

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Kevin M. Baum, Esquire
DATE: November 27, 2019
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 Rheame 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. 9/3/2019 – 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. 3D Massing Plans – comparing by-right massing to 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.
12. Example Architectural Renderings.

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>

II. PROPERTY/PROJECT

A. *Overview*

Iron Horse seeks relief for a proposed mixed-use office and 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.* (Existing Conditions Plan); **Exhibit 9** (Existing Conditions Photographs).

Iron Horse proposes to construct a 3-4 story, ±54 unit multifamily structure (Building A), a 4-5-story, ±96 unit multifamily structure (Building B), and a 2 story, mixed use building with first floor commercial/office and ±28 units of upper story residential use (Building C), including renovations to a 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). The proposed residential units are anticipated to be market rate apartments with a mix of approximately 5% studio/micro units, 45% 1 bedroom units and 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. *Id.*

As part of the Project, Iron Horse will assign a ±55,192 square feet (~25% of site) of community space along the edge of North Mill Pond to be used by the public 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.”⁴ Iron Horse also proposes to provide a large public courtyard area adjacent to the Greenway to the rear of Buildings A and B centered around the

⁴ 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>

former railroad roundhouse designed by Woodburn & Company. **Exhibit 2** (Landscaping Concept).

In addition to zoning relief, discussed in Section III below, Iron Horse intends to seek a lot line adjustment⁵ 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 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 hinder the ability to develop the Property⁶ 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 upon “regularly shaped” square or rectangular lots, *Id.* The Property, with 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, makes application of setbacks difficult and in many places creates atypical results, contrary to the intent of the setback requirements. **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).⁷ The presence of the sewer line significantly restricts the developable area of the Property in order to retain accessibility for future maintenance and repairs.

⁵ The Applicant anticipates that approval of a lot line adjustment will be a condition of variance approval.

⁶ 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).

⁷ 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.

- 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 minimum width equal to the width of those streets. **Exhibit 3** (Constraints Plan) Those right of ways intersect the eastern Property line at an approximately 72 degree angle, requiring approximately 65 feet of separation between Buildings A and B. **Exhibit 1** (Sheet C-102.2).
- 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.

Historic Use of Property and Surrounding Area

The Property was historically utilized as a railyard. **Exhibit 8.** Uses on the Property included 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 Street⁸ 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, sometimes 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. Iron Horse seeks to reestablish productive use of the area together with public use of the shoreline, including the proposed public space and the City's planned North Mill Pond Greenway, and bring much needed residential housing within walking distance of Downtown.

C. Public Meetings and Development Proposals

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 the current CD4-W and CD4-L1 and a subdivision approval to realign the layout to create the existing lots, which were previously owned primarily by the B&M Railroad.⁹ Iron Horse later acquired additional land from B&M via a Planning Board approved lot line adjustment. Several example renderings of proposed buildings were shown for context during these proceedings; however, until now, formal building plans were not developed.

Subsequently, Iron Horse invested in more detailed development plans for the Property. Those plans proposed 272 dwelling units and 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. Thus, more building footprint was within the 50-100 foot shoreland buffer area.

The plans were initially presented in a community meeting that included the Stark Street, Bartlett Street and Islington Creek neighborhoods on September 4, 2019 and to the Portsmouth

⁸ 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.

⁹ 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.

Conservation Commission on September 11, 2019. Iron Horse representatives also met privately 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 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 feedback, Iron Horse modified its initial proposal in order to retain and renovate a portion of the existing Great Rhythm/Play All Day building to be used as an amenities building, thereby limiting new construction near the North Mill Pond shoreline. It 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 public space adjacent to the Greenway in the area of the former railroad turntable. The net result of this realignment via transfer of development rights, exchanging horizontal buildout for a partial vertical story, is to maintain a commercially viable number of dwelling units with vertical development, resulting in far less impact within the 100 foot buffer and reduced building coverage overall. **Exhibit 4** (Massing Plans). 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. Notably, the public space will contain a rain garden with native plantings to improve runoff to the pond and memorialize 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, with change of 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 development proposal and increases

the number of vehicle trips only slightly over the existing Great Rhythm/Play All Day use.

Exhibit 11 (Traffic Memorandum).

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

In addition to meeting the intent of the PZO, as discussed below, the Project furthers the goals of the City's 2025 Master Plan 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 where appropriate (Goal 1.4.1) – The Project will support the development of the North Mill Pond Greenway, enabling the creation of a new public park, and will provide additional open space adjacent to the pond and Greenway with seating, utilizing materials the historic roundhouse, and other public amenities.
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 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 A and B, allows for the creation of needed housing, with mixed sized, 1-3 bedroom and studio/microunit apartments.

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.

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, increasing the area outside of the 100 foot buffer, and places living spaces at elevations above anticipated flood levels.

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 comments 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) locate the small portion of Building A within the CD4-L1 District 87 feet from the side property line where a maximum of 20 feet is permitted; 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 small portion of Building A.

III. RELIEF REQUIRED

1. PZO §10.516.20 – To permit the relocation of the existing Ricci Lumber storage buildings 5.96 feet from the side yard adjoining a railroad right of way where 15 feet is required.

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

2. PZO §10.5A41.10A – To permit building 87 feet from the side property boundary in the CD4-L1 District where a minimum of 5 feet and a maximum of 20 feet is required.

A small portion of Building A is located within the CD4-L1 District at a distance greater than 20 feet from the side property line.¹⁰ The layout is appropriate for the area as its location between the railroad tracks and pond make it unlike the typical cityscape neighborhood envisioned for the CD4-W and CD4-L1 Districts. The added distance from the side lot line, along with the existing railroad right of way, provides an additional buffer/transitions to the nearby residential neighborhood/CD4-L2 and MRB zoning districts.

3. PZO §10.5A43.31 and §10.5A46.10 – To permit, in combination with the application of an incentive, a portion of a three-story 40-foot tall building (Building A) where a two-story 30-foot tall building is permitted in CD4-L1 and a portion of a five-story 60-foot tall building (Building B) where a four-story 50-foot tall building is permitted in CD4-W.

Buildings up to four-stories/50 feet are permitted by right (with incentives) on the majority of the Property pursuant to Zoning Map 10.5A.21.B. On the remainder, buildings up to two-stories/30 feet (with incentives) are allowed. As requested by 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 maximize public space adjacent to North Mill Pond and the Greenway. 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 development of permitted density by reducing structures within the shoreland buffer, and instead adding an additional story to the rear portion of Building B and to the small eastern portion of Building A, also decreasing the total number of units from that proposed on its original plan. **Exhibit 4** (Massing Plan). As stated above at page 4, historically five story buildings have been located in the area. **Exhibit 8** (Historic Conditions).

¹⁰ There is no restriction on side yard setback distances in the CD4-W District.

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.¹¹ 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 the ordinance's basic zoning objectives." *Id.* "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan... [by] regulating":

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. The variances will permit the relocation of existing storage buildings on the Ricci Lumber lot, to a location consistent with other long-existing structures, improving open space, vehicular movement and parking. The location of Building A more than 20 feet from the side property line leaves more open space between the Project and the nearby McDonough Street neighborhood. An additional stepped story on Building B and the easternmost portion of Building A allows the development to maintain the existing height of the Great Rhythm building. By transferring development of horizontal building location for vertical, the 100 foot buffer is better preserved and 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 increased side yard buffer/transition is actually a betterment and

¹¹ 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*.

is not necessary under the circumstances since the Property does not have the characteristics typical for the CD4-L1 District (regularly shaped lots with close, evenly spaced structures). The additional vertical density provides a better layout, a reduction in the overall building coverages 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 for an increased side yard setback beyond 20 feet 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 will be consistent with existing structures 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 placement of Building A away from the side property line creates an additional buffer, reducing potential impacts to the residential neighborhoods located to the east of the rail line and a transition to the CD4-L2 and MRB Districts. The proposed additional building stories/height moves the proposed buildings away from North Mill Pond and its associated buffer, allows for less building coverage and provides more open space. Within that additional open space, Iron Horse proposes a rain garden and native plantings. 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 creates a unified layout on that lot. The side yard setback relief for Building A moves the building away from the railroad tracks and creates an additional buffer to the McDonough Street neighborhood. Trees and landscaping will be provided in the area pursuant to the requirements of PZO §10.5A44.40. An additional stepped story on Building B and a small portion of Building A preserves the Dover/Cabot Street view corridors and provides a larger, more cohesive community/public space along North Mill Pond. Most 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 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 setback requests (railroad right of way and side yard) do not impact natural resources. The additional stories/height proposed for Building B and the eastern portion of Building A allow a modest increase in vertical density in exchange for reduced building coverage, increased open space and lessen impact to the shoreland buffer. The former turntable provides rainwater storage with a raingarden and native plantings. 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, allows for better vehicular movement between the existing lots and longstanding existing businesses, provides a buffer/transition to nearby neighborhoods, 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 improves vehicle movement on the Property, 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 on stepped story on Building B and a portion of Building A, 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 amenity accessible to the surrounding neighborhood. In light of these factors, and the redevelopment of the blighted area as a whole, 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 North Mill Pond, associated Shoreland buffers, the railroad right of way, the sewer line and the required view corridors. The proposed Greenway and added courtyard area 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 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.

With respect to the side yard setback, the majority of Building A is located within the CD4-W District, in which there are no side yard setback requirements. Only a small portion of

the building, approximately 81 feet long, is within CD4-L1 where there is a 5 foot minimum and 20 foot maximum setback. The purpose of this requirement is to create more densely developed “city-scape” blocks with buildings located relatively close to each other. That purpose here makes no sense as the intent cannot be met even if the requirements of PZO §10.5A41.10A were met since the side yard of the Property adjoins the railroad corridor. Thus, there is no relationship between the reduced side yard setback intended in the CD4-L1 District and its application in this location. Additionally, the location of Building A away from the side property boundary, along with the existence of the rail line, creates an additional buffer to and transition area between the Project and the McDonough Street neighborhood.

Height/story restrictions exist to promote adequate air and light, prevent over massing. The proposed building layout complies with all coverage and open space requirements. Setback requirements are either met, or in the case of Building A, exceeded. The Project preserves view corridors from Dover 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 the eastern portion of Building A. Importantly, the transfer of development density from horizontal to vertical allows the Project to protect the 100 foot buffer, preserve existing structures 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 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


develop the Project in a way that improves vehicular access, provides a buffer from nearby neighborhoods, reduces building coverage, cleans up a tortured site, creates additional public space 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

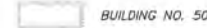

































By: R. Timothy Phoenix
Kevin M. Baum

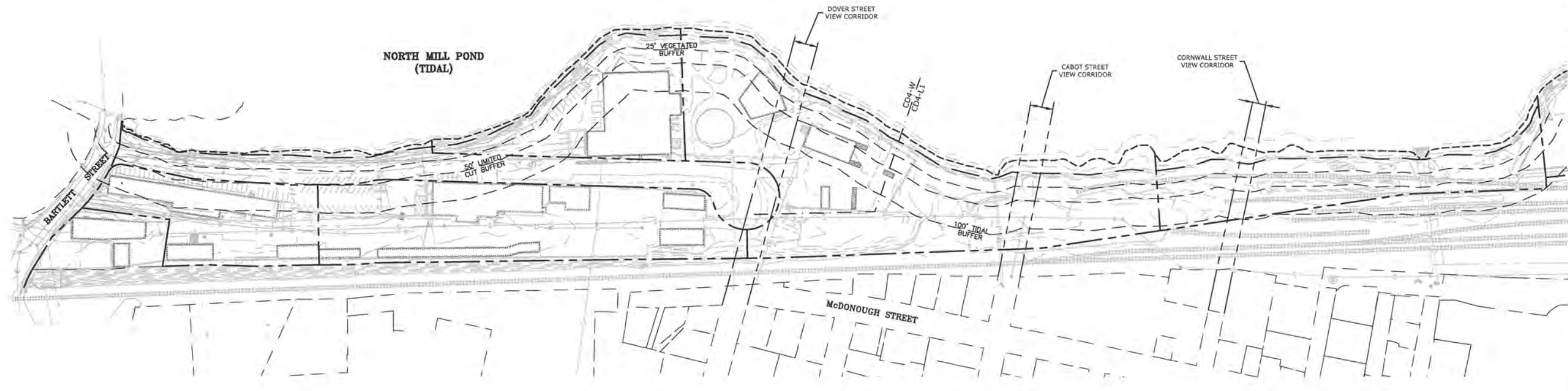
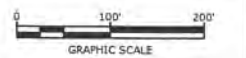


EXHIBIT
1

LEGEND

-  BUILDING NO. 50
-  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 AMBIT ENGINEERING, INC., DATED 3/5/2018.
 2. WETLAND DELINEATION BY STEVEN D. RIKER, CWS, ON 8/8/2017, AND FIELD LOCATED BY AMBIT ENGINEERING, INC. ON 8/9/2017.
- REFERENCE PLANS:**
1. "PROPOSED SUBDIVISION PLANS, CLIPPER TRADERS, LLC" PREPARED BY AMBIT ENGINEERING, INC., DATED DECEMBER 14, 2018.



Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

| MARK | DATE | DESCRIPTION |
|------|------------|----------------|
| A | 11/26/2019 | ZBA Submission |

PROJECT NO: C-0960-006
DATE: November 26, 2019
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: 11/25/2019
 Printed On: Nov 26, 2019 8:21am By: Mahanzen
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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

SITE ZONING DISTRICT:
105 BARTLETT STREET
PORTSMOUTH, NEW HAMPSHIRE
CHARACTER DISTRICT 4 (CD4-W)
CHARACTER DISTRICT 4 (CD4-L1)
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) | REQUIRED (CD4-L1) | PROPOSED (CD4-L1) |
|--|----------------------|----------------------|-------------------|----------------------|
| MAX PRINCIPAL FRONT YARD: | 10 FT ⁽¹⁾ | 0 FT | 15 FT | N/A |
| MINIMUM SIDE YARD: | 3:12 MIN | <6 FT ⁽¹⁾ | 5 FT - 20 FT | 86 FT ⁽¹⁾ |
| MINIMUM REAR YARD: | 5 FT | 2:6 FT | 5 FT | 216 FT |
| FRONT LOT LINE BUILDOUT: | 50% MIN | 64.2% | 60% MIN, 80% MAX | N/A |

| BUILDING AND LOT OCCUPATION: | REQUIRED (CD4-W) | PROPOSED (CD4-W) | REQUIRED (CD4-L1) | PROPOSED (CD4-L1) |
|-------------------------------------|--------------------------|--------------------|-------------------------|--------------------|
| MAXIMUM BUILDING BLOCK LENGTH: | 200 FT | 172 FT | 100 FT ⁽²⁾ | 68 FT |
| MAXIMUM FACADE MODULATION LENGTH: | 80 FT | 480 FT | 50 FT | <50 FT |
| MAXIMUM ENTRANCE SPACING: | 50 FT | <50 FT | NR | NR |
| MAXIMUM BUILDING COVERAGE: | 80% ⁽³⁾ | 424.9% | 80% ⁽³⁾ | 46.0% |
| MAXIMUM BUILDING FOOTPRINT: | 20,000 SF ⁽⁴⁾ | 19,850 SF | 3,500 SF ⁽⁵⁾ | 3,500 SF |
| MINIMUM LOT AREA: | 5,000 SF | 220,524 SF | 3,000 SF | 220,524 SF |
| MINIMUM LOT AREA PER DWELLING UNIT: | NR ⁽⁶⁾ | NR ⁽⁶⁾ | NR ⁽⁶⁾ | NR ⁽⁶⁾ |
| MINIMUM OPEN SPACE: | 15% | 35% ⁽⁷⁾ | 25% | 25% ⁽⁷⁾ |
| MAXIMUM GROUND FLOOR GFA PER USE: | 15,000 SF | 15,000 SF | NR | NR |

- (1) - PER 10.516.20, MINIMUM SIDE YARD SETBACK ADJOINING A RAILROAD RIGHT OF WAY SHALL BE 15FT
- (2) - MAXIMUM BLOCK LENGTH ALLOWED IN WEST END INCENTIVE OVERLAY DISTRICT FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (3) - 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.
- (4) - 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.
- (5) - ADDITIONAL 1,000 SF OF GFA (INCREASED FROM 2,500 SF) ALLOWED FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (6) - 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.
- (7) - ONLY INCLUDES 50' SETBACK FROM NORTH MILL POND.

| BUILDING FORM (PRINCIPAL BUILDING): | REQUIRED (CD4-W) | PROPOSED (CD4-W) | REQUIRED (CD4-L1) | PROPOSED (CD4-L1) |
|--|--|---|--|---|
| BUILDING HEIGHT: | 4 STORIES ⁽¹⁾ 50' MAX ⁽²⁾ | 5 STORY, 60' ⁽³⁾ (BLDG B) | 2 STORIES ⁽¹⁾ 30' MAX ⁽²⁾ | 3 STORY, 40' ⁽³⁾ (BLDG A) |
| MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE: | 36 IN | <36 IN | 36 IN | <36 IN |
| MINIMUM GROUND STORY HEIGHT: | 9 FT ⁽⁴⁾ | 12 FT | 9 FT ⁽⁴⁾ | 11 FT |
| MINIMUM SECOND STORY HEIGHT: | N/A | N/A | N/A | N/A |
| FACADE GLAZING: | 70% MIN | >70% | 70% MIN | >70% |
| SHOPFRONT FACADE: | 20% TO 50% | 20% TO 50% | 20% TO 40% | 20% TO 40% |
| ALLOWED ROOF TYPES: | FLAT, GABLE, HIP, GAMBREL, OR MANSARD | FLAT | FLAT, GABLE, HIP, GAMBREL, OR MANSARD | FLAT |
| ROOF PITCH, IF ANY: | | | | |
| GABLE: | 6:12 - 12:12 | | 6:12 - 12:12 | |
| HIP: | 3:12 MIN | | 3:12 MIN | |
| MANSARD/GAMBREL: | 6:12 - 30:12 | | 6:12 - 30:12 | |
| ALLOWED BUILDING TYPES: | APARTMENT BUILDING | APARTMENT BUILDING | TBD | TBD |
| ALLOWED FACADE TYPES: | | | | |

- (1) - ADDITIONAL 1 STORY (INCREASED FROM 1 AND 3 RESPECTIVELY) ALLOWED FOR PROVIDING AT LEAST 20% OF THE SITE TO BE ASSIGNED AS COMMUNITY SPACE.
- (2) - ADDITIONAL 10' OF BUILDING HEIGHT (INCREASED FROM 20' AND 40' RESPECTIVELY) 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) |
|------------------|------------------|------------------|
| | 44,105 SF 30% | 55,192 SF 35% |

| POTENTIAL VARIANCES: | REQUIREMENT: | SECTION: |
|--|--------------|-------------|
| (I) - MINIMUM SIDE YARD SETBACK FROM RAILROAD: | | 10.516.20 |
| (II) - SIDE YARD SETBACK CD4-L1: | | 10.5A41.10A |
| (III) - MAXIMUM BUILDING HEIGHT (CD4-W, CD4-L1): | | 10.5446.10 |

OFF-STREET PARKING REQUIREMENTS:

| PARKING SPACES REQUIRED: | REQUIRED | PROPOSED |
|---|--|-------------------------------------|
| DWELLING UNITS: | | |
| 0 SF TO 500 SF 0.5 SPACES PER UNIT | BUILDING A, 1 UNITS BUILDING B, 2 UNITS BUILDING C, 1 UNITS | 0.5 SPACES 1 SPACE 0.5 SPACES |
| TOTAL MINIMUM PARKING SPACES REQUIRED = | | 2 SPACES |
| 500 SF TO 750 SF 1.0 SPACES PER UNIT | BUILDING A, 26 UNITS BUILDING B, 46 UNITS BUILDING C, 14 UNITS | 26 SPACES 46 SPACES 14 SPACES |
| TOTAL MINIMUM PARKING SPACES REQUIRED = | | 86 SPACES |
| OVER 750 SF 1.3 SPACES PER UNIT | BUILDING A, 27 UNITS BUILDING B, 49 UNITS BUILDING C, 13 UNITS | 35 SPACES 63 SPACES 17 SPACES |
| TOTAL MINIMUM PARKING SPACES REQUIRED = | | 115 SPACES |

| | | |
|---|-----------|------------|
| OFFICE: | | |
| 1 SPACE PER 350 SF | 8,000 SF | 23 SPACES |
| VISITORS: | | |
| 1 SPACE FOR EVERY 5 DWELLING UNITS | 178 UNITS | 36 SPACES |
| TOTAL MINIMUM PARKING SPACES REQUIRED = | | 265 SPACES |

| | | |
|---------------------------------|---|---------------------------|
| TOTAL PARKING SPACES PROVIDED: | | |
| TOTAL PARKING SPACES PROVIDED = | 127 SPACES (SURFACE PARKING) 70 SPACES (BUILDING A, UNDERGROUND) 44 SPACES (BUILDING B, UNDERGROUND) 13 SPACES (BUILDING C, UNDERGROUND) | 242 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

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| | 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 |



Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

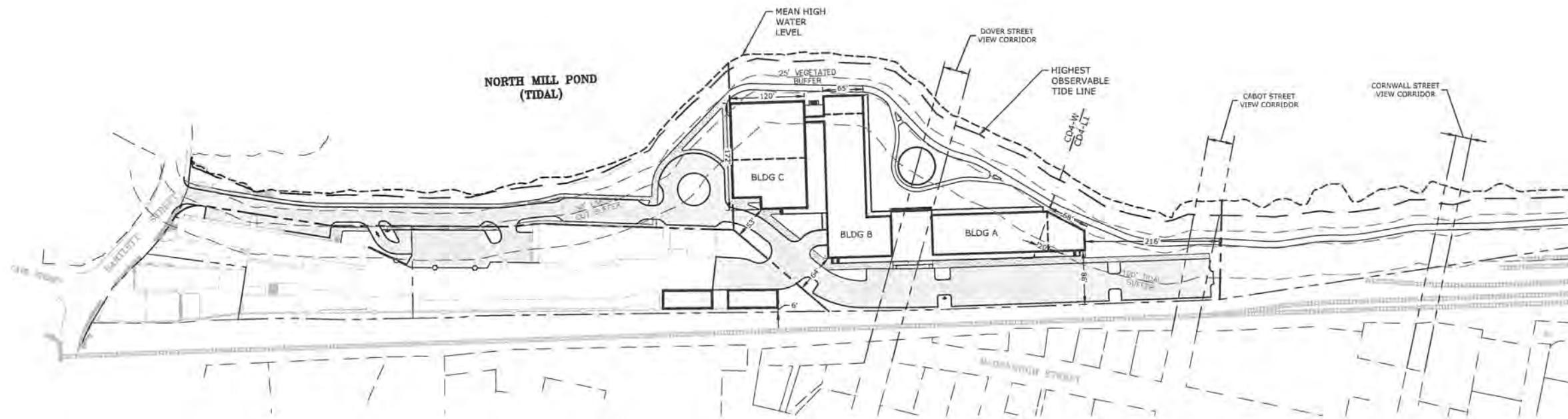
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| A | 11/26/2019 | ZBA Submission |

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| DATE: | November 26, 2019 |
| FILE: | C-0960-006_C-SITE.DWG |
| DRAWN BY: | NAH |
| CHECKED: | BMC |
| APPROVED: | BHL |

OVERALL SITE PLAN

SCALE: AS SHOWN

C-102

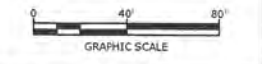
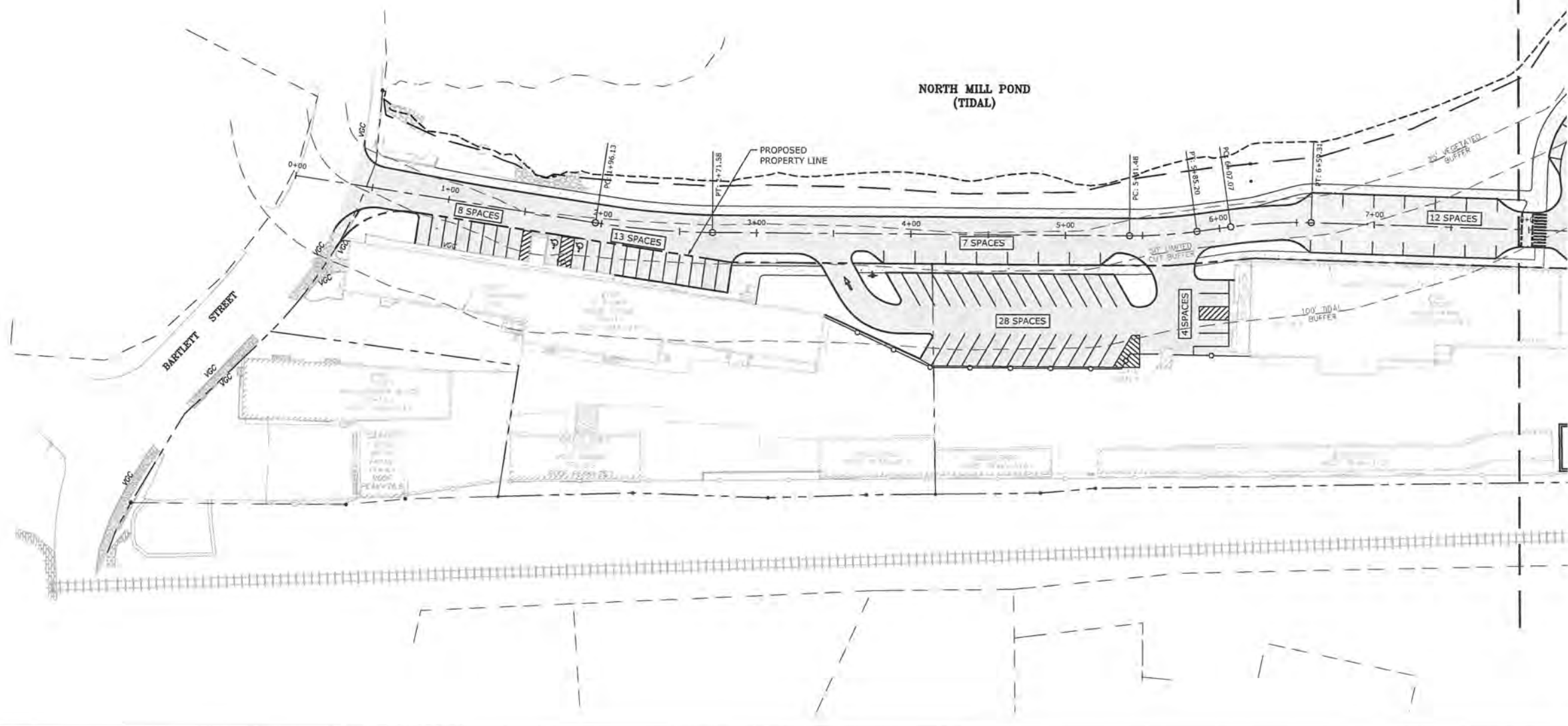




- SITE NOTES:**
1. STRIPE PARKING AREAS AS SHOWN, INCLUDING PARKING SPACES, STOP BARS, ADA SYMBOLS, PAINTED ISLANDS, CROSS WALKS, ARROWS, LEGENDS AND CENTERLINES SHALL BE THERMOPLASTIC MATERIAL. THERMOPLASTIC MATERIAL SHALL MEET THE REQUIREMENTS OF AASHTO M249. (ALL MARKINGS EXCEPT CENTERLINE AND MEDIUM ISLANDS TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT. CENTERLINE AND MEDIUM ISLANDS TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "F").
 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.
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 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.
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 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.

LEGEND

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| | PROPERTY LINE |
| | PROPOSED PROPERTY LINE |
| | PROPOSED EDGE OF PAVEMENT |
| | PROPOSED CURB |
| | PROPOSED BUILDING |
| | PROPOSED PAVEMENT SECTION |
| | PROPOSED CONCRETE SIDEWALK |
| | PROPOSED BOLLARD |
| | BUILDING TYPICAL COORDINATE |
| | 30' R PROPOSED CURB RADIUS |
| | VGC PROPOSED VERTICAL GRANITE CURB |
| | SGC PROPOSED SLOPED GRANITE CURB |



Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

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| PROJECT NO: | C-0960-006 |
| DATE: | November 26, 2019 |
| FILE: | C-0960-006_C-SITE.DWG |
| DRAWN BY: | NAH |
| CHECKED: | PMC |
| APPROVED: | BML |

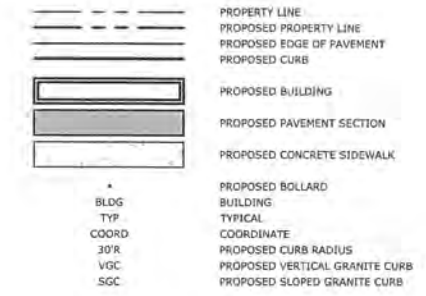
SITE PLAN
SCALE: AS SHOWN

C-102.1

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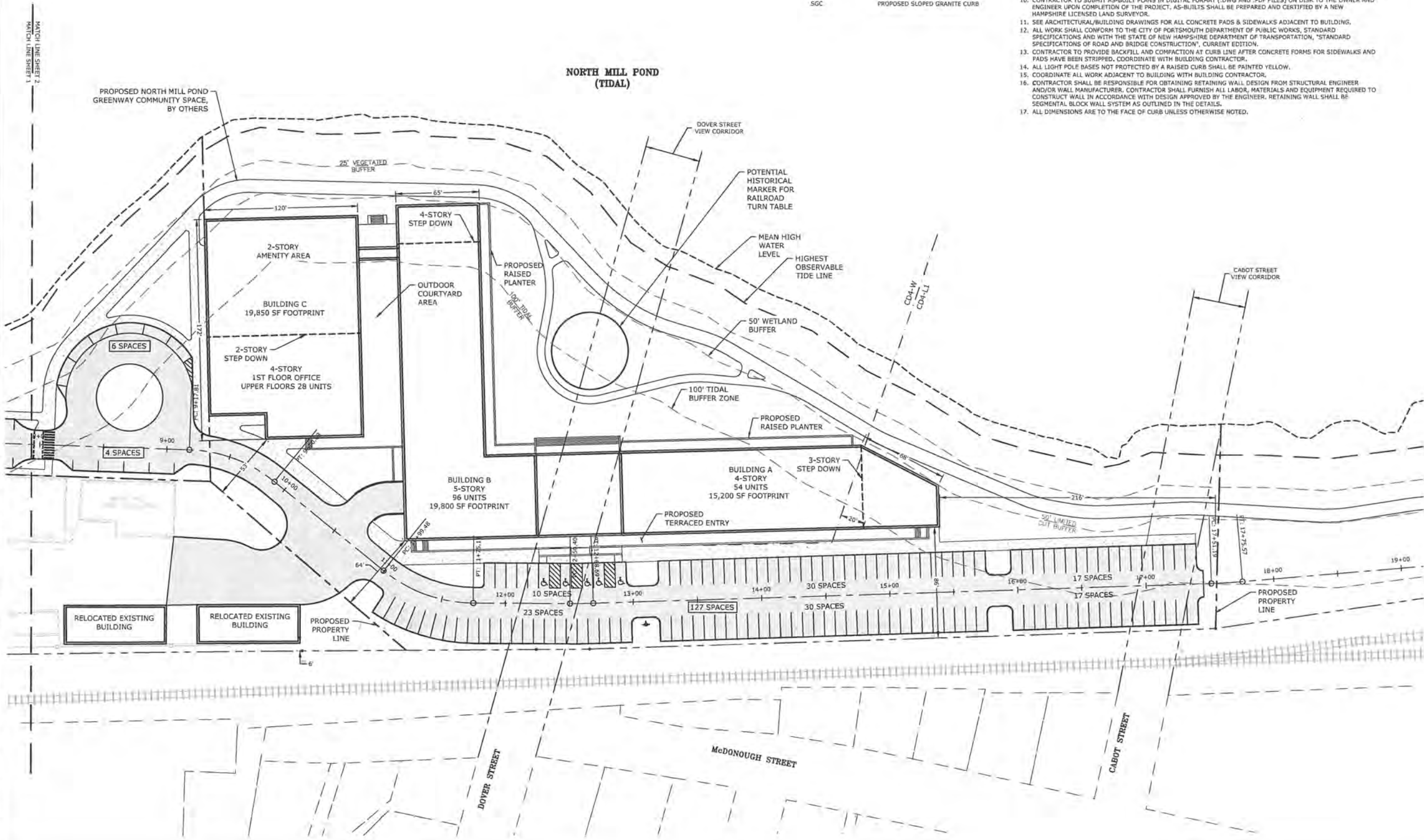
LEGEND



SITE NOTES

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NORTH MILL POND (TIDAL)



Proposed Multi-Family Development

Bartlett Street Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

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| DRAWN BY: | NAH | |
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SITE PLAN
SCALE: AS SHOWN
C-102.2

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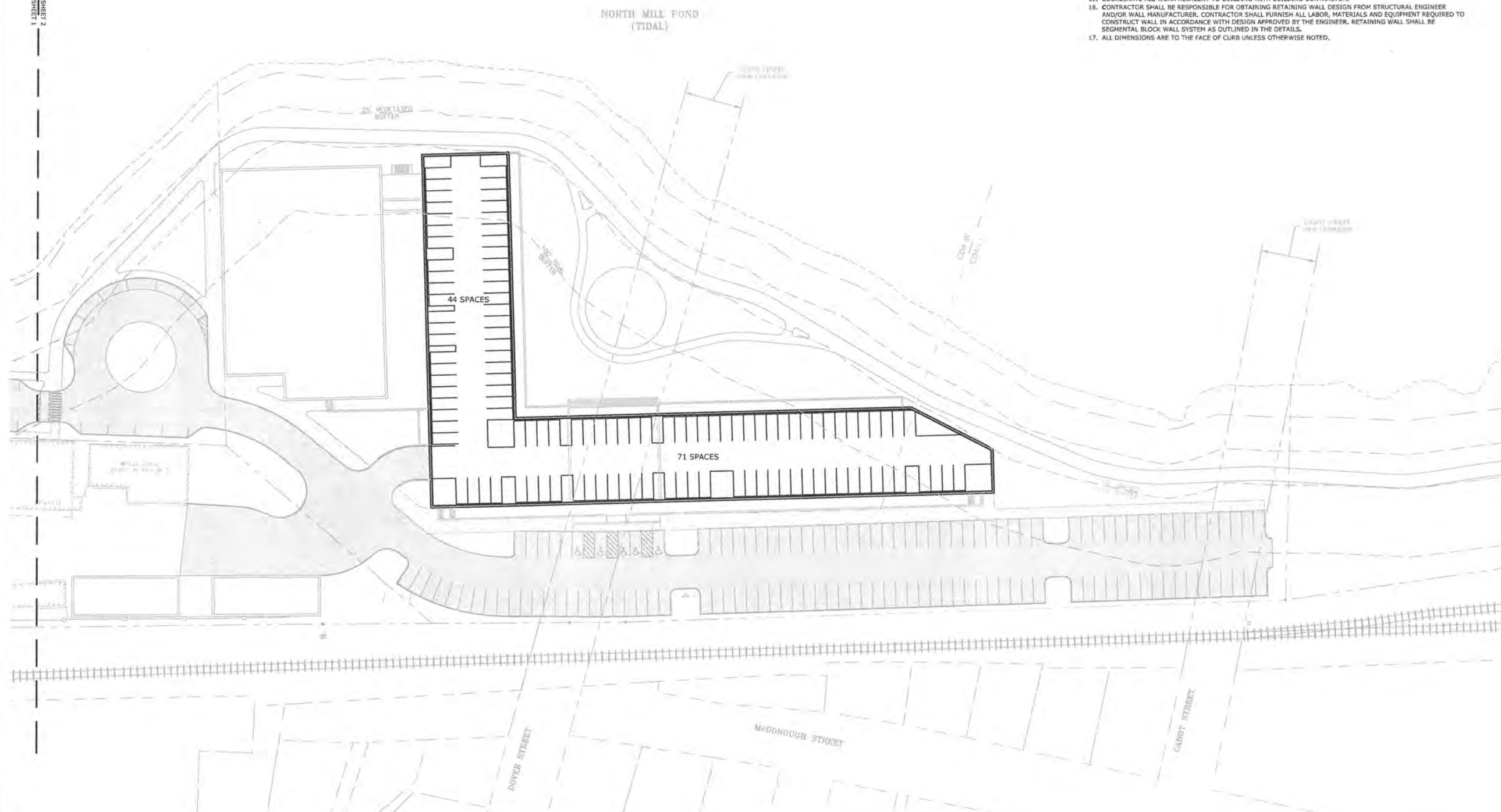


LEGEND

- PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- ==== PROPOSED EDGE OF PAVEMENT
- ===== PROPOSED CURB
- [Hatched Box] PROPOSED BUILDING
- [Solid Grey Box] PROPOSED PAVEMENT SECTION
- [Dotted Box] PROPOSED CONCRETE SIDEWALK
- PROPOSED BOLLARD
- BLDG BUILDING
- TYP TYPICAL
- COORD COORDINATE
- 30'R PROPOSED CURB RADIUS
- VGC PROPOSED VERTICAL GRANITE CURB
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MATCH LINE SHEET 2
MATCH LINE SHEET 1



**Proposed
Multi-Family
Development**

Bartlett Street
Lender, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

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| A | 11/26/2019 | ZBA Submission |

PROJECT NO: C-0960-006

DATE: November 26, 2019

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: 11/25/2019
 Plotted On: Nov 25, 2019 - 4:33pm By: Mal Hansen
 Tighe & Bond: J:\C\0960 Cathartes\C-0960-006 105 Bartlett Street\Drawings - Figures\AutoCAD\Sheet\C-0960-006_C-SITE.DWG


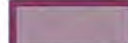



Residences at Islington Creek
LANDSCAPE CONCEPT
105 Barlett Street Portsmouth, NH

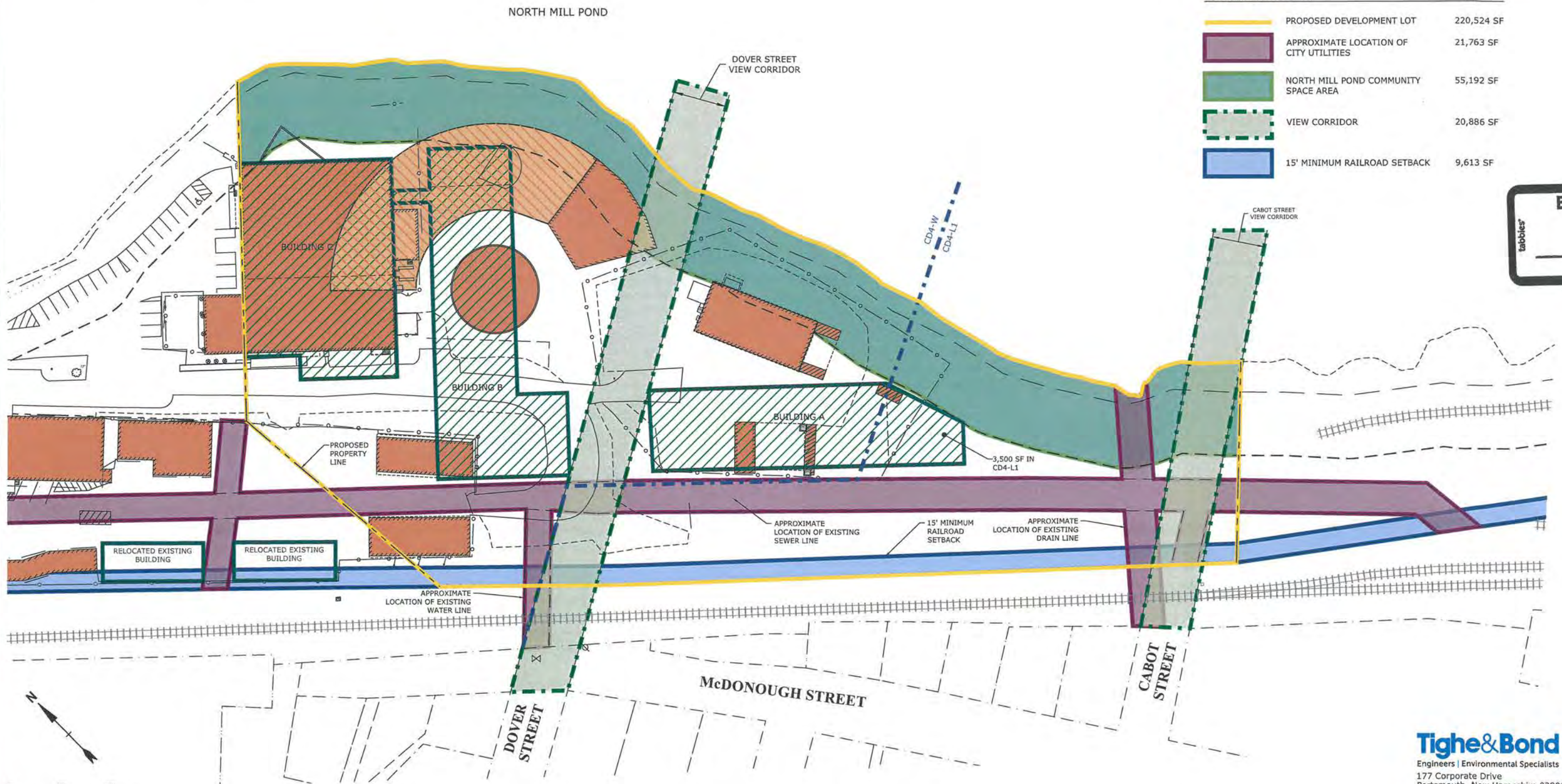


Drawn By: RW
Checked By: RW
Scale: scale
Date: 2019-10-08
Revisions:

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

**PROPOSED DEVELOPMENT
105 BARTLETT STREET
PORTSMOUTH, NH
CONSTRAINTS PLAN**

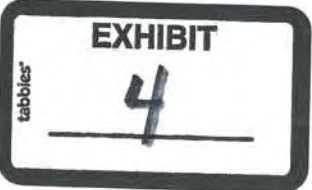
| BUILDING CONSTRAINTS | AREA |
|--|------------|
|  PROPOSED DEVELOPMENT LOT | 220,524 SF |
|  APPROXIMATE LOCATION OF CITY UTILITIES | 21,763 SF |
|  NORTH MILL POND COMMUNITY SPACE AREA | 55,192 SF |
|  VIEW CORRIDOR | 20,886 SF |
|  15' MINIMUM RAILROAD SETBACK | 9,613 SF |



**EXHIBIT
3**

C-0960-006_C-CONSTRAINTS_CLR.dwg Date Plotted: Nov 26, 2019 - 1:41pm Plotted By: MAHANSEN

Tighe & Bond
 Engineers | Environmental Specialists
 177 Corporate Drive
 Portsmouth, New Hampshire 03801
 (603) 433-8818
 November 26, 2019
 C-0960-006_C-CONSTRAINTS_CLR.dwg



ACREAGE: 7.07 NUMBER OF UNITS: 220 UNITS/ACRE: 31 TOTAL FOOTPRINT: 49,500 SF TOTAL SQUARE FOOTAGE: 236,000SF FAR: .77 DATE : NOVEMBER 2019



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

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



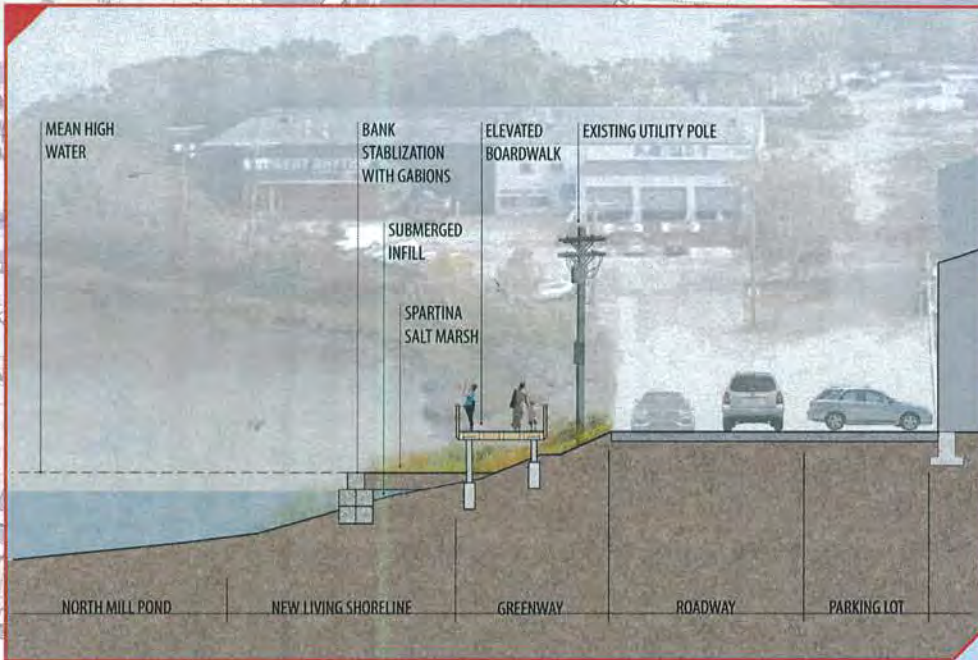
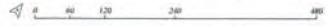
Tighe&Bond
Engineers | Environmental Specialists

HALVORSON DESIGN
PARTNERSHIP

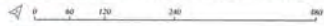
DEROSA Environmental Consulting, Inc.

BOARDWALK: SECTIONS AND PRECEDENT IMAGES

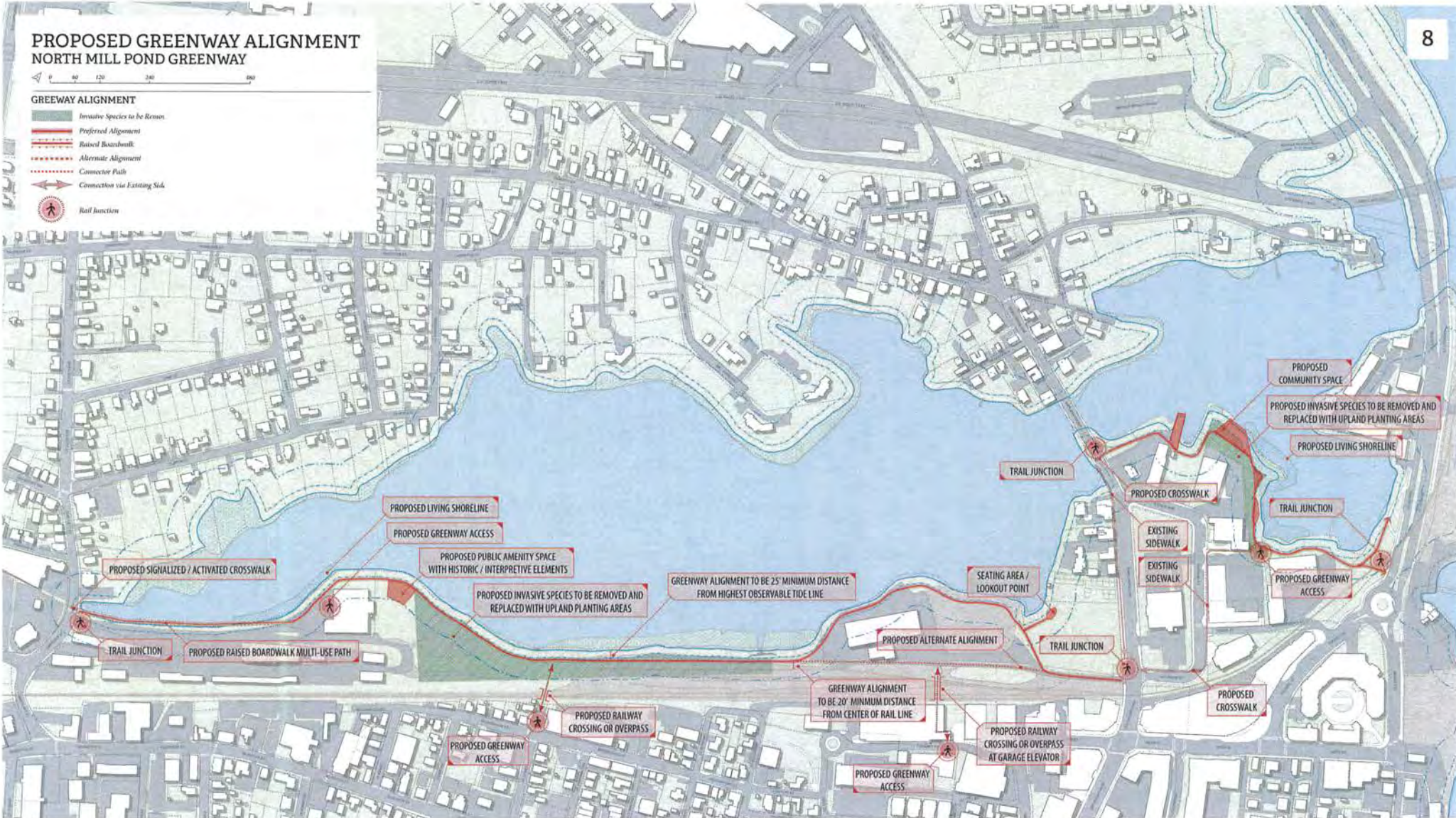
NORTH MILL POND GREENWAY



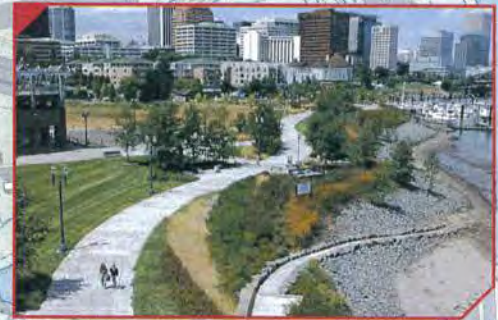
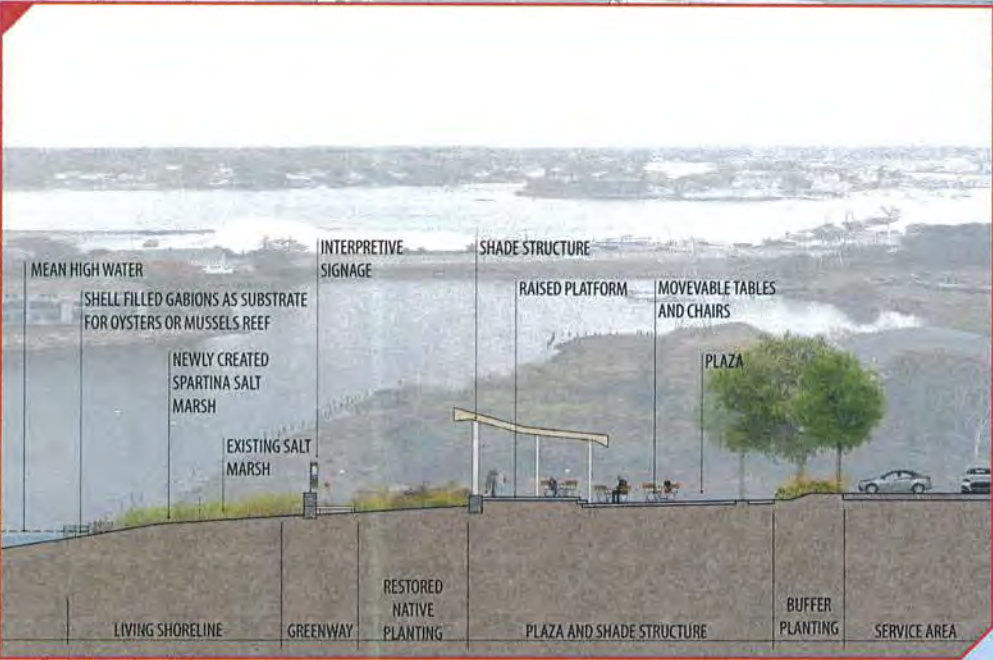
PROPOSED GREENWAY ALIGNMENT NORTH MILL POND GREENWAY



- 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]



Scale of Feet.

SEE SHEET No. 7

SEE SHEET No. 7

57 56

67

SUDBURY HANOVER

66

65

SUMMER

BREWSTER

68

69

LANGDON

71

70

MCDONOUGH

ISLINGTON

74

75

CORNWALL

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ROCKINGHAM

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CABOT

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SEE SHEET No. 6

CABOT

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SALEM

UNION

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DOVER

ISLINGTON

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PORT

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CASS

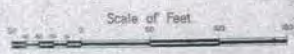
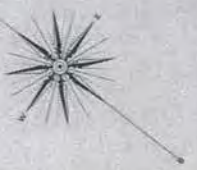
14

THE PORTSMOUTH SHOE CO.

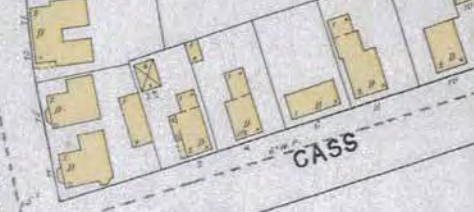
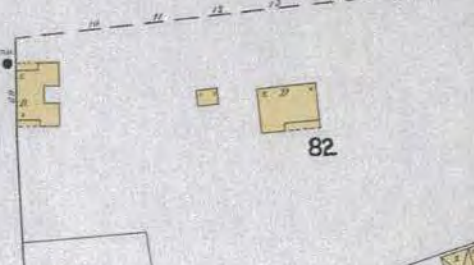
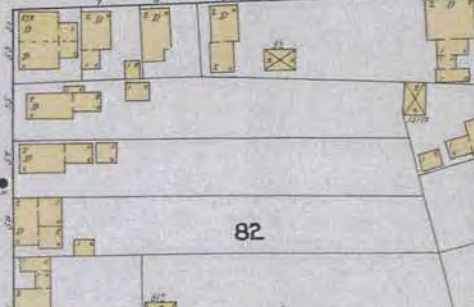
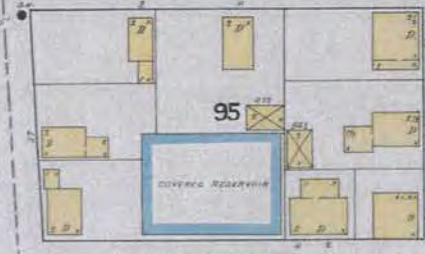
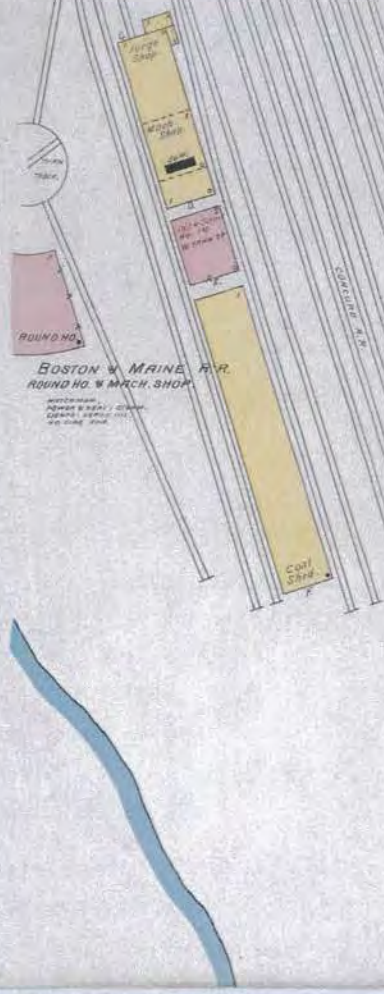
Small text block describing the shoe company's location and details.

BOSTON & MAINE R.R.
ROUND NO. 6 MARCH SHOP.

Small text block describing the railroad and shop.



Map Division
City of Portsmouth
N.H.



FEB 1888
PORTSMOUTH
N. H.

14

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SALEM

DOVER

COLUMBIA

MAY

CASS

GABOT

STATE

MCDONOUGH

ISLINGTON

80

95

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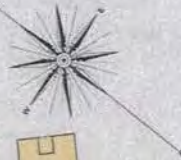
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82½

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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 United States.



Scale of Feet. 0 50 100 150

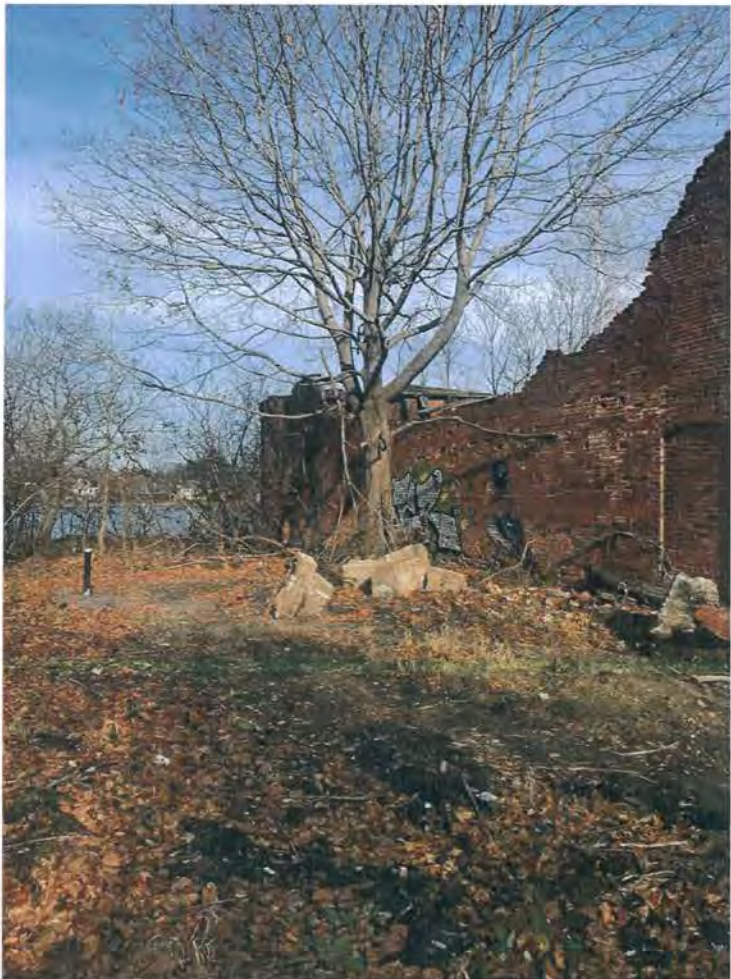
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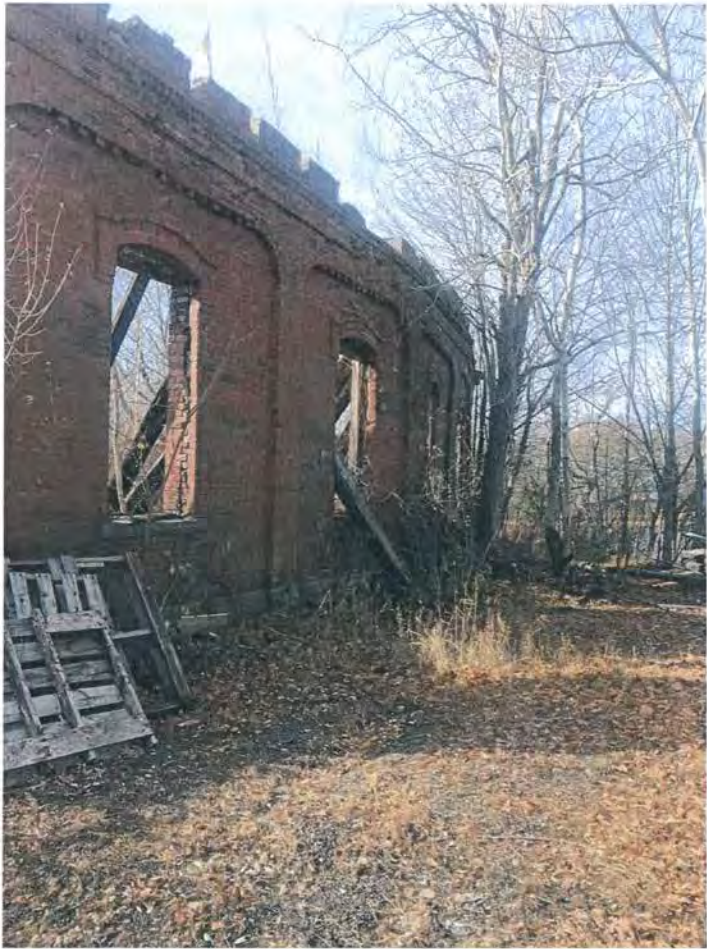


EXHIBIT
9















**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
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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

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