORTH MILL POND GREENWAY



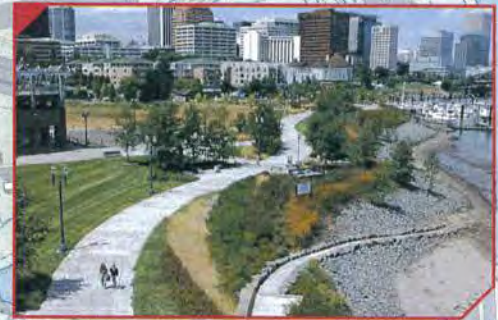
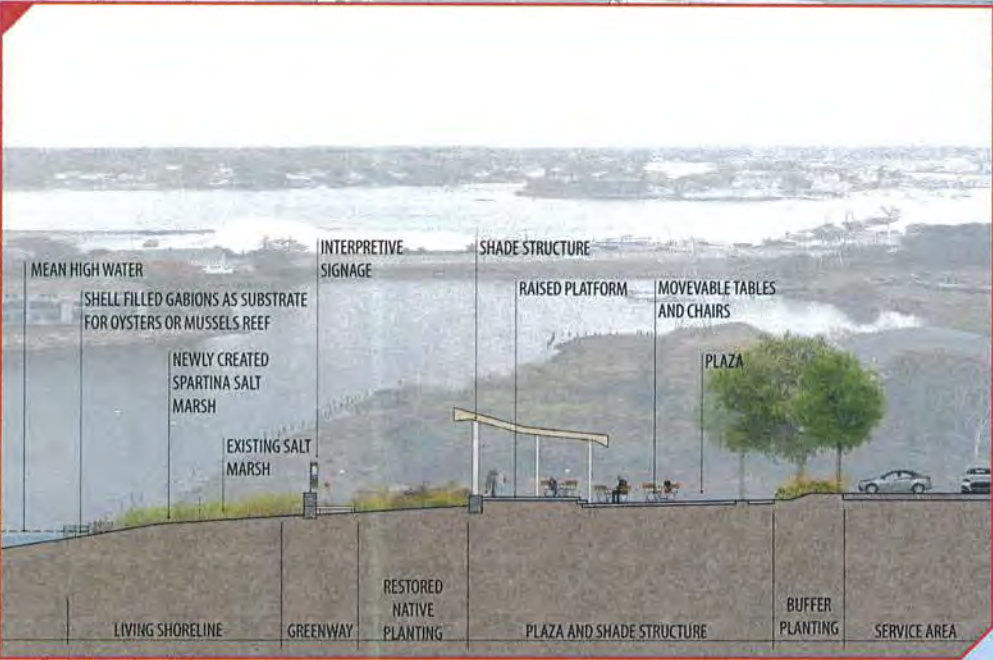
PROPOSED GREENWAY ALIGNMENT NORTH MILL POND GREENWAY



- GREENWAY ALIGNMENT**
- Invasive Species to be Removed
 - Preferred Alignment
 - Raised Boardwalk
 - Alternate Alignment
 - Connector Path
 - Connection via Existing Sid.
 - Rail Junction



COMMUNITY PARK: SECTIONS AND PRECEDENT IMAGES NORTH MILL POND GREENWAY



EXISTING DEGRADED SHORELINE
NORTH MILL POND GREENWAY



BOSTON & MAINE RAILROAD.

Permission to Lay Pipes under Tracks.

Agreement between the BOSTON & MAINE RAILROAD and

Whereas, The Frank Jones Brewing Co. desires to lay a six inch iron pipe under the tracks of the said Boston & Maine Railroad at Portsmouth, N. H. through its yard, now therefore, The said Railroad grants to the said Frank Jones Brewing Co. the right to lay and maintain said pipe according to the plan of the Chief Engineer of said Railroad, a copy of which is herewith attached, upon the following conditions:

1. That all work of laying, repairing, renewing and removing said pipe shall be done under the direction and supervision of the Superintendent of said Railroad, and that no work of any kind shall be done within the limits of the location of said Railroad without the consent of said Superintendent, except in cases of emergency arising from the bursting of pipes.

2. That said Frank Jones Brewing Co. shall indemnify and hold harmless said Railroad against any loss, cost or damage to said railroad, its property, agents, employes, or to persons or property rightfully on said railroad, caused by or due to the existence, construction, repair, renewal or removal of said pipe.

3. That said Frank Jones Brewing Co. shall reimburse said Railroad for any expense it may be occasioned on account of preparing plans, supervision of work, or the necessity of guarding its tracks during the construction, repair, renewal or removal of said pipe.

4. That all rights under this agreement shall terminate three years after written notice of intention to terminate has been given by said railroad, and that said Frank Jones Brewing Co shall forthwith remove said pipe from the premises above mentioned.

Signed this first day of September A. D., 1899

BOSTON & MAINE RAILROAD,

by

Frederick W. [Signature] President.

Frank Jones Brewing Co by J. W. [Signature] Treasurer

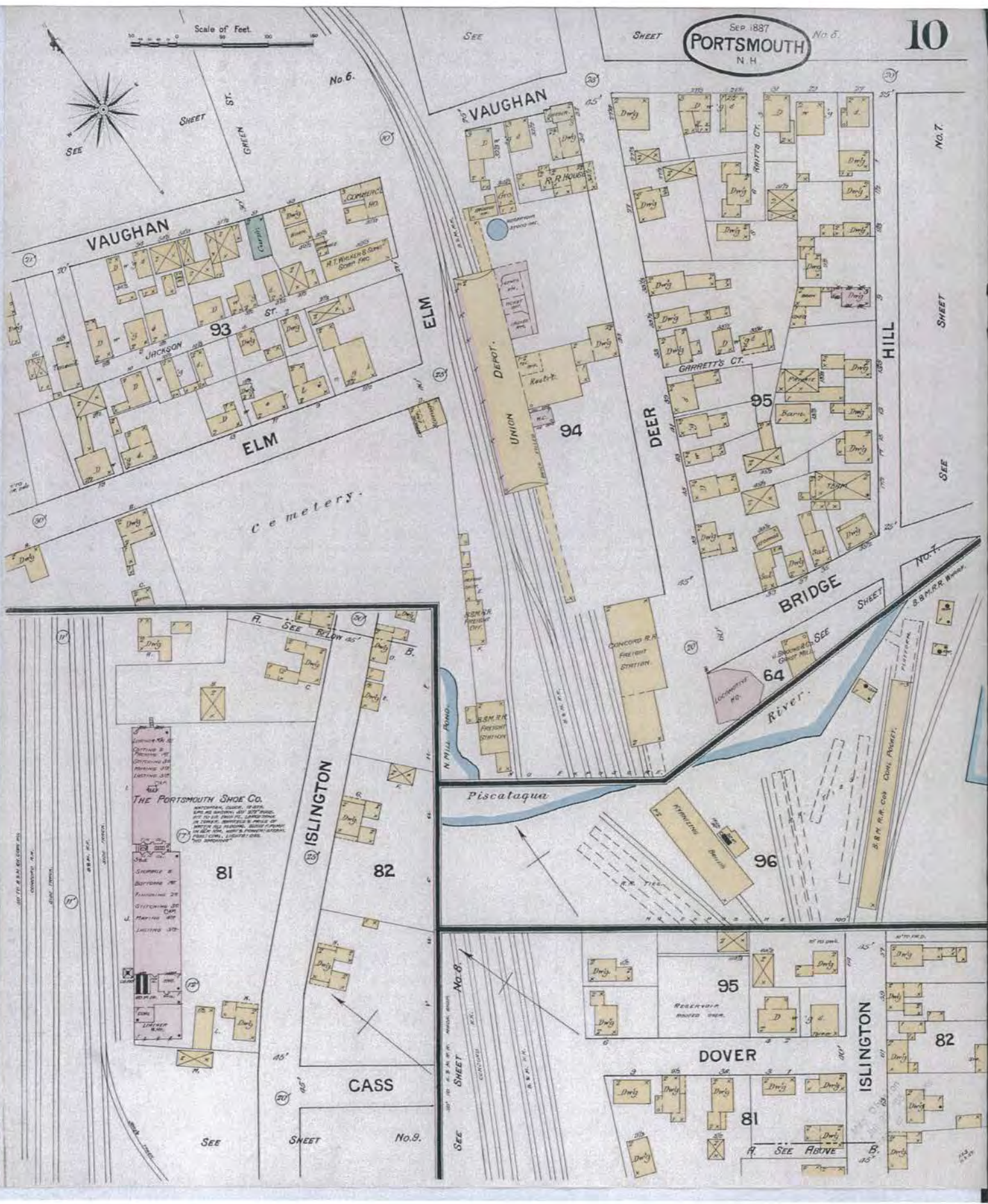
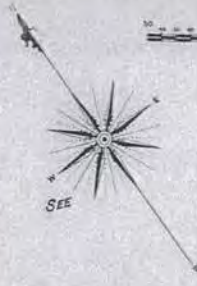
Note 6/25/11 This pipe line appears to run in the way from Jones Co to a pump the same marked it in plans available Ed. [Signature]



tabbles' 8

SEE SHEET N.E.

Scale of Feet.



VAUGHAN

VAUGHAN

93

94

95

ELM

DEER

HILL

Cemetery.

UNION DEPOT.

BRIDGE

64

THE PORTSMOUTH SHOE CO.

MANUFACTURING BUILDING, 10-12
ELM ST. PORTSMOUTH, N.H.
BUILT BY THE PORTSMOUTH SHOE CO.
1887. 10-12 ELM ST. PORTSMOUTH, N.H.
BUILT BY THE PORTSMOUTH SHOE CO.
1887.

81

82

96

Piscataque

DOVER

ISLINGTON

82

CASS

81

SEE

SHEET

No. 9.

SEE

SEE SHEET No. 8.

SEE ABOVE

No. 7.

SHEET

SEE

No. 7.

SHEET

SEE

No. 7.

SHEET

SEE

No. 7.

CABOT

McDONOUGH

80

77

76

UNION

SALEM

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ISLINGTON

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DOVER

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PORT

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14

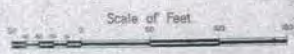
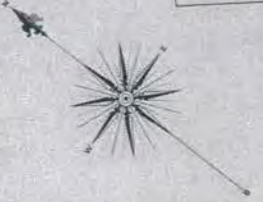
CASS

THE PORTSMOUTH SHOE CO.

WAS BUILT BY THE PORTSMOUTH SHOE CO. IN 1848. IT WAS DESTROYED BY FIRE IN 1851. THE PRESENT BUILDING WAS BUILT IN 1852. IT IS A TWO-STORY BRICK BUILDING WITH A CORNER CHIMNEY. THE BUILDING IS 100 FEET LONG AND 40 FEET WIDE. IT IS LOCATED ON THE CORNER OF ISLINGTON AND DOVER STREETS.

BOSTON & MAINE R.R.
ROUND HO. & MARCH SHOP.

WOOD YARD



Map drawn on
original plat
of 1852

FEB 1888
PORTSMOUTH
N. H.

14

13

15

12

76

SALEM

DOVER

COLUMBIA

MAY

CASS

GABOT

STATE

MONROE

ISLINGTON

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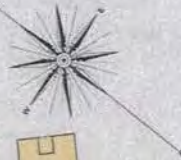
81

82½

Round No. 1
Round No. 2
Round No. 3
Round No. 4
Round No. 5
Round No. 6
Round No. 7
Round No. 8
Round No. 9
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Round No. 98
Round No. 99
Round No. 100

Coal Reservoir

THE PORTSMOUTH STEEL CO.
The Portsmouth Steel Co. is a corporation organized under the laws of the State of New Hampshire, and has its principal office in the City of Portsmouth, New Hampshire. The company is engaged in the business of manufacturing and selling steel and iron products, and has a large plant in the City of Portsmouth, New Hampshire. The company is a member of the American Iron and Steel Institute, and is a leading manufacturer of steel and iron products in the State of New Hampshire.



Scale of Feet. 0 50 100 150

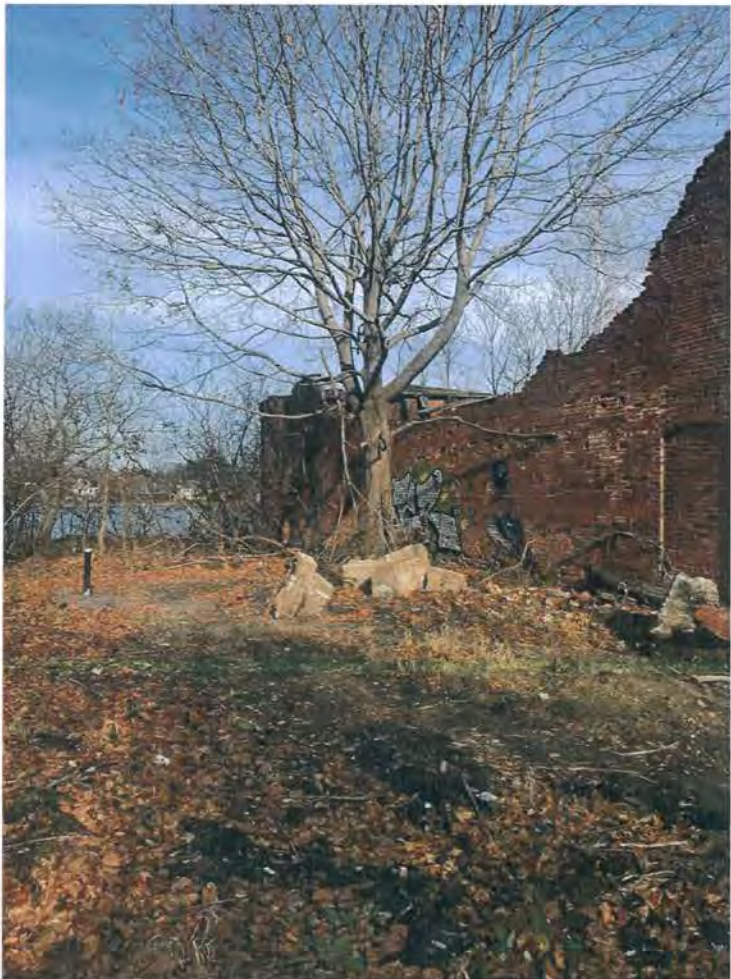
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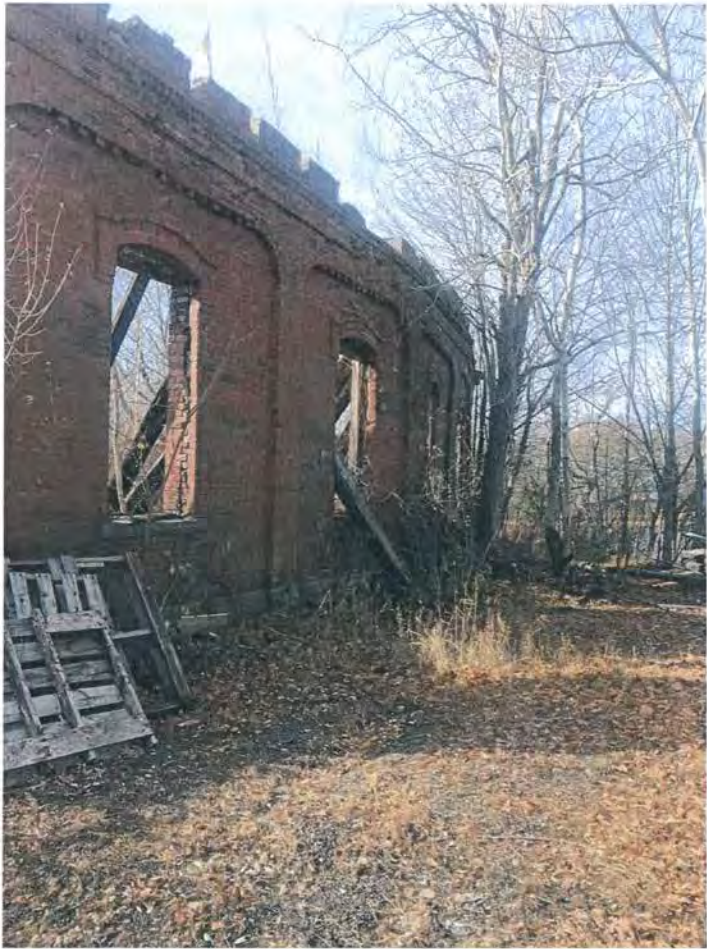


tabbles®
EXHIBIT
9















**MINUTES
CONSERVATION COMMISSION

1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM "A"**

3:30 p.m.

September 11, 2019

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members; Allison Tanner, Barbara McMillan, Samantha Collins, Adrienne Harrison; Alternate, Jessica Blasko

MEMBERS ABSENT: N/A

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

.....
I. APPROVAL OF MINUTES

A. August 14, 2019

Ms. Tanner pointed out a grammatical error on page 2.

Chairman Miller commented that "detailed drainage" on page 2 should be "details of the drainage." Chairman Miller pointed out a grammatical error on page 1.

Ms. McMillan moved to approve the minutes from the August 12, 2019 Conservation Commission Meeting as amended, seconded by Ms. Tanner. The motion passed by a 6-1-0 vote.

Ms. Collins abstained because she was absent from the August meeting.

II. CONDITIONAL USE APPLICATIONS

1. 20 Taft Road
Shannon Harrington & James St. Pierre, Owners
Assessor Map 208 Lot 91

Request to Postpone

Mr. Britz clarified that the applicant will submit new information for the next meeting.

Vice Chairman Blanchard moved to postpone the application to the October 9, 2019 Conservation Commission Meeting, seconded by Ms. Harrison. The motion passed unanimously by a 7-0 vote.

III. WORK SESSIONS

A. 105 Bartlett Street

Portsmouth Lumber and Hardware, LLC
Assessor Map 164, Lots 1 & 2, Assessor Map 157, Lot 2

Patrick Crimmins with Tighe and Bond, Jeff Johnson, Dan Pinciario, and Ed Hayes were present to speak to the project. Mr. Crimmins commented that they were there to walk through the initial concept plan. The subdivision has been finalized. More land has been acquired and there will be an easement for a road out to Maplewood Ave. More land was added to the development site itself as well. The proposal is to take down the existing building with Great Rhythm Brewery and the doggy daycare in it. There will be three 4-story buildings with 232 units between them. There will also be 5 row houses with 40 units. There will be a total of 272 units in all. The plan meets the minimum for parking on the site through surface parking and underground parking. There will be 355 spaces total. The cul-de-sac from the original design was removed and all of the buildings were pulled further into the site. There will be a private two-way driveway out to Maplewood Ave, for residents only. The storm water management design would not be changing. The 0-50 foot set back from the pond will be dedicated community space for the City of Portsmouth. It will be used for the future North Mill Pond Trail. The buildings are situated outside the required view corridors. There is a preliminary plan for grading and drainage for the road that matches what was previously approved. The development itself has the same storm water management systems that were previously approved. They are currently looking at site constraints and ground water now. TAC gave feedback to look at alternatives to treat storm water impacts like porous pavement. There will be a robust environmental program on the site. The plan will have more details once there is a better understanding of the ground water and soils. The site is a traditional urban fill site. It is extensively disturbed already. The project will be of a benefit to the site because a lot will be cleaned up with the project.

Mr. Britz clarified that the City's role in this would be the trail. The first 25 feet would be a no touch buffer. 25-50 feet would be where the trail would go. The City has done conceptual designs and the next stages would be permitting and design. Chairman Miller questioned if the trail would start at the development off the Bypass. Mr. Britz responded that was correct but that was not in the scope of this project. Mr. Crimmins commented that Halverson Design has been working with the City on the trail and they have engaged Robbi Woodburn. There will be coordination between both teams.

Ms. Tanner commented that the benefit of having a trail does not outweigh the intensification this development would put on the edge of pond. It is not a good trade off. This project would put a lot of people and traffic on a road that is not heavily trafficked now. It should be back out of the 100-foot buffer. It is not going to be beneficial for the pond as it is.

Vice Chairman Blanchard commented that she was concerned about the massive amount of excavation needed and the proximity to the North Mill Pond. It needs to be deep because of heavy structures. The amount of subsurface work needed is concerning. Mr. Crimmins responded that they were still working through the environmental design.

Chairman Miller commented that storm water treatment is important. They will know more after the environmental assessments are complete. Chairman Miller encouraged innovative thinking

on how to treat water. The roundhouse and the actual turntable could present some surprises for the construction company based on what was stored there.

Vice Chairman Blanchard was concerned about placing the buildings 50 feet back because of the forecast for increased storm water and rising sea levels. Mr. Crimmins responded that it would be graded, so that first floor elevations will be at 17.5. The site sits at elevation 12 now. Vice Chairman Blanchard questioned what would happen to the underground parking. Mr. Crimmins responded that it's unoccupied space. If it floods it would need to be pumped out.

Ms. Harrison commented that she was concerned about providing space for resources as the sea level rises. A lot of wildlife will be pinched, as the buffer is lost.

Ms. McMillan questioned if the trail line would go in front of or in back of the salt piles. Mr. Britz responded that the trail was just conceptual, but it will probably just be in back. Mr. Crimmins added that would be part of the City's design. They are providing an easement, so the City can connect if needed. Ms. McMillan questioned how there was less permanent disturbance in the new plan. Ms. McMillan questioned if they were counting the roundhouse as impervious area. Mr. Crimmins responded that they would be removing a lot of the rails and buildings. It is an improvement because they would be cleaning that up. Ms. McMillan responded that it was so close to the buffer. That is not a huge gift because there is existing vegetation there and it has been previously disturbed. It would be a benefit to restore the area with vegetation and habitat. There is no real restoration in this plan. It is just the path and that's not a huge benefit either.

Vice Chairman Blanchard questioned how many people would be in the 272 units and how that related to the parking. Mr. Crimmins responded that it was 1.5 spaces per unit. Vice Chairman Blanchard commented that she was concerned about air quality and traffic. Mr. Crimmins responded that the development was previously reviewed for the subdivision. It was peer reviewed for traffic and approved. They will be taking down Great Rhythm and the doggy daycare and putting in residential units. The trip generations will be reduced.

Chairman Miller commented that this was hard, but the Commission should keep focus on the environmental feedback. Other Boards will cover the density and traffic.

Ms. Tanner commented that this level of intensification next to the pond is not good for the pond.

Vice Chairman Blanchard questioned when the soil work would be available. Mr. Crimmins responded that they were hoping to get the data back next month. Vice Chairman Blanchard questioned how far down they would dig for the buildings. Mr. Crimmins responded that the basement level would be at elevation 7. Mr. Johnson added that they could bring the data at the next meeting. Vice Chairman Blanchard commented that they should think about what construction technology would be used to mitigate the impact to the pond. The water quality is a huge concern. Mr. Crimmins responded that was a good comment.

Chairman Miller commented that the new parking garage had similar construction concerns. Mr. Crimmins responded that he worked on that project too.

Ms. McMillan questioned how much of a change in impervious surface there was between the plans. Mr. Crimmins responded that they would have that number for next time.

Chairman Miller commented that vegetation would be of interest to the Commission especially with landscaping and restoring as much function as possible.

Ms. Harrison was concerned about the amount of lighting associated with the project. Because it is so close to the pond, it would impact wildlife. It would be good to see the lighting plan. Mr. Crimmins confirmed they would bring the lighting comment back to the planning team. Ms. Harrison commented that she would like to see next iteration continue to pull away from the buffer. The buffer is a big concern.

Ms. Blasko noted that they should think about the snow removal and provide details for that. Mr. Crimmins responded that they would have a snow management plan. Ms. Harrison added that they should keep snow out of the buffer.

Ms. McMillan agreed that they should move it back away from the buffer. A detailed landscape plan for the buffer will be needed. Ms. McMillan questioned what the front of the building facing the pond would look like and questioned if there would be doors and paths on that side. Mr. Johnson responded that the units start 5 feet up and they would likely have a community path. Ms. McMillan commented that if there were access in front of the building then it wouldn't be a true buffer. This is a really intense development. Mr. Britz commented that there is restoration planned for the first 50 feet. There will be a living shoreline, restoration on the bank, and the upper part will have native plantings. That would be part of the City's design. The 0-50 will be plantings and width of the trail. The City gets 0-50 and the trail will go in the 25-50. The buildings will go up to the 50. Ms. McMillan did not support the buildings going right up to the 50.

Vice Chairman Blanchard questioned if Bartlett St. would be the address for the buildings. Mr. Crimmins responded that it would be a new road. Mr. Crimmins noted that the residents would have a private drive out to Maplewood Ave. They will put up signage and gates. Ricci trucks and emergency vehicles can access the road. The response time for emergency is much shorter coming through Maplewood.

Ms. Tanner commented that the snow management should include what they would put down with ice on roads.

Vice Chairman Blanchard commented that the egress for the buildings should be away from the pond side if possible. They should keep activity away from the buffer as much as possible.

Ms. McMillan commented that another site visit would be beneficial because they stopped at the cul-de-sac last time. Mr. Britz confirmed that they could set that up.

IV. OTHER BUSINESS

Ms. Tanner questioned if they were still going to meet to talk about the open space plan. Mr. Britz responded that they would have a meeting once the draft for the open space plan was available for review. Chairman Miller added that he hoped to review the PULA study at that meeting to identify what properties should be left alone.

Ms. Harrison noted that so many projects have a lot of parking and wondered if they had a role to encourage creative parking solutions. The location of the project that was just presented is so close to the new parking garage. There may be an opportunity for people to make use of that. There is a lot of bike friendly stuff going on as well. There could be some bike friendly units. Mr. Britz commented that the project could request to reduce parking and get a CUP. They need to show they have enough parking to not create a problem. They are trying to limit cars in the downtown. Ms. Tanner noted that a solution to that is to decrease the intensity. Chairman Miller commented that they come up against those issues often and it is frustrating. The answer to a lot of that is changing the Ordinance. Ms. Tanner noted that they needed to stand firm. It's too intense. Chairman Miller commented that it was hard to draw the line because that thought could apply to most of what the Commission sees. Vice Chairman Blanchard commented that what is there is not healthy. The soil and bank of pond could be remediated more successfully than what was presented. Chairman Miller commented that this Commission does a great job and helps to get improvement on most projects. Vice Chairman Blanchard commented that it would be helpful to reread the Ordinance and work with Mr. Britz and Ms. Walker to make improvements. Air quality is an issue. It is in the public's best interest most of the time to not develop the land.

Ms. McMillan noted that there are tree ordinances in some towns. Mr. Britz noted that this project has lots of areas where they can recommend adding trees

Ms. Harrison noted that on Monday September 16, 2019 the City Council would be reviewing a Styrofoam and single use plastic ban, and encouraged Commission Members to go speak on the issue if they wanted to.

V. ADJOURNMENT

Vice Chairman Blanchard moved to adjourn the meeting at 4:57 p.m., seconded by Ms. McMillan. The motion passed unanimously by a 7-0 vote.

Respectfully Submitted,

Rebecca Frey,
Conservation Commission Recording Secretary

MEMORANDUM



Ref: 1955A
To: Jeff Johnston
Cathartes
From: Stephen G. Pernaw, P.E., PTOE
Subject: Trip Generation Update
Date: August 20, 2019

As you know, our office prepared the *"Traffic Impact & Site Access Study – Proposed Residential Subdivision"* report dated June 18, 2019 for the 120-unit multi-family low/mid-rise residential development located on the south side of North Mill Pond in Portsmouth, New Hampshire. The development proposal has changed and it now involves razing the Great Rhythm Brewing Company and the Play All Day Doggy Daycare facility and increasing the number of dwellings to 269 units. The purpose of this memorandum is to compare the trip generating characteristics of the former and current development proposals.

The updated trip generation analysis indicates that the 269 dwellings will generate approximately 95 (AM) and 122 (PM) vehicle-trips during the peak hour periods (see Attachment 1). Driveway counts conducted at the brewery/dog daycare parking lot in October 2018 revealed that these two uses generated 68 (AM) and 85 (PM) vehicle-trips (see Attachment 2) on a typical weekday. The previous development proposal was expected to generate approximately 41 (AM) and 53 (PM) vehicle trips (see Attachment 3).

Table 1 (Page 2) combines these findings and demonstrates that the current development proposal will generate -14 (AM) and -16 (PM) fewer vehicle-trips during the peak hour periods than the previous development proposal. Accordingly, the traffic projections contained in the previous traffic study are now considered to be conservative on the "high side." This means that the study findings and conclusions remain valid for the new development proposal.

cc: Doug Pinciario, Clipper Traders, LLC
Ed Hayes, Ricci Lumber

Attachments

A circular professional seal for Stephen G. Pernaw, a Licensed Professional Engineer in the State of New Hampshire. The seal contains the text: "STATE OF NEW HAMPSHIRE", "STEPHEN G. PERNAW", "No. 5234", and "LICENSED PROFESSIONAL ENGINEER". Below the seal is a handwritten signature and the date "8/20/19".

Table 1 **Trip Generation Update**

	Current Development Proposal					Previous Development Proposal ⁴	Net Change
	239 Mid-Rise Units ¹	30 Low-Rise Units ²	Less Brewery & Dog Daycare ³	Subtotal	Net Trips Generated		
Weekday AM Peak Hour							
Entering	21 veh	3 veh	-34 veh	24 veh	-10 veh	11 veh	-21 veh
Exiting	<u>59 veh</u>	<u>12 veh</u>	<u>-34 veh</u>	<u>71 veh</u>	<u>37 veh</u>	<u>30 veh</u>	<u>7 veh</u>
Total	80 trips	15 trips	-68 trips	95 trips	27 trips	41 trips	-14 trips
Weekday PM Peak Hour							
Entering	62 veh	13 veh	-43 veh	75 veh	32 veh	32 veh	0 veh
Exiting	<u>40 veh</u>	<u>7 veh</u>	<u>-42 veh</u>	<u>47 veh</u>	<u>5 veh</u>	<u>21 veh</u>	<u>-16 veh</u>
Total	102 trips	20 trips	-85 trips	122 trips	37 trips	53 trips	-16 trips

¹ ITE Land Use Code 221 - Multifamily Housing (Mid-Rise) - See Attachment 1

² ITE Land Use Code 220 - Multifamily Housing (Low-Rise) - See Attachment 1

³ October 2018 Driveway Counts (See Attachment 2)

⁴ Traffic Impact and Site Access Study-Proposed Residential Subdivision" Table 1, by Stephen G. Pernaw & Co., Inc. dated June 18, 2018 (See Attachment 3)

Trip Generation Summary

Alternative: Alternative 1
 Phase:
 Project: 1955A

Open Date: 8/19/2019
 Analysis Date: 8/19/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
220	LOW-RISE 1 30 Dwelling Units	93	93	186	3	12	15	13	7	20
221	MID-RISE 1 239 Dwelling Units	651	650	1301	21	59	80	62	40	102
	Unadjusted Volume	744	743	1487	24	71	95	75	47	122
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	744	743	1487	24	71	95	75	47	122

Total Weekday Average Daily Trips Internal Capture = 0 Percent
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.


**Stephen G. Pernaw
& Company, Inc.**

 P.O. Box 1721 • Concord, NH 03302
 tel: (603) 731-8500 • fax: (866) 929-6094 • sgp@pernaw.com

Transportation: Engineering • Planning • Design
MEMORANDUM

Ref: 1821A

To: Juliet T. H. Walker, AICP
 Planning Director
 City of Portsmouth Planning Department

From: Stephen G. Pernaw, P.E., PTOE

Subject: Clipper Traders – Supplemental Traffic Counts
 Portsmouth, New Hampshire

Date: October 9, 2018

On October 2, 2018 the Technical Advisory Committee requested that traffic counts be conducted at the Great Rhythm Brewing Company & Play All Day dog day care center parking lot to determine when the busiest traffic periods occur. These traffic counts were conducted on Thursday, October 4, 2018 during the morning and evening commuter periods:

Hourly Volumes			
	Arrivals	Departures	Trips
7:00 - 8:00	32	29	61
8:00 - 9:00	35	33	68
2-Hour Total	67	62	129
3:00 - 4:00	22	14	36
4:00 - 5:00	34	37	71
5:00 - 6:00	38	41	79
3-Hour Total	94	92	186
AM Peak Hour Volumes			
7:30 - 8:30	34	34	68
8:00 - 9:00	35	33	68
PM Peak Hour Volumes			
4:15 - 5:15	43	42	85

The highest hourly traffic volume that was generated by this parking lot occurred from 4:15 to 5:15 PM with 43 arrivals and 42 departures (85 vehicle-trips).

cc: John Chagnon, P.E. – Ambit Engineering, Inc.
 Doug Pinciario, Clipper Traders, LLC
 Ed Hayes, Ricci Lumber
 Eric Eby, P.E. – City of Portsmouth
 Elizabeth Oltman, P.E. – The Engineering Corporation



TRIP GENERATION

To estimate the quantity of vehicle trips that will be produced by the proposed residential development, Pernaw & Company, Inc. considered the standardized trip-generation rates and equations published by the Institute of Transportation Engineers (ITE)¹. Based upon ITE Land Use Code LUC 221 – Multi-Family Housing (Mid-Rise) the overall development is expected to generate approximately 41 vehicle-trips during the weekday AM peak hour and 53 vehicle-trips during the weekday PM peak hour, on an average weekday basis. These results are based upon consideration of both the trip “rate” and “equation” method, and 120 dwelling units as the independent variable. The following table summarizes the anticipated trip-generating characteristics of the proposed residential development.

Table 1

Trip Generation Summary - Clipper Traders

	120 Dwelling Units ¹
Weekday Total ²	
Entering	326 veh
Exiting	<u>326 veh</u>
Total	652 trips
Weekday AM Peak Hour ²	
Entering	11 veh
Exiting	<u>30 veh</u>
Total	41 trips
Weekday PM Peak Hour ²	
Entering	32 veh
Exiting	<u>21 veh</u>
Total	53 trips

¹ ITE LUC 221 Multi-Family Housing (Mid-Rise)

² Trip Equation Method

³ Trip Rate Method

All vehicle-trips associated with the proposed residential development will be “primary” trips, or new trips to the area. Appendix F contains the trip generation computations for the proposed residential development, along with a diagram that summarizes the distribution of the primary trips at the various study area intersections.

¹ Institute of Transportation Engineers, *Trip Generation*, tenth edition (Washington, D.C., 2017).



RESIDENCES AT ISLINGTON CREEK - PORTSMOUTH, NH



RESIDENCES AT ISLINGTON CREEK - PORTSMOUTH, NH











January 2, 2020

Timothy Phoenix, Esquire
Hoefle, Phoenix, Gormley & Roberts, P.A.
127 Parrott Avenue
Portsmouth, New Hampshire 03801

RE: Request for Variances
City of Portsmouth Zoning Board of Adjustment
Property Located at 105 Bartlett Street
Tax Map 157 / Lots 1 & 2 and Tax Map 164/Lot 4-2
Iron Horse Properties LLC

Dear Attorney Phoenix:

On December 10, 2019, I inspected the 105 Bartlett Street property, reviewed the proposed Site Plan, reviewed the elevations, reviewed the Traffic Impact Assessment, and inspected the property’s location and surrounding improvements/uses. I have since reviewed the draft zoning submission and all exhibits. The purpose of this is to provide expert opinion with respect to a request before the Portsmouth Zoning Board of Adjustment for a variance by Iron Horse Properties, LLC.

This report is intended to convey my rationale in formulating my opinion with respect to the variances. While you represent the client in this matter, my opinion is intended for use by the City of Portsmouth’s Zoning Board of Adjustment. The appraiser does not intend use of this report by any other party. The date of my opinion is as of December 10, 2019, the date of inspection revised through January 2, 2020 after review of updated plans and exhibits.

This report is not an appraisal as there is no “subject property” to which an opinion of market value has been rendered. As a result, the Uniform Standards of Professional Appraisal Practice’s (USPAP 2019-2020 Edition) requirements for the development and reporting of an appraisal do not apply. Only the Ethics, Competency, and Jurisdictional Exception rules of USPAP govern this assignment and report.

HYPOTHETICAL CONDITIONS

Hypothetical Conditions (A hypothetical condition is defined by USPAP as a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the appraisal results, but is used for the purpose of analysis.):

- This report is based upon the Hypothetical Condition that the proposed development is constructed, and that development was based upon the plans provided to the appraiser.

FACTUAL INFORMATION

Location

It is the appraiser's opinion the subject location consists of the rectangular section of the City of Portsmouth whose boundaries are the northerly side of the Spaulding Turnpike to the south, Farm Lane to the east, the southerly side of Woodbury Avenue to the north, and Echo Avenue to the west. The subject's location is bounded by North Mill Pond to the northwest, the B & M railroad to the northeast and southeast, and Bartlett Street to the southwest. This location is in two Portsmouth zoning districts (CD4-W & CD4-L1). The westerly border is also located in the City's wetland buffer and State Shoreland Protection District.

Improvements and uses fall into several categories. Properties along Bartlett Street in this area consist of various retail/office uses and retail buildings with various outbuildings. There is also a former railroad repair building. The properties along Clinton Street/Monteith Street/Burkitz Street/Ruth Streets (located across North Mill Pond) are primarily single-family residences. The properties along the southerly end of McDonough Street are a mix of single family and two-family properties.

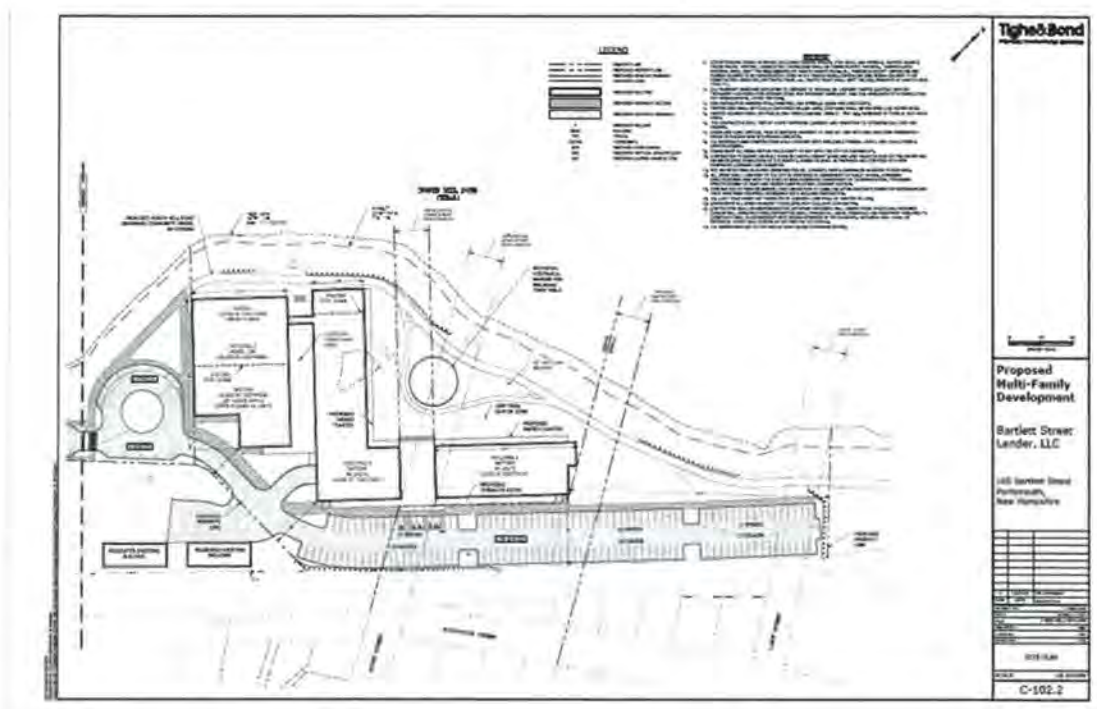
Between the improvements located off Bartlett Street and McDonough Street and Islington Street are railroad tracks with a 15' setback from any improvements. Access to the subject property is provided by a long private road located off Bartlett Street. This road provides access to the subject property, a local lumber/building supply facility and bathroom/kitchen design center (Ricci Lumber Company), Great Rhythm Brewery, Play All Day Dog Daycare, and Cove Marine. These properties share a private road (driveway) that parallels the southwesterly shoreline of North Mill Pond. The roadway terminates at the end of the proposed project with no other access other than from Bartlett Street. Bartlett Street is a local roadway providing secondary access to Islington Street from the Route 1 traffic circle. Traffic counts are moderate for this roadway.

Existing Properties

The subject property consists of an assemblage of three separate properties (Map 157/Lot 1 & Rear portion of Map 157/Lot 2 & Front Portion of Map 164/Lot 4-2. Map 157/Lot 1 consists of a light industrial building with 22,343SF on a 1.42 acre site. The property is in the CD4-W zone and is situated on the northwesterly side near the end (terminus) of a private driveway off Bartlett Street. The property is open access along the private driveway with the improvements just northwest of the Ricci Lumber Company property. Surrounding the building is a large open parking area. Map 157/Lot 2 is a retail lumber yard property with a large retail/office building with 11,436SF of space and several outbuildings on a 2.34 acre site. The property is in the CD4-W zone and is situated on the southeasterly side near the end (terminus) of the private driveway off Bartlett Street. The property also possesses open access along Bartlett Street with improvements southwest of the Brewery/Doggie Daycare building. The property possesses a large amount of parking area in front of the retail/office building and more limited parking surrounding the various outbuildings. Map 164/Lot 4-2 consists of a former railroad repair building (to be removed) with 4,050SF of space on a 4.07 acre site. The property possesses access at the end (terminus) of the private driveway off Bartlett Street with the improvements just north of the brewery/doggie daycare building and Ricci Lumber Company outbuildings. The property is located in the CD4-W & CD4-L1 zoning districts.

Proposed Development

Below is the proposed development plan prepared by Tighe & Bond Engineers.





Iron Horse Properties LLC proposes to demolish existing improvements and construct a 4 story (42+/- unit, Building A) multi-unit apartment building, a 4-5 story (96+/- units, Building B) multi-unit apartment building, and a 5 story mixed use (ground floor - office space & upper floors - 40+/- apartments units, Building C). Additionally, Iron Horse Properties LLC intends renovate an existing (retail/daycare) building as amenities building. The proposed units are expected to be 5% - studio/micro units, 45% - 1 bedroom units and 45% - 2 bedroom units and 5% - 3 bedroom units. Iron Horse Properties LLC intends to relocate several storage buildings used by Ricci Lumber Company to improve traffic flow to the project. There will be a total of 232 parking spaces with 134 surface area spaces and 54 below ground (Building A) and 44 below ground (Building B).

In conjunction with the new buildings and renovation of the existing building, Iron Horse Properties LLC will assign an area of 55,192SF+/- ($\pm 25\%$ of the site) as community space. This area is located along the edge of North Mill Pond and shall be used by the public as part of a North Pond Greenway. This will be part of a walking/bicycle path currently under development by the city of Portsmouth. Iron Horse Properties LLC also proposes to provide a courtyard/park next to the Greenway and behind Buildings A & B near the former railroad roundhouse building (new amenity building).

The proposed property is very long and irregularly shaped. It is impacted by an existing sewer line running on the eastern side of the proposed parking area and roadway. This sewer line substantially impacts the developable area of the site. The development potential of the western portion (along North Mill Pond) is also restricted due to its proximity to the shoreline and restrictions in the City wetland buffer and New Hampshire Shoreland Water Quality Protection Act. This generally prohibits any development within 50 feet of the shoreline. The property is also located in multiple zoning districts which results in varied dimensional and height requirements. This results in a very narrow potential developable

area for the project. It is also noted that any new buildings located within 400 feet of North Mill Pond along the eastern shore are required to possess a public view corridor (per the Portsmouth Zoning Ordinance for any along North Mill Pond intersecting with Dover Street, Cabot Street, Cornwall Street & Langdon Street) at a minimum width equal to the width of these noted streets.

The angle of intersection results in approximately 65 feet of separation required for Buildings A & B of the proposed project. The subject property will also be impacted by a 15' setback from the railroad line located along its easterly border. There is also an existing sewer line running under the proposed roadway/parking lot area. These restrictions significantly restrict the developable area of the property.

Tenants will be able to access the complex from Bartlett street (only). When leaving the complex, the traffic route will allow access in both directions on Bartlett Street. An elevation of the building is below.



REQUEST FOR VARIANCES

Based upon Portsmouth's Zoning Ordinance, zoning relief is requested from the following articles:

Article	Relief
10.516.1.20	To permit the relocation of the existing Ricci Lumber storage buildings 6 feet from the side yard adjoining a railroad right of way where 15 feet is required.
10.5A42.40	To realign the Dover Street view corridor to 90 degrees from McDonough Street from the existing oblique angle intersection, still maintaining a width equal to that of the public right of way.
10.5A43.31 & 10.5A46.10	To permit, in combination with the application of an incentive, five-story, 60 foot building on portions of Building B and C (CD4-W) where four-story/50-foot tall buildings are permitted.

According to Article 10.233.20 of Portsmouth's Zoning Ordinance, in order for the Zoning Board of Adjustment to grant a variance, a number of criteria must be met. The one you have retained me to analyze is:

10.233.24 - "The value of surrounding properties will not be diminished."

According to the Webster's Seventh New Collegiate Dictionary, the two key words in this sentence are defined as follows:

- Diminish is defined as "to make less or cause to appear less".
- Surround is defined as "to enclose on all sides".

In this analysis, the following definition of value has been used:

Market Value is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. The buyer and seller are typically motivated;
2. Both of the parties are well informed or well advised, and are each acting in what they consider to be their own best interest;
3. A reasonable period of time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U. S. dollars or in terms of financial arrangement comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The definition of market value was taken from the Department of the Treasury, Office of the Comptroller of the Currency, 12CFR Part 34, dated 8/24/90 (Section 34.42 Definitions).

Surrounding Properties



Above is an aerial showing the subject property and the surrounding properties.

The surrounding properties or neighborhood are of a mixed use in nature. This is a result of the location, and the fact that it is zoned CD4-W & CD4-L1. It is also located a short distance from Islington Street which is a secondary retail/commercial roadway starting from the southwesterly edge of downtown Portsmouth and traveling to Middle Road (Route 33). This provides a border (that runs southwest to northeast) for the subject property for several other neighborhoods located along the opposite side of Islington Street. Directly to the west of the subject property (along the private roadway to the subject property) are various retail/commercial and retail/office buildings and building material storage buildings associated with Ricci Lumber Company. There is also an existing railroad track that buffers the subject property from most improvements along Islington Street and McDonough Street and Dover Street. Fronting Bartlett Street on the westerly side of the subject property are:

Multi-Family Buildings
Office Condominium Complex
Auto Service Facility

Retail Store
Industrial Warehouse Building
Single Family Residences

The remainder of the neighborhood (looking across North Mill Pond) is primarily single family residences (modest and slightly upscale by Portsmouth standards) on the following roads:

Clinton Street
 Ruth Street
 McDonough Street
 Stark Street

Monteith Street
 Mill Pond Way
 Sparhawk Street
 Burkitt Street

Potentially Affected Properties

In this analysis, affected properties have been grouped into three categories. The first group includes all the properties fronting or near the railroad along McDonough Street and Dover Street. The proposed development will create a new (visible) set of improvements for these properties. The second group includes various residences (across North Mill Pond) on several residential streets. The proposed development will also create a new (visible) set of improvements for these properties. The third group involves all the properties fronting Dover Street which will potentially be impacted by the public view corridor.

Group #1

Map 144/Lot 46	159 McDonough Street	Single-Family
Map 144/Lot 45	169 McDonough Street	Duplex
Map 144/Lot 44	179 McDonough Street	Single-Family
Map 144/Lot 43	187 McDonough Street	Single-Family
Map 144/Lot 42	199 McDonough Street	Single-Family
Map 144/Lot 41	209 McDonough Street	Single-Family
Map 144/Lot 37	230 McDonough Street	Single-Family
Map 157/Lot 14	268 McDonough Street	Single-Family
Map 157/Lot 13	46 Dover Street	Duplex
Map 144/Lot 38	51 Dover Street	Duplex
Map 157/Lot 6 – 3 & 4	501 Islington Street	Office Condominiums

Group #2

Map 158/Lot 14	130 Clinton Street	Single-Family
Map 158/Lot 3	152 Clinton Street	Single-Family
Map 158/Lot 2A	166 Clinton Street	Single-Family
Map 158/Lot 1	210 Clinton Street	Single-Family
Map 159/Lot 9	250 Clinton Street	Single-Family
Map 159/Lot 7	163 Sparhawk Street	Single-Family
Map 158/Lot 2	191 Stark Street	Single-Family
Map 159/Lot 10	179 Bunkitt Street	Single-Family
Map 143/Lot 22	32 Monteith Street	Single-Family
Map 143/Lot 21	73 Monteith Street	Single-Family
Map 143/Lot 9-1	12 Ruth Street	Single-Family
Map 140/Lot 24	141 #4 Mill Pond Way	Residential Condominium

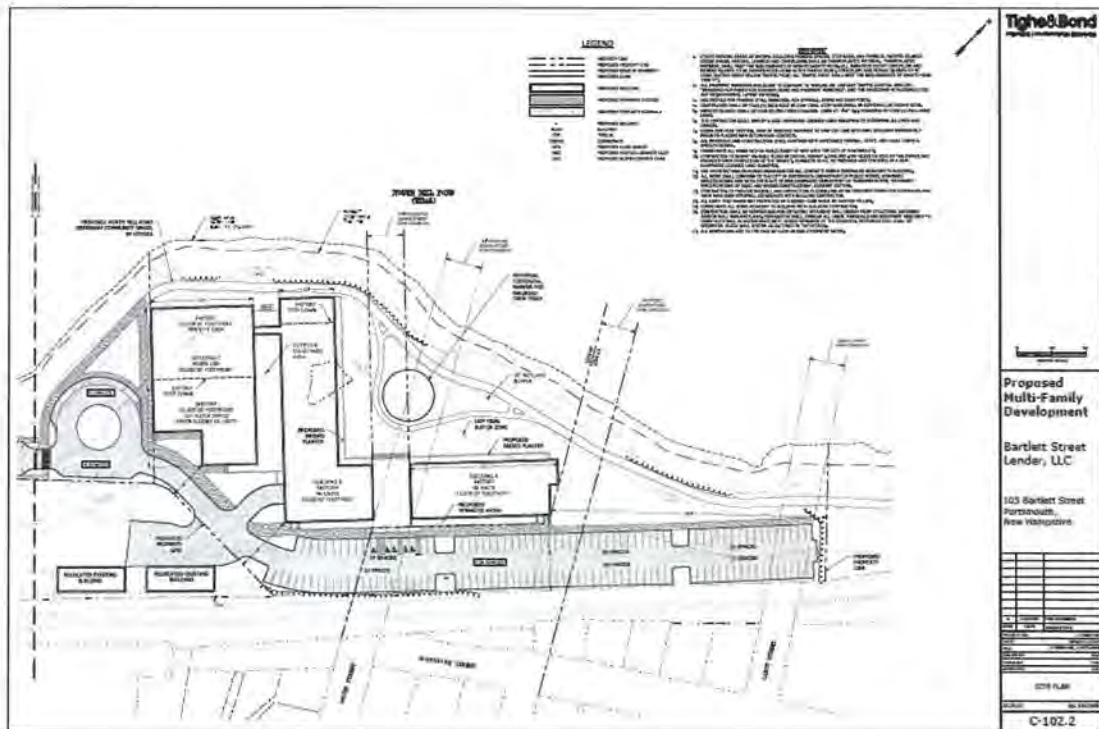
Group #3

Map 157/Lot 13	46 Dover Street	Duplex
Map 157/Lot 12	40 Dover Street	Duplex
Map 157/Lot 11	30 Dover Street	Duplex
Map 157/Lot 10	18 Dover Street	Four Unit Multi Family
Map 144/Lot 38	51 Dover Street	Duplex
Map 144/Lot 39	35 Dover Street	Office/Warehouse
Map 144/Lot 40	15 Dover Street	Duplex
Map 144/Lot 32	425 Islington Street	Duplex
Map 157/Lot 9	439 Islington Street	Duplex

The developable portion of the subject property are located in Portsmouth's CD4-W & CD4-L1 Zoning Districts. Within these districts, the following uses are permitted by right:

Single Family Dwellings	Duplexes
Multi Family Dwellings	Live/Work Unit
Assisted Living Center	Schools
Historic Preservation Buildings	Museums
Municipal Park	Religious, sectarian, or non-profit uses
Health Club	Professional Office
Business Office	Financial Service Office
Media Studio	Publishing Facility
Medical Office	Group Day Care
Laundry (Drop Off/Pick Up)	Non- Commercial Boat Landing
Satellite Dish Receiver	Outdoor Storage

On the following page is a conceptual plan with a full site build out based upon uses permitted by right:



The development includes a 4 story (42+/- units) apartment building, a 5 story (96+/- units) apartment building, and a 5 story, mixed use building (retail/commercial – ground floor & 40 apartments – upper floor). An existing (former railroad building) will be renovated for use as an amenity building. Total square footage of the building footprints is projected to be 50,916SF. Access is from Bartlett Street along a private driveway leading past Ricci Lumber Company. According to Stephen G. Pernaw & Company, this use would generate 95 peak AM trips and 122 peak PM trips off Bartlett Street.

Inherent in the value of the properties in the neighborhood and especially of those identified as being potentially affected by any development on the subject, is the ability for someone to purchase the land and improvements for the subject properties located off 105 Bartlett Street and develop it with any of the above uses. Any prudent buyer of a residence in this neighborhood would take this into account when determining what they thought it was worth and what they would be willing to pay for it. Inherent in the value of the properties is some form of development on the subject property.

This section serves as my expert opinion on the specific Variance Standard.

The appraiser acknowledges that the proposed development represents a change to the neighborhood. At issue to the appraiser is not if there has been a change to the neighborhood, but if as a result of granting the requested variances that change affects the market value of any of the identified properties in a negative (loss in market value) and measurable way. In order to form an opinion, the following impacts were analyzed.

Allowed Uses by Right:

The developable portion of the subject property is located in Portsmouth's CD4-W & CD4-L1 Zoning Districts. Within that district, the following uses are permitted by right:

Single Family Dwellings	Duplexes
Multi Family Dwellings	Live/Work Unit
Assisted Living Center	Schools
Historic Preservation Buildings	Museums
Municipal Park	Religious, sectarian, or non-profit uses
Health Club	Professional Office
Business Office	Financial Service Office
Media Studio	Publishing Facility
Medical Office	Group Day Care
Laundry (Drop Off/Pick Up)	Non-Commercial Boat Landing
Satellite Dish Receiver	Outdoor Storage

Allowed Uses Conclusion: As the CD4-W & CD4-L1 Zoning Districts allow for a number of much more intense uses by right, it is the appraiser's opinion the much less intense use that is proposed will not diminish the market value of the surrounding properties. There will be potentially less noise, traffic, lighting and odors.

Traffic:

A complete "Traffic Impact Assessment" was completed by Stephen G. Pernaw & Company, Inc. on October 8, 2018. This analysis was updated on August 20, 2019 based upon a change to the proposed project with the razing of the Great Rhythm Brewing Company & Play All Day Doggy Daycare Facility Building and increase of the proposed dwellings to 272 units. These reports were reviewed by the appraiser. The updated report indicated the following:

The morning peak hour traffic for Great Rhythm Brewing Company & Play All Day Dog Day Care was 67 arrivals between 7:00am – 9:00am and 62 departures between 7:00am – 9:00am. The evening peak hour traffic was 94 arrivals between 3:00pm – 6:00pm and 92 departures between 3:00pm – 6:00pm. The peak morning trip time was 8:00am – 9:00am with 35 arrivals and 33 departures. The peak evening trip time was 4:15am – 5:15am with 43 arrivals and 42 departures.

The development is forecast to add 27 AM trips and 37 PM trips on the subject property based upon the prior, larger, proposal. This is a moderate increase in trips generated at the subject site which will be further reduced in the current proposal. According to the Pernaw Report, "the traffic projections in the previous study are now considered on the high side".

Because of the relatively minimal impact to the subject's location and overall traffic rates, no further analysis of the impact on traffic counts was deemed necessary.

In this case, a moderate increase of traffic is not deemed to have a negative influence on adjacent property values. The explanation in this instance has to do with how market participants perceive externalities in markets with very high demand. An externality in real estate is defined as *“an element of depreciation; a defect, usually incurable, caused by negative influences outside a site and generally incurable on the part of the owner”*. In the case of residences located across North Mill Pond from the subject property, the externalities are the traffic volume and traffic noise. The City of Portsmouth is a highly desirable community from a residential perspective and the demand for single-family homes typically exceeds the supply. The city is completely built out. For that reason, buyers are typically willing to overlook externalities. It is noted that in this instance, the increased traffic counts and noise and building heights are mitigated by the relatively large expanse of water separating properties across North Mill Pond.

Additional Traffic Conclusion: Given the very limited increase in traffic the proposed improvements would bring, and the fact that traffic is an externality that is often overlooked in many sections of Portsmouth, it is the appraiser’s opinion the increase in traffic from the proposed improvements and use will not diminish the market value of surrounding properties.

Primary (Proposed Increase in Building Heights) Views:

A review of Tax Maps 157, 158 & 159 and 140, 143 & 144 and 164 review of an aerial of the neighborhood identified several potentially affected properties. That was followed by a confirmation by physical inspection.



This property is already influenced by the externalities associated with the view of the railroad lines. It is the appraiser's opinion that with these existing externalities and redevelopment of the site(s) into new retail/apartment and apartment buildings, these improvements will not diminish its market value in a measurable way.

Group #1

105 Bartlett Street - This property is the Ricci Lumber Company complex. This property consists of a retail/office building (10,000+/-SF) with numerous material storage buildings and a moderate sized parking area. The improvements are located on a 2.34 acre site that possesses direct (rear views) of the proposed project. This property is already influenced by the externalities associated with the view of the railroad line. **It is the appraiser's opinion that with this existing externality and use as a retail/commercial complex, adding the view of additional height on the two proposed structures and one existing structure will not diminish its market value in a measurable way.**

159 McDonough Street - This is a single-family residence. It has a direct view southwest toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 50+ feet from the proposed buildings.

167 McDonough Street - This is a single-family residence. It has a direct view southwest toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 50+ feet from the proposed buildings.

187 McDonough Street - This is a single-family residence. It has a direct view west toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 50+ feet from the proposed buildings.

199 McDonough Street - This is a single-family residence. It has a direct view west toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 50+ feet from the proposed buildings.

209 McDonough Street - This is a single-family residence. It has a direct view northwest toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 50+ feet from the proposed buildings.

230 McDonough Street - This is a single-family residence. It has a direct view northwest toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 50+ feet from the proposed buildings.

48 Dover Street - This is a single-family residence. It has a direct view northwest toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 75+ feet from the proposed buildings.

51 Dover Street - This is a single-family residence. It has a direct view northwest toward the proposed and existing buildings. The view is partially buffered by a line of trees and vegetation located along the railroad tracks. It is noted that the property is situated 75+ feet from the proposed buildings.

All the foregoing residential properties possess some externalities from their views of the Ricci Lumber Company buildings and/or the railroad tracks. It is the appraiser's opinion that with these externalities, adding the additional height from the proposed structures will not diminish its market value in a measurable way.

501 Islington Street - This is a multi-unit retail/office condominium building. The structure is three stories in height with views (upper floors only) overlooking North Mill Pond and the surrounding area. This property is already influenced by the externalities associated with the view of Ricci Lumber Company and noise along Islington Street. **It is the appraiser's opinion that with these externalities, adding the additional height from the proposed structures will not diminish its market value in a measurable way.**

Group #2

*All properties in this group consist of single-family residences or a residential condominium with views of the proposed project looking across North Mill Pond in an easterly or southeasterly direction. Some of the views are partially impacted by vegetation and trees. Most properties were built in the mid to late 19th century (newly renovated) with several homes built in the past 18 to 35 years. The residential condominium was constructed in 2012. The properties were deemed to be in average to above average condition. With a viewing distance ranging from 550+/- feet to 1,250+/- feet for these properties, the layout and scale of the proposed improvements with a varied background from across North Mill Pond, and the impact of the development to the surrounding area, the proposed changes in building heights will not impact the surrounding properties. **It is the appraiser's opinion that with this existing externality and use as a retail/commercial complex, adding the additional height on the two proposed structures will not diminish their market value in a measurable way.***

Other (Public View Corridor) Views:

The owner of any lot along North Mill Pond intersecting with Dover Street, Cabot Street, Cornwall Street and Langdon Street must maintain a public view corridor at a minimum width equal to the width of those streets. Those right of ways intersect the eastern property line at approximately 72 degree angle, increasing the building separation beyond the width of the existing 43+/- feet of Cabot Street. The owner intends to adhere to this requirement, except for the public view corridor along Dover Street. The owner has requested relief to slightly realign the Dover Street corridor to 90 degrees from the existing oblique angle street line and maintaining a width equal to that of the public right of way. The proposal would maintain a public view from the end of Dover Street equal to the right of way. It would not provide a straight-line view of North Mill Pond, however, with a staggered corridor running through the proposed two buildings.

A review of Tax Maps 157 & 144 review of an aerial of the neighborhood identified several potentially affected properties. That was followed by a confirmation by physical inspection of the properties located along Dover Street.



The appraiser inspected the exterior of all the existing properties located along Dover Street and noted that a minimal number faced this view corridor for a potential line of sight view of this public view corridor. Additionally, an even smaller number possessed layouts which would provide viewing (via windows) of this view corridor. Most of the improvements located along Dover Street consist of older (constructed in 1840-1900) duplex (1,398SF – 2,326SF) and multi-family properties (2,058SF – 2.610SF) deemed to be in fair to average condition. There is also a smaller sized office/industrial building (6,866SF) deemed to be in average condition. These properties possess limited on-site parking with very small or no yard areas. It was reported that most of these buildings are utilized as rental housing.

These properties possess little or no view of the proposed view corridor on Dover Street. Most of the properties are being utilized as rental housing with few amenities. These properties represent relatively older (mid to late 1800's) housing stock with minimal exterior views of the Dover Street corridor. Buyers of these type of properties generally are investors seeking real estate for a financial return. There is also a smaller sized office/warehouse property located along the impacted area. This type of property is normally utilized by an owner/user for purposes not related to a proposed scenic view. Based upon the foregoing, it is the appraiser's opinion that with the proposed modification to the public view corridor will not have any negative influence on any of these improvements. **It is the appraiser's opinion that with these externalities, modifying the public view corridor (on Dover Street) will not diminish their market values in a measurable way.**

46 Dover Street - This is a duplex building. It has primarily a street facing view with partial rear views toward the public view corridor.

40 Dover Street - This is a duplex building. It has primarily a non-street facing view with no views toward the public view corridor.

30 Dover Street - This is a duplex building. It has primarily a non-street facing view with no views toward the public view corridor.

18 Dover Street - This is a four-unit multi-family building. It has primarily a street facing view with no views toward the public view corridor.

439 Islington Street - This is a duplex building. It has primarily a non-street facing view with no views toward the public view corridor.

51 Dover Street - This is a duplex building. It has primarily a partial street facing view and partial front views toward the public view corridor.

35 Dover Street - This is an office/warehouse building. It has primarily a street facing view with no public view corridor.

15 Dover Street - This is a duplex building. It has primarily a street facing view with no views toward the public view corridor.

425 Islington Street - This is a four-unit multi-family building. It has street facing views (Dover Street & Islington Street) with no views toward the public view corridor.

All the foregoing properties possess minimal or no views of the proposed public view corridor. Many are reportedly used on a rental basis with few or no amenities. It is the appraiser's opinion that with these factors, revising the proposed public view corridor (for Dover Street) through the project will not diminish their market value in a measurable way.

Noise:

The properties in the surrounding neighborhood are located adjacent Islington Street and Bartlett Streets. These areas represent more densely developed retail/commercial areas with moderate amounts of traffic and noise activity (primarily during the daytime). None of these properties are located within close proximity to the subject, based upon its location at the end of the long private roadway and buffer provided by the railroad tracks and various residences and the North Mill Pond. Due to the physical characteristics of the subject's location and natural noise barriers created by the railroad tracks and North Mill Pond, the subject property will not contribute any significant noise pollution. The two proposed apartment buildings are close to North Mill Pond with a large open space area and a larger buffer (including a parking lot area) to the side with its closest improvements. The limited amount of potential noise produced by the apartments will be drowned out by the surrounding areas, including retail/commercial improvements along Islington Street and Bartlett Street.

Noise Conclusion: Given the current level of noise in the neighborhood due to its proximity to Islington Street and Bartlett Street, and the very limited amount of additional noise the proposed development will produce, it is the appraiser's opinion the proposed improvements and use will not diminish the market value of the surrounding properties.

Lighting:

The properties mentioned in the noise section above are also subject to current nighttime lighting on Islington Street and Bartlett Street. These lights are on all night. While no full site plan with a lighting plan has been yet prepared as the plan provided is only for a use variance, the developer has indicated any building mounted or pole mounted parking lot lighting will conform with those advocated by the International Dark-Sky Association. In other words, lights will only illuminate areas immediately around the buildings or the parking lot. Light pollution will not leak into the surrounding environment.

Lighting Conclusion: Given the current level of light in the neighborhood, the proximity to Islington Street and Bartlett Street, and various retail/commercial uses, and the fact that the proposed lighting will produce minimal additional light pollution, it is the appraiser's opinion the proposed improvements and use will not diminish the market value of the surrounding properties.

Odors:

Retail/Apartment buildings and apartment buildings produce no noticeable odors.

Odors Conclusion: It is the appraiser's opinion the proposed improvements and use will not diminish the market value of the surrounding properties.

Other Anecdotal Evidence:

The NHMLS revealed no sales, current listings, or expired/withdrawn listings of the potentially affected properties during the 2017-2019 timeframe that would indicate property owners were concerned the value of their homes were going to drop with the proposed development.

**SURROUNDING PROPERTY MARKET VALUE DIMINISHMENT
CONCLUSION**

Based upon the tests of allowed uses by right, traffic, view, noise, lighting and odors, the appraiser was unable to identify any market based or anecdotal evidence that the proposed retail/apartment complex or the requested variances will diminish the market value of any of the surrounding properties. Based upon my research, this test for granting the variances has been met.

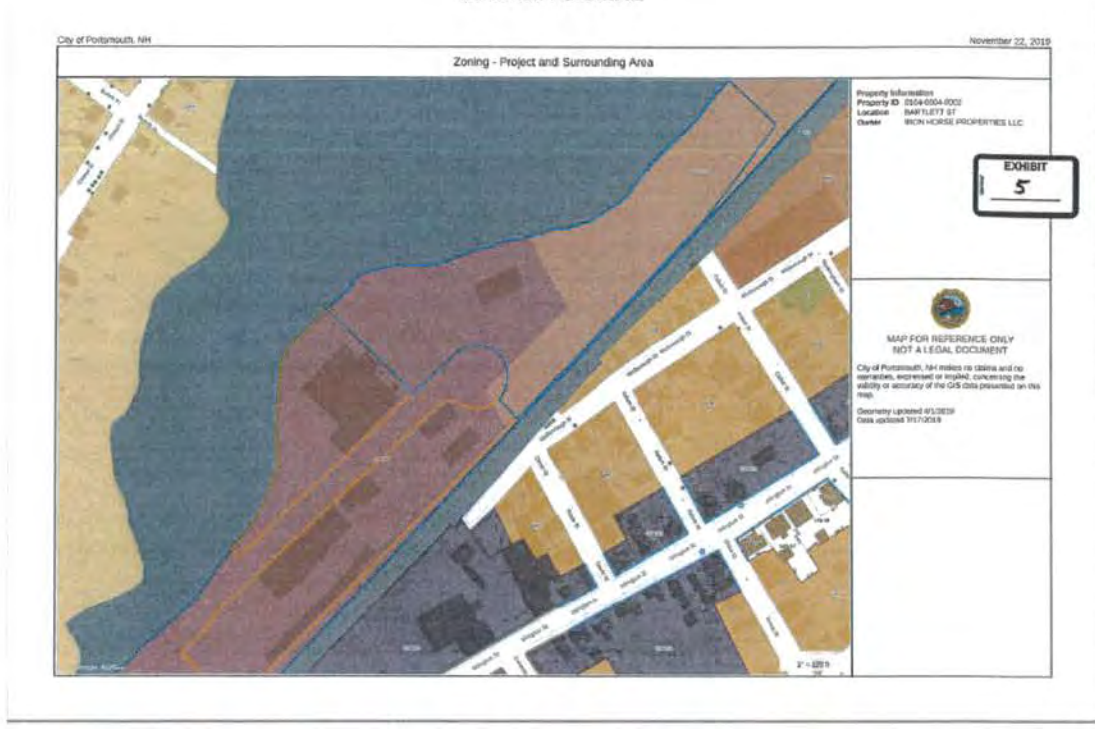


Robert P Concannon, MAI
Chief Appraiser – NHCG – 657

ADDENDA

- Zoning Map
- Subject Tax Cards
- Development Site Plan
- Retained Landscape Plan
- Development Elevations
- Easement Plan
- View Plan & Views from McDonough Street
- Tax Map with Subject Property & Potentially Affected Properties Highlighted
- Trip Generation Memorandums
- Appraiser Qualifications

ZONING MAP



Field	Description
STYLE	Whse-Indust
MODEL	Commercial
Grade	C-
Stories:	1
Occupancy	2
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	T & Grv/Rubber
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Hot Air-no Duc
AC Type	None
Bldg Use	IND WHS5
Total Rooms	
Total Bedrms	
Total Baths	1
Kitchen Grd	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	LIGHT
Ceiling/Wall	NONE
Rooms/Ptnts	AVERAGE
Wall Height	15
% Conn Wall	



(http://images.vgsl.com/photos2/PortsmouthNH/photos/70010210/91.jpg)

Building Layout



(http://images.vgsl.com/photos2/PortsmouthNH/photos/Sketches/)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	4,050	4,050
SLB	Slab	4,050	0
		8,100	4,050

Extra Features

Extra Features	Legend
No Data for Extra Features.	

Land

Land Use

Use Code	3222
Description	COMM BLDG
Zone	OR
Neighborhood	305A
Alt Land Appr	No

Land Line Valuation

Size (Acres)	4.07
Frontage	
Depth	
Assessed Value	\$2,420,200
Appraised Value	\$2,420,200

Category

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FNT	FENCE-5' CHAIN			1190 L.F.	\$5,000	1

Valuation History

Appraisal
No Data for Appraisal History

Assessment
No Data for Assessment History

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Replacement Cost
Less Depreciation: \$551,900

Building Attributes	
Field	Description
STYLE	Store
MODEL	Commercial
Grade	C-
Stories	1
Occupancy	1
Exterior Wall 1	Pre-Fab Wood
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Irregl Sht Gds
Interior Floor 2	
Heating Fuel	Gas
Heating Type	Hot Air no Duc
AC Type	Central
Bldg Use	LUMBER WDG HDL-04
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
1st Floor Use:	
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	SUS-CEIL & WL
Rooms/Wtrs	AVERAGE
Wall Height	20
% Conn Wall	



(http://images.vgsl.com/photos2/PortsmouthNHPhotos/10010122/05.JPG)

Building Layout



(http://images.vgsl.com/photos2/PortsmouthNHPhotos/Sketches)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
SDA	Store Display Area	8,100	8,100	
ACF	Office	2,048	2,048	
CLP	Loading Platform, Finished	100	0	
POP	Porch, Open	80	0	
SLB	Slab	6,052	0	
UST	Utility, Storage, unfinished	4,060	0	
WDR	Deck, Wood	200	0	
		20,640	10,148	

◀ ▶

Extra Features

Extra Features				Legend	
Code	Description	Size	Value	Bldg #	
MEZ1	MEZZANINE-UNF	2000 S.F.	\$15,600	1	
SPR1	SPRINKLERS-WET	9248 S.F.	\$10,400	1	

Land

Land Use

Use Code 3130
 Description LUMBER YRD HDL 94
 Zone CD4 W
 Neighborhood 305A
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 2.34
 Frontage
 Depth
 Assessed Value \$1,391,300
 Appraised Value \$1,391,300

Outbuildings

Outbuildings					Legend	
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FN3	FENCE-5' CHAIN			772 L.F.	\$6,300	1
LT1	LIGHTS-IN W/PL			6 UNITS	\$3,400	1
LT3	W/TRIPLE LIGHT			1 UNITS	\$1,100	1
PAV1	PAVING-ASPHALT			96100 S.F.	\$40,100	1
IMP	IMPLEMENT SHED			1275 S.F.	\$8,400	1
IMP	IMPLEMENT SHED			1275 S.F.	\$8,400	1
IMP	IMPLEMENT SHED			1768 S.F.	\$11,700	1
IMP	IMPLEMENT SHED			1275 S.F.	\$8,400	1
IMP	IMPLEMENT SHED			946 S.F.	\$4,300	1
BBN1	BARN - 1 STORY			2280 S.F.	\$27,400	1
BBN1	BARN - 1 STORY			2204 S.F.	\$26,400	1
SHD2	W/LIGHTS ETC			80 S.F.	\$800	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$715,100	\$322,500	\$1,037,600
2017	\$715,100	\$322,500	\$1,037,600
2016	\$665,000	\$272,900	\$937,900

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$715,100	\$322,500	\$1,037,600
2017	\$715,100	\$322,500	\$1,037,600
2016	\$665,000	\$272,900	\$937,900

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<http://gis.vgsi.com/portsmouthnh/Parcel.aspx?Pid=37599>

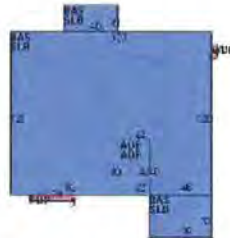
1/1/2020

Building Attributes	
Field	Description
STYLE	Light Indust
MODEL	Industrial
Grade	C
Stories:	1
Occupancy	2
Exterior Wall 1	Concr/Clndr
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	T & Grv/Rubbr
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Gas
Heating Type	Hot Air/no Duc
AC Type	None
Bldg Use	COMM W/SE
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
1st Floor Use:	
Heat/AC	NONE
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	NONE
Rooms/Ft/sq	AVERAGE
Wall Height	25
% Conn Wall	



[http://images.vgsi.com/photos2/Portsmouth/NH/Photos/1,0010122/03.JPG]

Building Layout



[http://images.vgsi.com/photos2/Portsmouth,NH/Photos/Sketches/]

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	19,302	19,302	
ACF	Office	1,760	1,760	
FOP	Porch, Open	170	0	
SLB	Slab	19,302	0	
WDK	Deck, Wood	40	0	
		40,754	21,152	



Extra Features

Extra Features					Legend	
Code	Description	Size	Value	Bldg #		
LD1	LOAD DOCK ST/CC	120 S.F.	\$3,500	1		
CLR1	COOLER	1156 S.F.	\$15,500	1		
SPC3	DRY	10130 S.F.	\$10,400	1		
ME22	FINISHED	440 S.F.	\$4,500	1		
SPK1	SPRINKLERS-WET	10130 S.F.	\$11,500	1		
A/C	AIR CONDITION	1760 S.F.	\$3,000	1		

Land

Land Use

Use Code 4000
 Description FACTORY
 Zone CD-4-W
 Neighborhood 305A
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.42
 Frontage
 Depth
 Assessed Value \$927,000
 Appraised Value \$927,000

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
LTS	W/TRIPLE LIGHT			3 UNITS	\$3,400	1
PAV1	PAVING-ASPHALT			17400 S.F.	\$15,200	1
FN4	FENCE-B CHAIN			244 L.F.	\$3,000	1

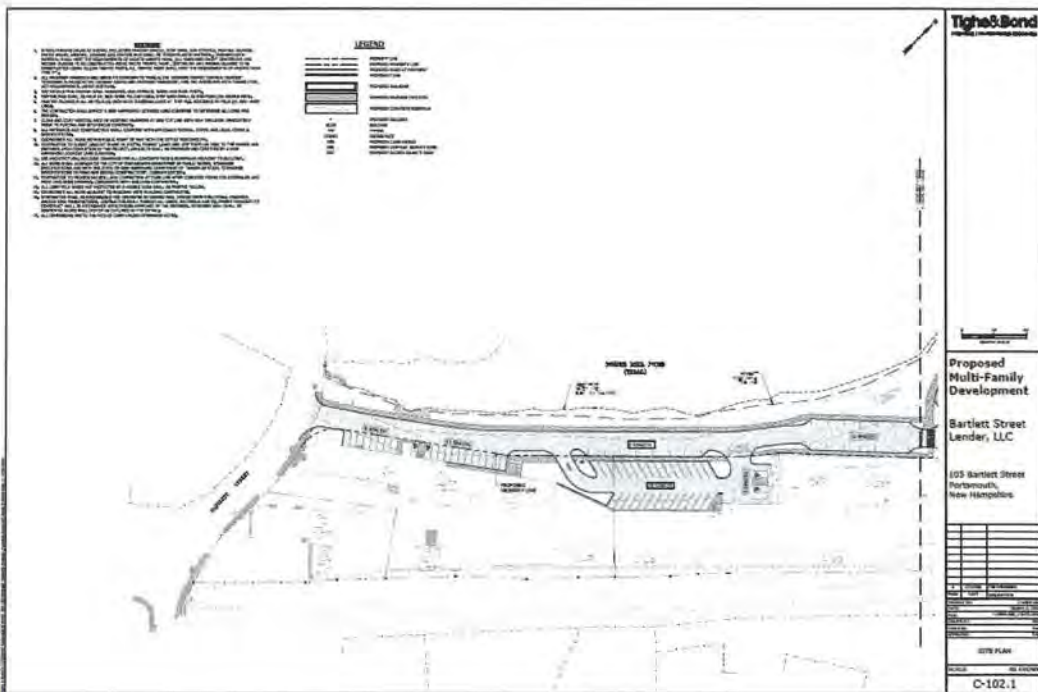
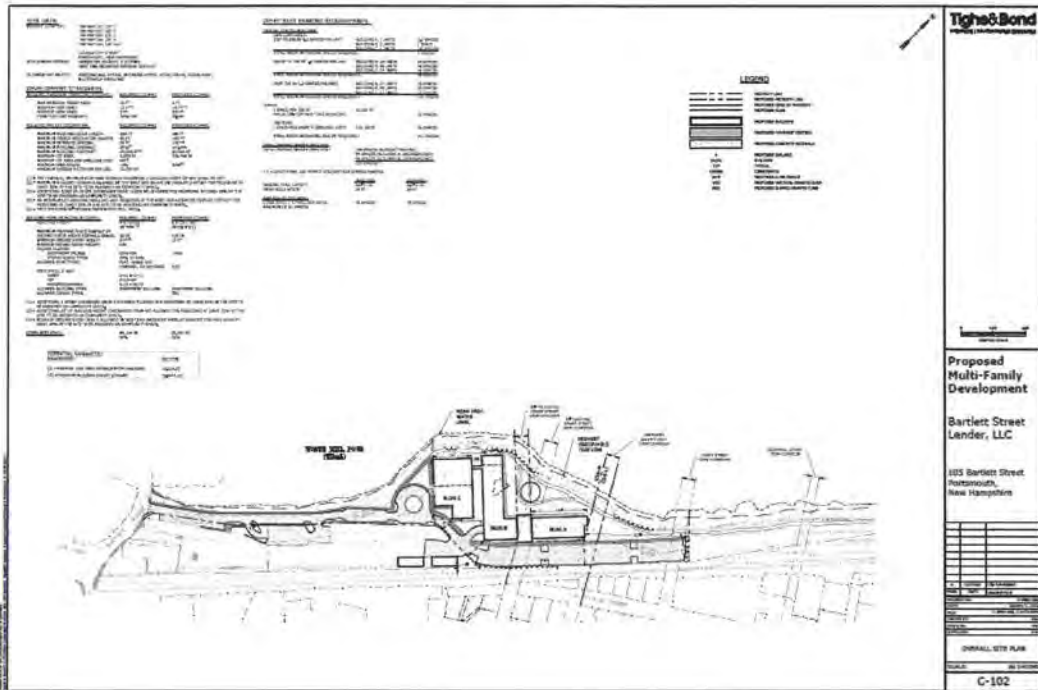
Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$848,400	\$317,500	\$1,165,900
2017	\$848,400	\$317,500	\$1,165,900
2016	\$569,700	\$266,700	\$836,400

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$848,400	\$317,500	\$1,165,900
2017	\$848,400	\$317,500	\$1,165,900
2016	\$569,700	\$266,700	\$836,400

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SITE PLANS



RETAINED LANDSCAPE PLAN

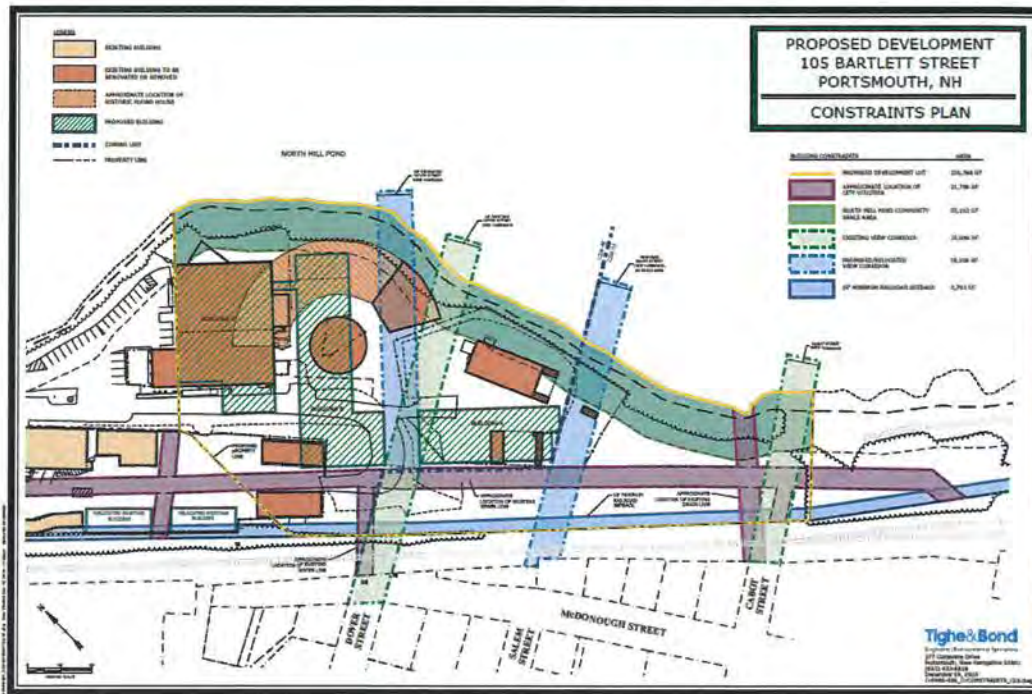


Residences at Islington Creek
LANDSCAPE CONCEPT
105 Bartlett Street Portsmouth, NH

Project No.	105-10-01
Client	RMA Associates
Date	10/10/10
Scale	1" = 20'

L-1

CONSTRAINTS PLAN



RENDERINGS







TRIP GENERATION MEMORANDUMS



**Stephen G. Pernaw
& Company, Inc.**

RD, Box 1721 • Concord, NH 03302
tel: (603) 731-8580 • fax: (603) 923-6024 • sgp.com

Transportation • Engineering • Planning • Design

MEMORANDUM



Ref: 1955A
To: Jeff Johnston
Catburks
From: Stephen G. Pernaw, P.E., FTOE
Subject: Trip Generation Update
Date: August 20, 2019

As you know, our office prepared the "Traffic Impact & Site Access Study - Proposed Residential Subdivision" report dated June 18, 2019 for the 120-unit multi-family low/mid-rise residential development located on the south side of North Mill Pond in Portsmouth, New Hampshire. The development proposal has changed and it now involves raising the Great Rhythm Brewing Company and the 7ky All Day Doggy Daycare facility and increasing the number of dwellings to 269 units. The purpose of this memorandum is to compare the trip generating characteristics of the former and current development proposals.

The updated trip generation analysis indicates that the 269 dwellings will generate approximately 95 (AM) and 122 (PM) vehicle-trips during the peak hour periods (see Attachment 1). Driveway counts conducted at the brewery/dog daycare parking lot in October 2018 revealed that these two uses generated 68 (AM) and 85 (PM) vehicle-trips (see Attachment 2) on a typical weekday. The previous development proposal was expected to generate approximately 41 (AM) and 53 (PM) vehicle trips (see Attachment 3).

Table 1 (Page 2) combines these findings and demonstrates that the current development proposal will generate -14 (AM) and -16 (PM) fewer vehicle-trips during the peak hour periods than the previous development proposal. Accordingly, the traffic projections contained in the previous traffic study are now considered to be conservative on the "high side." This means that the study findings and conclusions remain valid for the new development proposal.

cc: Doug Placore, Clipper Traders, LLC
Ed Hayes, Royal Lumber

Attachments



1955A



Stephen G. Pomroy & Company, Inc.

Table 1
Trip Generation Update

	Current Development Potential						On-Site Parking Proposed*	Net Change
	275 950-Rise Units ¹	26 Low-Rise Units ²	Subtotal	Losses & Dis- Placement ³	Net Trip Generation	On-Site Parking Proposed*		
Wednesday AM Peak Hour								
Existing	21 veh	8 veh	29 veh	24 veh	40 veh	11 veh	29 veh	
Existing	55 veh	12 veh	67 veh	24 veh	37 veh	27 veh	40 veh	
Total	76 veh	20 veh	96 veh	48 veh	48 veh	38 veh	58 veh	
Wednesday PM Peak Hour								
Existing	52 veh	13 veh	65 veh	43 veh	22 veh	22 veh	43 veh	
Existing	45 veh	2 veh	47 veh	42 veh	5 veh	42 veh	5 veh	
Total	97 veh	15 veh	112 veh	85 veh	27 veh	64 veh	48 veh	

1. 1.5 Level-Up Code 225 - Medium-Density Residential (MUR) - City of Portsmouth
 2. 1.75 Level-Up Code 225 - Medium-Density Residential (MUR) - City of Portsmouth
 3. Existing 2019 Shreve Report (Shreve Associates) Tables 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

* On-Site Parking Proposed: 11 veh (Wednesday AM Peak Hour), 22 veh (Wednesday PM Peak Hour), 0 veh (Total)

Trip Generation Summary

Alternative: Alternative 1
 Phase: Phase
 Project: 1556A

Open Date: 01/16/2019
 Analysis Date: 01/16/2019

ITE	Land Use	Weekday Average Daily Trip			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
220	LOA-40SE 1	80	50	100	0	12	12	0	13	13
	30 Dwelling Units									
221	MIC-41SE 1	0	0	0	0	0	0	0	0	0
	220 Dwelling Units									
Unadjusted Values:		744	743	1487	28	71	99	75	47	122
Internal Capture Trips		0	0	0	0	0	0	0	0	0
Weekly Trips		0	0	0	0	0	0	0	0	0
Volume Added to Adjacent Streets		744	743	1487	28	71	99	75	47	122

* - Values in italics are based on assumed five period
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent



**Stephen G. Pernaw
& Company, Inc.**

Attachment 2
 810, Box 1721 • Concord, NH 03302
 tel: (603) 731-8100 • fax: (603) 921-6054 • www.pernaw.com

Transportation Engineering • Planning • Design

MEMORANDUM

Re: 1821A
To: Juliet T. H. Walker, AICP
 Planning Director
 City of Portsmouth Planning Department
From: Stephen G. Pernaw, P.E., PTOE
Subject: Clipper Traders – Supplemental Traffic Counts
 Portsmouth, New Hampshire
Date: October 9, 2018

On October 2, 2018 the Technical Advisory Committee requested that traffic counts be conducted at the Great Rhythm Brewing Company & Play All Day dog day care center parking lot to determine when the busiest traffic periods occur. These traffic counts were conducted on Thursday, October 4, 2018 during the morning and evening commuter periods.

Hourly Volumes			
	Arrivals	Departures	Trips
7:00 - 8:00	32	29	61
8:00 - 9:00	35	33	68
2-Hour Total	67	62	129
3:00 - 4:00	35	14	50
4:00 - 5:00	34	37	71
5:00 - 6:00	30	45	75
3-Hour Total	99	97	196
AM Peak Hour Volumes			
7:30 - 8:30	34	34	68
8:00 - 9:00	35	33	68
PM Peak Hour Volumes			
4:15 - 5:15	43	42	85

The highest hourly traffic volume that was generated by this parking lot occurred from 4:15 to 5:15 PM with 43 arrivals and 42 departures (85 vehicle-trips).

cc: John Chagnon, P.E. – Ankit Engineering, Inc.
 Doug Pickett, Clipper Traders, LLC
 Ed Hayes, Rizzoli Landscaper
 Eric Eby, P.E. – City of Portsmouth
 Elizabeth Olsman, P.E. – The Engineering Corporation

1821A

TRIP GENERATION

To estimate the quantity of vehicle trips that will be produced by the proposed residential development, Pennaw & Company, Inc. considered the standardized trip-generation rates and equations published by the Institute of Transportation Engineers (ITE)¹. Based upon ITE Land Use Code LUC-221 - Multi-Family Housing (Mid Rise) the overall development is expected to generate approximately 41 vehicle-trips during the weekday AM peak hour and 53 vehicle-trips during the weekday PM peak hour, on an average weekday basis. These results are based upon consideration of both the trip "rate" and "equation" method, and 120 dwelling units as the independent variable. The following table summarizes the anticipated trip-generating characteristics of the proposed residential development.

Table 1		Trip Generation Summary - Clipper Traders	
			120 Dwelling Units ¹
Weekday Total ²	Entrance		336 veh
	Exit		336 veh
	Total		672 trips
Weekday AM Peak Hour ³	Entrance		11 veh
	Exit		20 veh
	Total		41 trips
Weekday PM Peak Hour ⁴	Entrance		32 veh
	Exit		21 veh
	Total		53 trips

¹ ITE LUC-221 Multi-Family Housing (Mid Rise)
² Trip Generation Method
³ Trip Rate Method

All vehicle-trips associated with the proposed residential development will be "primary" trips, or new trips to the area. Appendix F contains the trip generation computations for the proposed residential development, along with a diagram that summarizes the distribution of the primary trips at the various study area intersections.

¹ Institute of Transportation Engineers, *Trip Generation*, sixth edition (Washington, D.C., 2011)
 1025A 12

APPRAISER'S QUALIFICATIONS

Robert P. Concannon, MAI
Real Property Appraiser (NHCG-657 & ME 2393)
25 York Lane, Lee New Hampshire
603-767-4987

Education

B.S. Business Administration 1986

Marquette University, Milwaukee, Wisconsin

Appraisal Classes

Real Estate Principals 101	(1987)
Introduction to Real Estate	(2003)
Basic Real Estate Procedures	(2003)
National USPAP Standards	(2004)
Introduction to Income Capitalization	(2004)
Advanced Income Capitalization	(2004)
Report Writing	(2005)
Advanced Applications	(2005)
General Highest and Best Use	(2009)
General Applications	(2011)
Advanced Highest and Best Use	(2012)
Capstone Class	(2013)
Rates and Returns	(2017)
USPAP Updated	(2017)

Employment History

THE STANHOPE GROUP, LLC (Portsmouth, NH)

Staff Appraiser 2002 - 2005

Commercial Staff Appraiser - Performed appraisals on multi-family, apartment complexes, industrial buildings, and proposed sub-divisions and vacant tracts of land. Clients included; small and large sized financial institutions, private parties, developers, and various law firms and accounting practices. Specific work includes marketing studies, rent studies, and feasibility analysis. Work assignment locations range from northern Massachusetts (Essex County) to southern Maine (York County) and throughout New Hampshire.

S & J TRANSPORTATION SERVICES, INC. (Lee, NH)

General Manager 1997 - 2001

Oversaw the daily operation of a \$10 million freight shipment company. Responsibilities include handling the maintenance, safety, operations and accounting departments. Specifically, the company employs 60+ drivers, 12 mechanics and yard people, and an administrative staff of 10-12 individuals. Additionally, successfully handled the negotiation and sale of a storage trailer leasing company for \$2 million in March 1999. Specific work includes; overseeing the letter of intent, financing terms, sale agreements, and disposition of company equipment.

EASTERN BANCORP (Vermont Federal Bank, Williston, VT)

Vice President Risk Management 1993 - 1997

Oversaw the credit administration of a \$100 million troubled commercial loan portfolio, with specific responsibilities including: workout and real estate owned disposition, loan and appraisal review, and loan loss reserve analysis. Managed loan review, internal audit, compliance, workout, collections, and real estate owned activities at this community bank.

OFFICE OF THRIFT SUPERVISION (Boston, MA)

Field Examiner, Team Leader 1986 - 1993

Handled Safety and soundness examinations, compliance examinations, credit updates (bank wide), liquidation assessments, and reviews of formal applications from member banks. Initially, provided support to senior level examiners with increased complexity and administrative responsibilities through successful completion of assignments. With proven technical proficiency and oral/written communication skills, eventually led training teams of up to seven examiners.

Additionally, participated in several special assignments including the examination of Lincoln Savings (controlled by Charles Keating) and an organized crime controlled bank in southern New Jersey. Other assignments including analyzing new applications (mergers, acquisitions, appointments) for regulated institutions and supported internal review of local agency. As a part of this work experience, successfully completed over 20 professional education classes and two separate certification programs.

Personal

Member: R.M.A., Appraisal Institute (MAI), NH & ME & MA Certified General Appraiser, E – Licensed Youth Soccer Coach, President of NH/VT Appraisal Institute Chapter

State of New Hampshire

REAL ESTATE APPRAISER BOARD
APPROVED TO PRACTICE AS A
CERTIFIED GENERAL APPRAISER
ISSUED TO: ROBERT P CONCANNON



Certificate No: NHCG-657

EXPIRATION DATE: 03/31/2021

State of New Hampshire

REAL ESTATE APPRAISER BOARD
APPROVED TO PRACTICE AS A
Certified General Appraiser
ISSUED TO: ROBERT P CONCANNON



Certificate No:
NHCG-657

EXPIRATION DATE:
03/31/2021

For additional information please contact the Board office at colleen.giffin@opk.nh.gov or visit our web site at <http://www.opk.nh.gov/real-estate-appraisers/index.htm>