

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)  
FROM: R. Timothy Phoenix, Esquire  
Kevin M. Baum, Esquire  
DATE: May 1, 2019  
Re: Tuck Realty Corp. – Applicant  
Project Location: 3110 Lafayette Road and 65 Ocean Road  
Tax Map 292, Lots 151-1, 151-2 and 153  
Single Residence B (“SRB”)

Dear Chairman Rheaume and Zoning Board Members:

On behalf of the applicant, Tuck Realty Corp. (“Applicant” or “Tuck”), we are pleased to submit this memorandum and materials in support of Zoning Relief for construction of 23 residential Townhouse units on the subject parcels (the “Project”).

**I. Exhibits**

1. 5/1/19-Variance Plan Set – by Jones & Beach Engineers, Inc.:
  - Sheet C-1 – Existing Conditions Plan;
  - Sheet C-2 –Site Plan (1”=30” scale).
2. 4/30/19-Architectural Concept and Elevation Plans<sup>1</sup> – by Michael J. Keane Architects, PLLC:
  - Sheet A-1 – Conceptual Floor Plans-A; and
  - Sheet A-2 Concept Floor Plans-B
  - Sheet A-3 – Concept Elevations.
3. 5/1/19- Landscape Plan Set by Ironwood Landscape Architecture.
  - Sheet C1-Landscape Plan.
  - Sheet C2-Landscape Details.
4. City GIS Map – Showing surrounding zoning districts.
5. 5/1/19 Traffic Analysis Memorandum – by Stephen G. Pernaw & Company, Inc.
6. Site Photographs – showing existing conditions.
7. Tax Map 292.

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<sup>1</sup> Architectural concept and elevations plans are concepts only and are provided for the ZBA’s reference. The final floor and elevation plans are subject to revision based upon the Planning Board’s review and input from prospective tenants.

## II. Property/Project

The subject property (the “Property”) consists of three lots totaling 2.22 acres (96,706 s.f.) at the corner of Lafayette Road (US Route 1) and Ocean Road. Two lots are located at 3110 Lafayette Road (Tax Map 292, Lots 151-1 and 151-2), and the third lot is located at 65 Ocean Road (Tax Map 292, Lot 153). **Exhibit 1.** The Property is currently developed with residences on Lot 151-1 and Lot 153, each to be removed. Lot 151-2 is presently undeveloped.

Tuck previously proposed a four-story mixed use building on the site, with first floor office or medical office use and the upper 3 floors containing 30 apartment units. The existing home on Lot 153 was to remain. The thrust of that submission was a request to be considered in a manner akin to the nearby Gateway 1 District, which encompasses a large number of properties fronting on Lafayette Road. At the April 16, 2019 Zoning Board hearing, members expressed some agreement for the requested Gateway treatment; however, expressed concerns about the density and height variances that would be needed if the project was in the Gateway District, as well as the effect of the large building transition from the single family houses to the south and west. Board members inquired as to whether other Gateway uses and structures had been considered which might provide a better transition. As a result of the stated comments and concerns, Tuck withdrew the four-story mixed use application, has since re-examined the zoning ordinance and met with planning department staff. Tuck now proposes a project which we believe provides for a better transition from the SRB to the Gateway zone

Tuck proposes to remove both existing houses and merge the three lots in order to construct 23 townhouses in 5 buildings (7 unit building facing Lafayette Rd., 6 unit building behind the 7 unit building, two 4 unit buildings to the west and a 2 unit building facing Ocean Road). Each unit will provide two garage parking spaces and two driveway spaces for visitors. The townhouses are designed to meet the height requirements of the SRB zone. The plan will provide fencing and/or landscaped screening between the townhouse buildings and the nearest abutters. Unlike the previous proposal, a single entrance from Ocean Road is proposed with an internal turnaround (unless the Planning Board determines otherwise) for emergency vehicles **Exhibit 1.** Traffic generated by the Project is anticipated to be minimal as is driveway queuing and is significantly less than the withdrawn mixed-use proposal. **Exhibit 4.**

The Property is located within the SRB District. Single-family residential properties abut it to the southwest (left) and northwest (rear). Much of the surrounding area consists of

residential (manufactured housing park, several apartment complexes) and non-residential zones and properties. The abutting Bursaw Pantry parcel (zoned MRB) and the Portsmouth Fire Department (zoned M) are to the northeast (right). Jitto's Super Steak Restaurant (zoned G1) abuts across Lafayette Road. **Exhibit 3.** Almost the entirety of the eastern side of Lafayette Road<sup>2</sup> and most of the western side from roughly West Road to the Rye border are in the Gateway District (G1). Overall, the Lafayette Road (US Route 1) corridor is heavily commercially developed with the exception of the approximately 10 homes fronting on Route 1 to the southwest of the subject Property.

Townhouses as proposed are permitted at the proposed density in the Gateway 1 District. In fact, were this project in the Gateway District, up to 36 units would be permitted. PZO §10.5B71.10 (16 units/acre x 2.22 acre = 35.5 units). Tuck believes that the lots fronting Lafayette Road are unlikely to be developed as single-family homes given the significant commercial structures and uses on Lafayette Road, evidenced by the long existing vacant lot and the recent amendment placing most of Lafayette Road in the Gateway 1 District. Accordingly, structures and uses must be found which will respect both the nearby SRB residences and the fact that this area deserves reasonable zoning relief since it is in a transition area from SRB to the Gateway District. Tuck submits that the 23 townhouses provide needed housing in this area of Portsmouth (with a far lower parking requirement than the previously proposed four-story mixed use building) and a reasonable transition from the mostly single-family SRB District to the southwest and northwest and the significantly mixed use (manufactured home parks, apartment complexes, restaurants, gas stations, carwashes, commercial plazas and other businesses) found in the Gateway 1 zone from West Road to the Rye town line. This proposal seeks approval as a reasonable transition from SRB to the eclectic mixed-use of the Gateway 1 zone. The proposal complies with the stricter setback requirements of the SRB Zone.

Summarizing, the proposed Townhouses are compatible with and a transition between the surrounding uses and zoning districts. Traffic generated by the use is expected to be limited in volume. **Exhibit 4.** Residential use is already permitted and townhouses are of lesser mass parking/traffic impact than a large mixed use office/apartment building.

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<sup>2</sup> A narrow area where Bluefin Boulevard accesses Lafayette Road is zoned Garden Apartment/Mobile Home Park.

**III. Relief Required**

<b><u>Section</u></b>	<b><u>Required SRB</u></b>	<b><u>Proposed</u></b>	<b><u>Comments</u></b>
10.513	One dwelling per lot	23	Transition area
§10.521 (Table of Dim. Standards)  Lot Area per Dwelling Unit	15,000 s.f.	4205 s.f. (23 units)	Exceeds G1=2723 s.f./acre
10.440,1.40	Townhouses not permitted	23 Townhouses	2 houses currently exist Transition zone

**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. 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 Section 10.121 is "to promote the health, safety and 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 – Although townhouses are not permitted in the SRB district, most of the surrounding area along Lafayette Road is zoned G1 where townhouses are permitted by right. Residential use is permitted and contemplated under the PZO for both SRB and G1. The Property is located primarily on the busy Lafayette Road (U.S. Route 1), offering a reasonable transition from the single-family homes to the southwest and northwest and compatibility with commercial/multi-residential uses along Lafayette Road from West Road to the Rye town line. Since it is unlikely that the vacant Lafayette Road lot will ever be developed as a single-family residence, the transition from single-family to townhouses to mixed commercial and residential uses in the Gateway District makes sense given the purpose and standards of the Gateway District set forth in PZO section 10.5 B 11:

the purpose of Article 5B is to implement and support the goals of the city's Master Plan and housing policy to encourage walkable mixed-use development and continued economic vitality in the city's primary Gateway areas, ensure that new development complements and enhances its surroundings, provide housing stock that is suited for changing demographics, and accommodate the housing needs of the city's current and future workforce.

The standards set forth herein are intended to:

- a. Promote development that is consistent with the goals of the Master Plan to create vibrant, authentic, diverse, connected and resilient neighborhoods;
- b. encourage high quality housing for a variety of household types and income ranges.
- c. Guide the physical character of development by providing a menu of building and site development types that are based on established community design principles
- d. create quality places by allowing for whole site development with meaningful public spaces and neighborhood centers.

The proposal includes fence and landscape screening from the nearby residences, garages and visitor parking screened from Ocean Road, Lafayette Road and the nearby homes, with a path through the site. The use of the land and buildings will be compatible with those of the surrounding area, and meets the purposes of the Gateway 1 District.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – the proposal: significantly improves upon the previous four-

story mixed-use building, providing over 50% greater lot area per dwelling unit; significantly reduces the height from approximately 50 feet to a compliant 35 feet; screens parking from the neighbors and the roads; significantly reduces the parking need, combining to accomplish the goal of a tasteful and reasonable transition from SRB to Gateway. Thus, any impacts to nearby residential lots due to the requested townhouse use and density relief is muted.

3. The design of facilities for vehicular access, circulation, parking and loading – Traffic impact is expected to be limited as a result of the proposed use. **Exhibit 4.** Proposed access is limited to Ocean Road. A traffic light exists at the Ocean/Lafayette intersection and both roadways are relatively wide in the area of the Property. The Project will undergo detailed review during the Technical Advisory Committee (“TAC”) and Planning Board review process.

4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – None of these are negatively affected by the requested relief. Residential use is permitted. The townhouses will essentially be treated in these respects the same as single-family homes. The proposal meets height, building coverage and open space requirements, thus should have no negative impacts to stormwater runoff or flooding. Lighting, stormwater and flood impacts will be further reviewed and addressed during TAC and Planning Board review.

5. The preservation and enhancement of the visual environment – The proposal will replace an older residential structure (**Exhibit 5**), a vacant lot upon which a single-family home is unlikely and a modest single family home with a transitional 23 unit townhouse project (**Exhibit 2**). Site design and screening will preserve the visual environment.

6. The preservation of historic districts, and buildings and structures of historic or architectural interest – Not applicable.

7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The proposal meets all building coverage and open space requirements. Fencing and or landscaping will screen nearby residences. The Project will undergo TAC and Planning Board Site Plan Review, ensuring that it complies with all necessary drainage, stormwater and other environmental/natural resource requirements.

Based upon the foregoing, the requested variances do not “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 Property and proposed structures primarily front on the heavily travelled Lafayette Road. In a transition area near many other residential and non-residential uses and multiple zoning districts, the proposal is compatible with the surrounding area and existing/expected development of the remainder of the Route 1 corridor. Accordingly, granting the variances to allow Gateway-1 permitted townhouses as a transition from SRB consistent with the adjoining Gateway District, 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 Project will replace the decades vacant residential lot, an older residence and a modest Ocean Road home with 23 modern, newly constructed townhouses as a transition from SRB to Gateway and consistent with the Gateway purposes. Traffic is expected to have minimal impact. Given the existence of the SRB homes on or close to Lafayette Road, the possibility of non-single-family homes in this Gateway area is already reflected in property values. Given the location, layout, access and parking for the townhouses and the non-single-family-residential character of most of the Lafayette Road corridor, granting the variance 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 with frontage on both Lafayette Road and Ocean Road with many characteristics of a corner lot. It is surrounded by a mix of uses and zoning districts with residences to the rear and left, commercial and municipal uses to the right and front. The transitional nature of the area and proximity of the parcel to heavily travelled Route 1 non-residential uses, leave it poorly suited for single family residential use. **Exhibit 1**. These factors create special conditions that distinguish the property it from others in the area.

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

As noted above, the requested variances are consistent with the general public purposes and spirit of the ordinance. Additionally, the specific restrictions for which relief is requested, for townhouses in the SRB District and unit density, should not be reasonably applied to this particular parcel given its transitional location. For these reasons, there is no fair and substantial relationship between the general public purposes of the PZO and its specific application in this instance.

- c. The proposed use is reasonable.

The proposed townhouses are consistent with the Property's location between the SRB and adjoining Gateway Zoning Districts. As a transitional buffer between single-family homes and the commercial/mixed uses/structures along the Lafayette Road corridor, the proposed use is clearly 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 requested variance for 23 townhouses allows Tuck and the property owner a reasonable return via a transitional buffer between the residential neighborhood and the Gateway District. It respects the nearby residences while meeting the spirit and intent of the Gateway purposes which it abuts, providing needed additional housing. Townhouses are permitted in the Gateway District and can be expected for future development of the area. Given these benefits, the fact that the vacant Lafayette Road lot is unlikely to be developed as single-family residences, and limited impact of the proposal, any loss to the general public is small if not non-existent. Conversely, denial of the variance deprives the owner of a reasonable return and Tuck the reasonable use and development of the Property. Thus, there is clearly no benefit to the

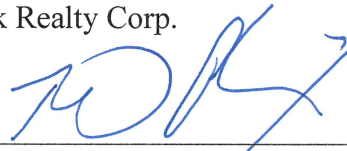


public that outweighs the harm to the owner and applicant if the requested variances are not granted.

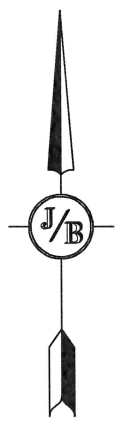
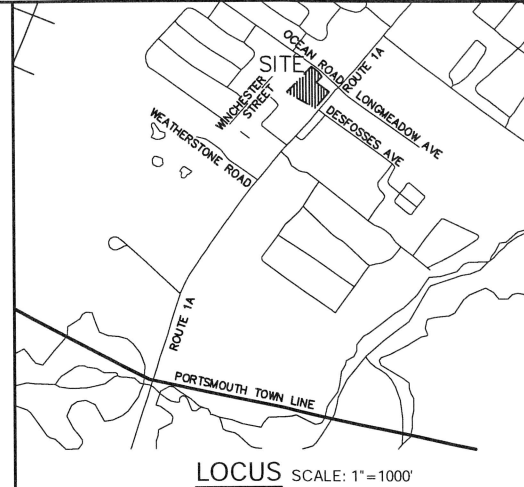
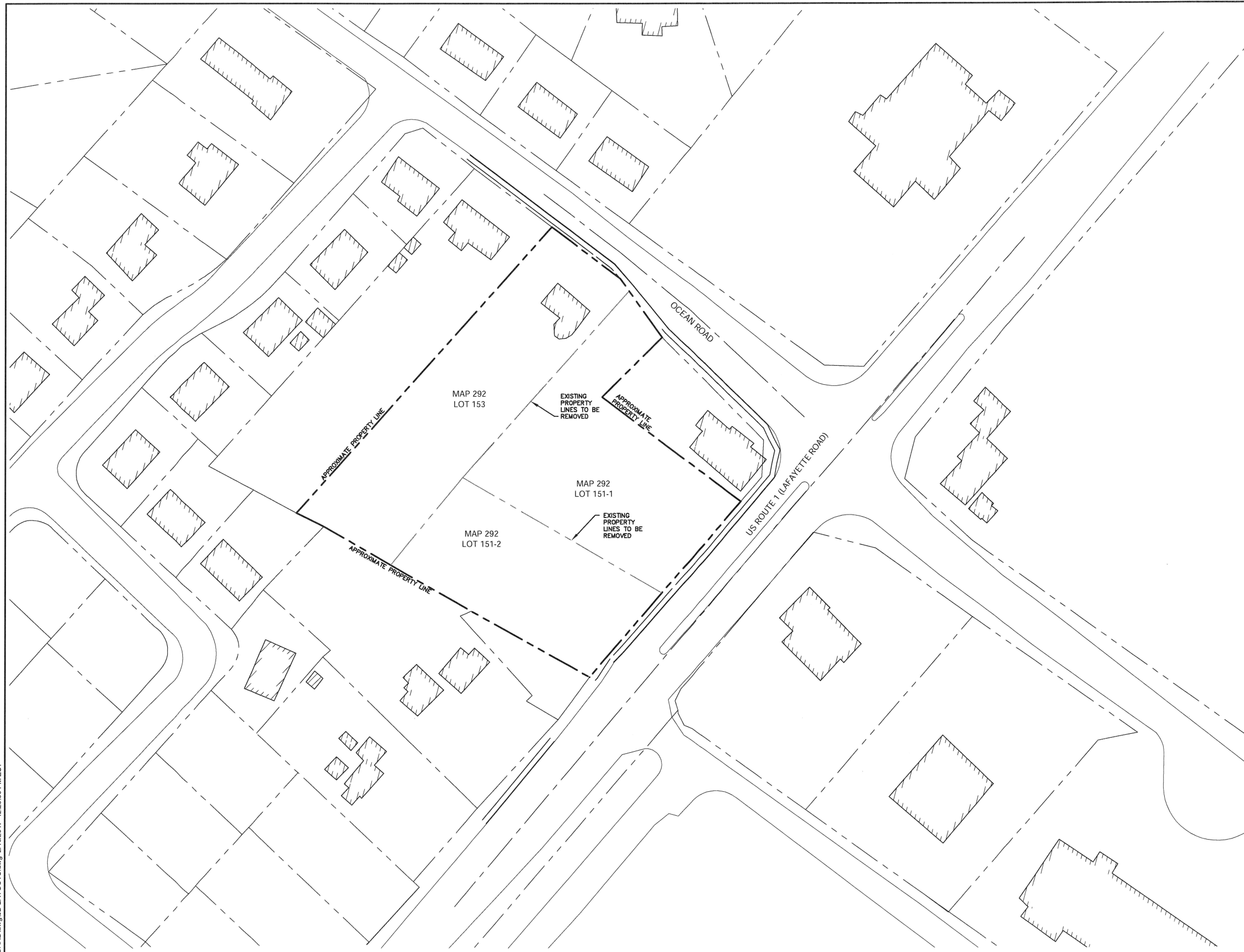
**V. Conclusion**

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

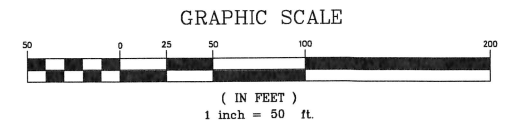
Respectfully submitted,  
Tuck Realty Corp.

A handwritten signature in blue ink, appearing to be 'RTP', is written over a horizontal line.

By: R. Timothy Phoenix  
Kevin M. Baum



**EXHIBIT**  
1



APPROVED - PORTSMOUTH, NH  
PLANNING BOARD

DATE: \_\_\_\_\_

**PROJECT PARCEL**  
CITY OF PORTSMOUTH  
TAX MAP 292, LOTS 153, 151-1  
AND 151-2

**APPLICANT**  
TUCK REALTY CORP.  
149 EPPING ROAD, SUITE 2A  
EXETER NH, 03833

**TOTAL LOT AREA**  
96,706 SQ. FT. ±  
2.22 ACRES ±

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Design: PLB    Draft: PLB    Date: 8/6/18  
Checked: JAC    Scale: 1" = 50'    Project No.: 18165  
Drawing Name: 18165-CONCEPT.DWG

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
6	5/1/19	ISSUED TO ZBA	PLB
5	3/12/19	MINOR REVISIONS	PLB
4	2/27/19	ISSUED TO ZBA	PLB
3	2/13/19	REVISED PER BUILDING CHANGE	PLB
2	1/3/19	MINOR TEXT EDITS	EJM
		REVISION	BY

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave.    Civil Engineering Services    603-772-4746  
PO Box 219    Stratham, NH 03885    FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **EXISTING CONDITIONS PLAN**

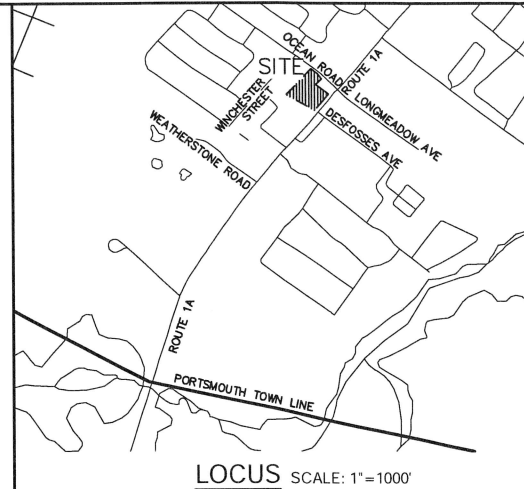
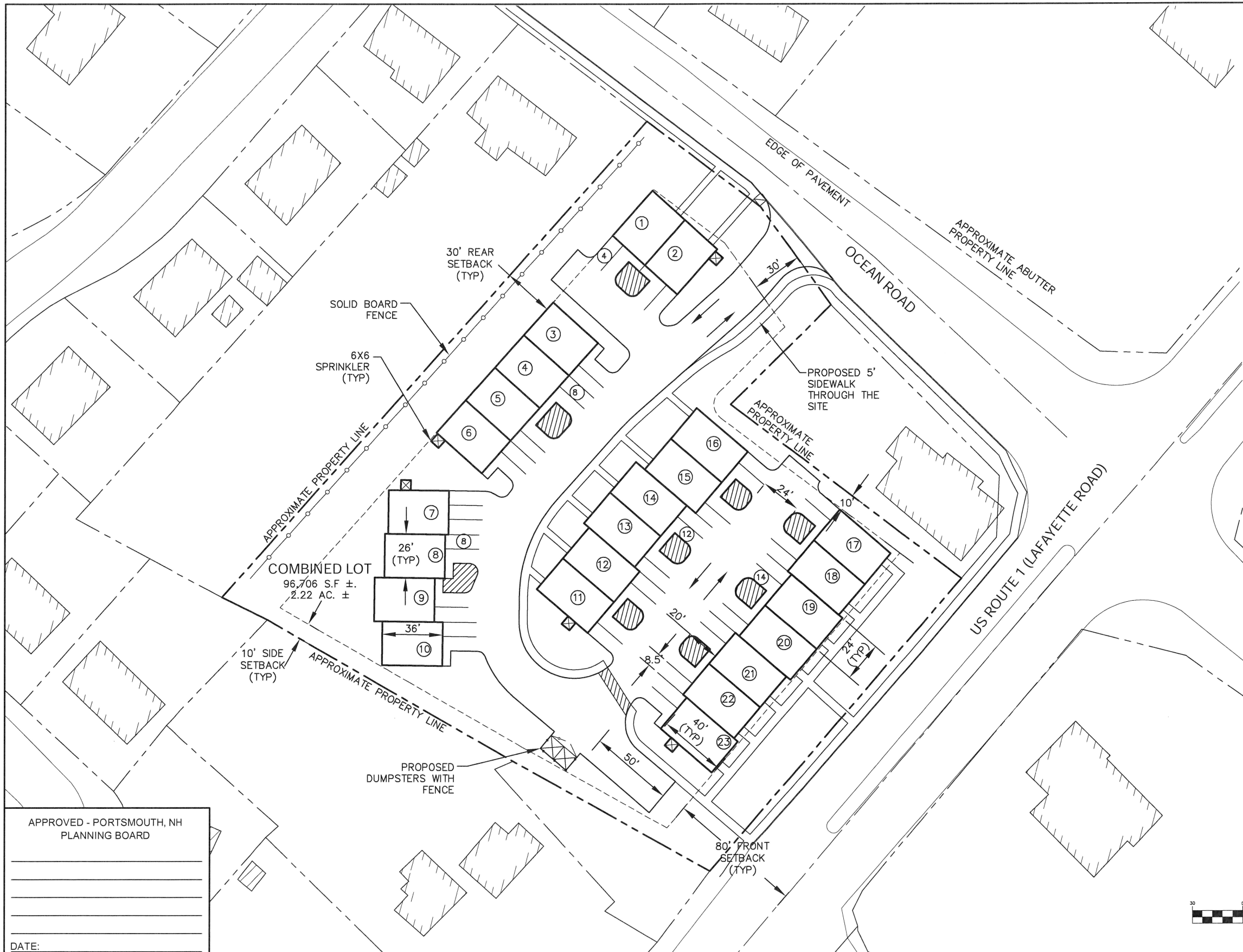
Project: **3110 LAFAYETTE ROAD AND 65 OCEAN ROAD  
PORTSMOUTH NH 03801**

Owner of Record: CARTER CHAD    WEEKS REALTY TRUST, WEEKS KALEY E TRUSTEE  
65 OCEAN RD, PORTSMOUTH, NH 03801    PO BOX 100, HAMPTON FALLS, NH 03844

DRAWING No.

**C1**

SHEET 1 OF 2  
JBE PROJECT NO. 18165



- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO COMBINE THE THREE EXISTING HOUSE LOTS INTO ONE PARCEL AND 23 PROPOSED TOWNHOUSES ARE TO BE CONSTRUCTED. THIS PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.
  - ZONING DISTRICT: SINGLE RESIDENCE B (SRB)  
 LOT AREA MINIMUM = 15,000 S.F. (1 UNIT PER 4,204 SF PROVIDED)  
 LOT FRONTAGE MINIMUM = 100'  
 BUILDING SETBACKS (MINIMUM):  
 FRONT SETBACK = 30' OR 80' FROM CENTERLINE OF US RT.1 WHICHEVER IS GREATER (80' PROVIDED)  
 SIDE SETBACK = 10'  
 REAR SETBACK = 30'  
 WETLAND SETBACK = 100', LIMITED CUT 50'. (NO WETLANDS OBSERVED)  
 MAX. BUILDING HEIGHT = 35' (SLOPED ROOFS), 30' (FLAT ROOFS), (8') ROOF APURTENANCE.  
 BUILDING COVERAGE = 20%  
 MIN. OPEN SPACE = 40%
  - PARKING CALCULATIONS:  
 TYPICAL PARKING SPACE = 8.5'x20'  
 TOTAL NUMBER OF RESIDENTIAL UNITS = 23.  
 1.3 SPACES PER RESIDENTIAL UNIT  
 TOTAL SPACES REQUIRED = 29  
 TOTAL SPACES PROVIDED = 48 OUTSIDE UNITS, 46 ADDITIONAL INSIDE UNITS  
 TOTAL SPACES PROVIDED = 92 TOTAL SPACES PROVIDED
  - THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL APPROVALS BASED ON DATA OBTAINED FROM NH GRANTY PARCEL DATA AND EXISTING MUNICIPAL RECORDS. NO SURVEY WORK HAS BEEN PERFORMED AT THIS TIME. AREA NUMBERS ARE APPROXIMATE AND WILL BE FINALIZED AFTER SURVEY IS COMPLETE.
  - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270E, DATED MAY 17, 2005.

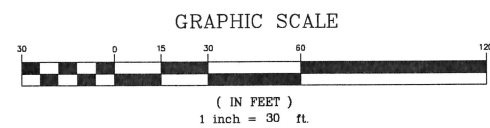
APPROVED - PORTSMOUTH, NH  
PLANNING BOARD

DATE: \_\_\_\_\_

**PROJECT PARCEL**  
CITY OF PORTSMOUTH  
TAX MAP 292, LOTS 153, 151-1  
AND 151-2

**APPLICANT**  
TUCK REALTY CORP.  
149 EPPING ROAD, SUITE 2A  
EXETER NH, 03833

**TOTAL LOT AREA**  
96,706 SQ. FT. ±  
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Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

Civil Engineering Services

603-772-4746 FAX: 603-772-0227 E-MAIL: JBE@JONESANDBEACH.COM

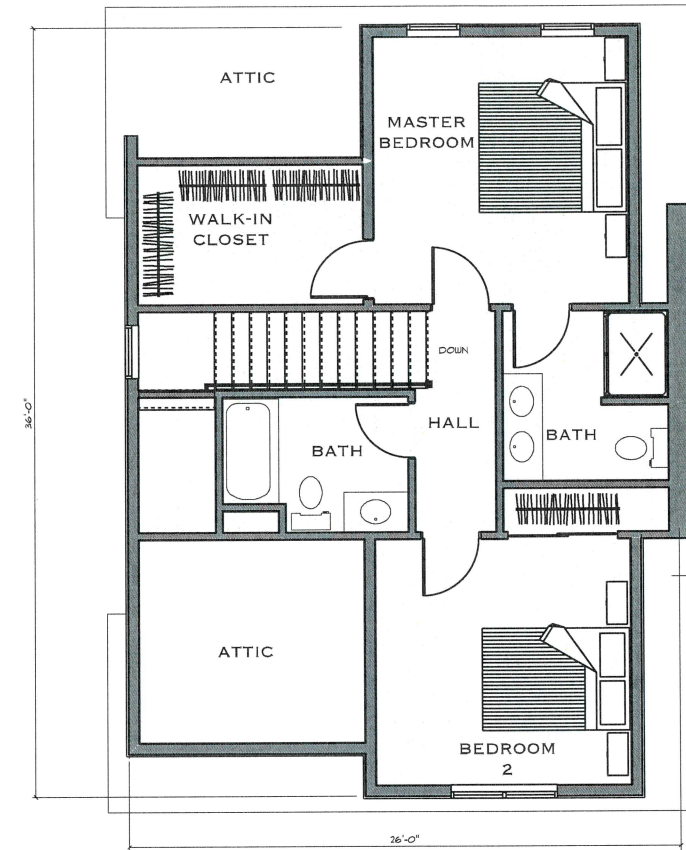
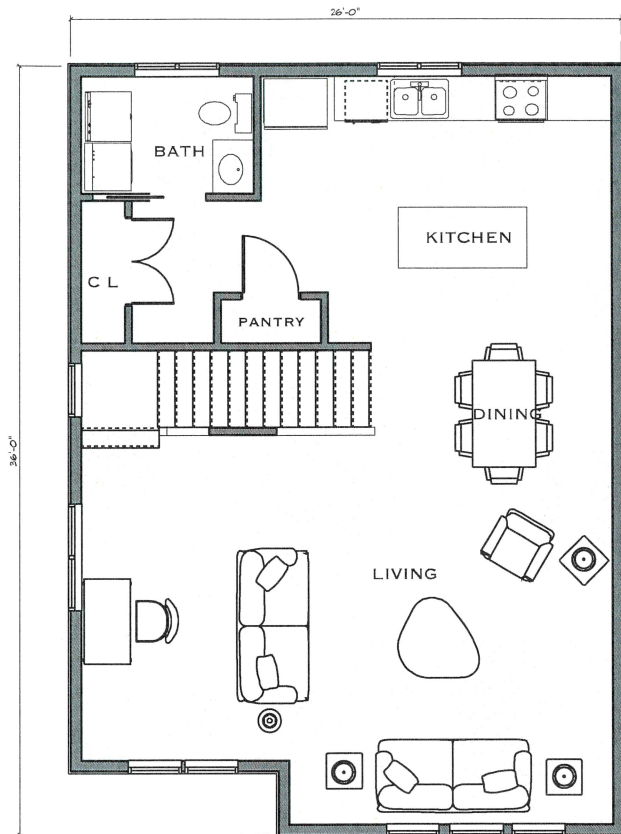
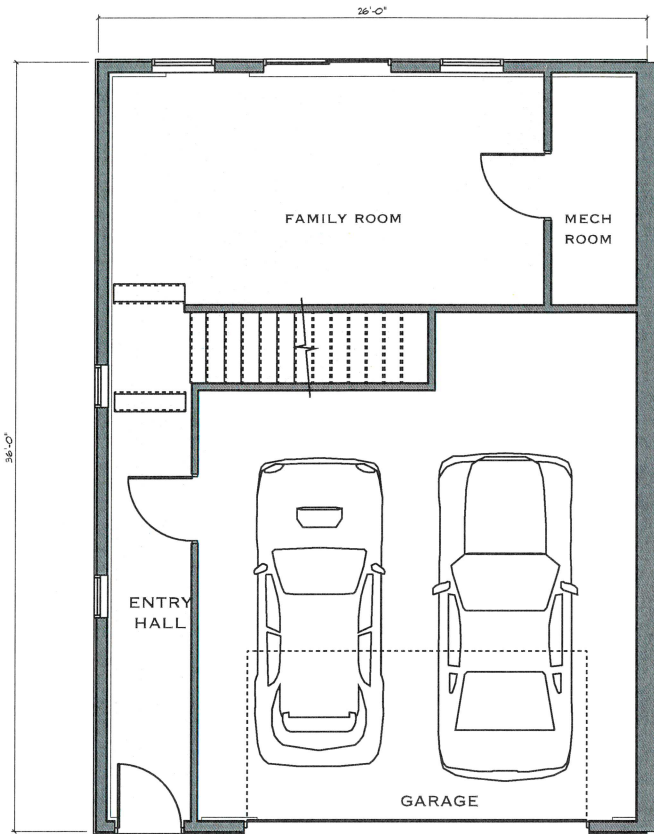
Plan Name:	<b>SITE PLAN</b>
Project:	3110 LAFAYETTE ROAD AND 65 OCEAN ROAD PORTSMOUTH NH 03801
Owner of Record:	CARTER CHAD 65 OCEAN RD, PORTSMOUTH, NH 03801
	WEEKS REALTY TRUST, WEEKS KALEY E TRUSTEE PO BOX 100, HAMPTON FALLS, NH 03844

DRAWING No.

**C2**

SHEET 1 OF 2  
JBE PROJECT NO. 18165





**mjk**  
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 Architects, PLLC  
 ARCHITECTURE  
 PLANNING  
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All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects PLLC and may not be duplicated, used or disclosed without the written consent of Michael J. Keane Architects PLLC, Newmarket, NH.  
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CONSULTANTS

REVISIONS


APPROVALS

ZBA APPLICATION  
 4/30/2019

Accept only original stamp and signature.  
 Copies may contain unauthorized modifications.

PROJECT

3110 LAFAYETTE ROAD AND  
 65 OCEAN ROAD  
 PORTSMOUTH, NH  
 FOR TUCK REALTY CORP

1149 EPPING ROAD, SUITE 2A  
 EXETER NH 03833

TITLE

CONCEPT PLANS B

DRAWN BY: MJK  
 CHECKED BY: mjk  
 DATE: 4/30/2019  
 SCALE:  
 DRAWING NO.

A-2





DO NOT SCALE PRINTS

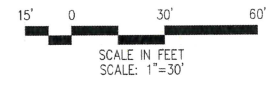




**GENERAL NOTES**

1. LANDSCAPING SHOWN ON PLANS FOR INTENT ONLY. PLANT QUANTITIES AND LOCATIONS MAY CHANGE UPON DEVELOPMENT OF A DETAILED PLANTING PLAN AND SCHEDULE.
3. EXISTING TREES AND SHRUBS ALONG PROPERTY LINE WILL BE PROTECTED IF POSSIBLE AND MAY REPLACE THOSE SHOWN ON THE PLAN.
4. ALL PLANTING OPERATIONS SHALL BE COMPLETED IN ACCORDANCE WITH STANDARD HORTICULTURAL PRACTICES AS SPECIFIED IN "THE PLANTING AND CARE OF SHADE TREES." THIS MAY INCLUDE, BUT NOT BE LIMITED TO: PROPER PLANTING, BED AND TREE PIT PREPARATION, PLANTING MIX, PRUNING, STAKING & GUYING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE OF MATERIALS DURING CONSTRUCTION ACTIVITIES.
5. EXISTING TREES TO BE RETAINED SHALL BE PROTECTED FROM SOIL COMPACTION AND OTHER DAMAGES WHICH MAY OCCUR DURING CONSTRUCTION ACTIVITIES BY ERECTING A SNOW FENCE AROUND SUCH MATERIALS AT A DISTANCE OF AT LEAST 8.5' FROM THE TRUNK.
6. INVASIVE PLANT SPECIES ONSITE SHALL BE IDENTIFIED, REMOVED, AND PROPERLY DISPOSED OF PER THE NEW HAMPSHIRE GUIDE TO UPLAND INVASIVE SPECIES, MOST RECENT EDITION.
7. LANDSCAPING SHALL NOT OBSTRUCT THE LINE OF SIGHT, OR CREATE OTHER HAZARDS FOR VEHICULAR AND PEDESTRIAN TRAFFIC.
8. SEE CIVIL DRAWINGS FOR INFORMATION NOT DEPICTED ON THE LANDSCAPE DRAWINGS. NO TREE SHALL BE INSTALLED ABOVE AN UNDERGROUND UTILITY.
9. PRIOR TO THE INSTALLATION OF A TREE, MARK PROPOSED LOCATION AND VERIFY THAT NO CONFLICT EXISTS.
10. THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.
11. ALL REQUIRED PLANT MATERIALS SHALL BE TENDED AND MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY, AND KEPT FREE OF REFUSE AND DEBRIS. ALL REQUIRED FENCES AND WALLS SHALL BE MAINTAINED IN GOOD REPAIR.
12. THE PROPERTY OWNER SHALL BE RESPONSIBLE TO REMOVE AND REPLACE DEAD OR DISEASED PLANT MATERIALS IMMEDIATELY WITH THE SAME TYPE, SIZE AND QUANTITY OF PLANT MATERIALS AS ORIGINALLY INSTALLED, UNLESS ALTERNATIVE PLANTINGS ARE REQUESTED, JUSTIFIED AND APPROVED BY THE PLANNING BOARD OR PLANNING DIRECTOR.

- LEGEND**
-  LARGE SHADE TREE
  -  FLOWERING TREE
  -  EVERGREEN TREE
  -  SOLID BOARD PRIVACY FENCE



ISSUED FOR ZBA REVIEW



3110 Lafayette Road  
65 Ocean Road  
Portsmouth, New Hampshire  
Owners of Record:  
Carter, Chad 65 Ocean Rd. Portsmouth, NH 03801  
Weeks Realty Trust, Weeks, Kaley E. Trustee  
P.O. Box 100 Hampton Falls, NH 03844

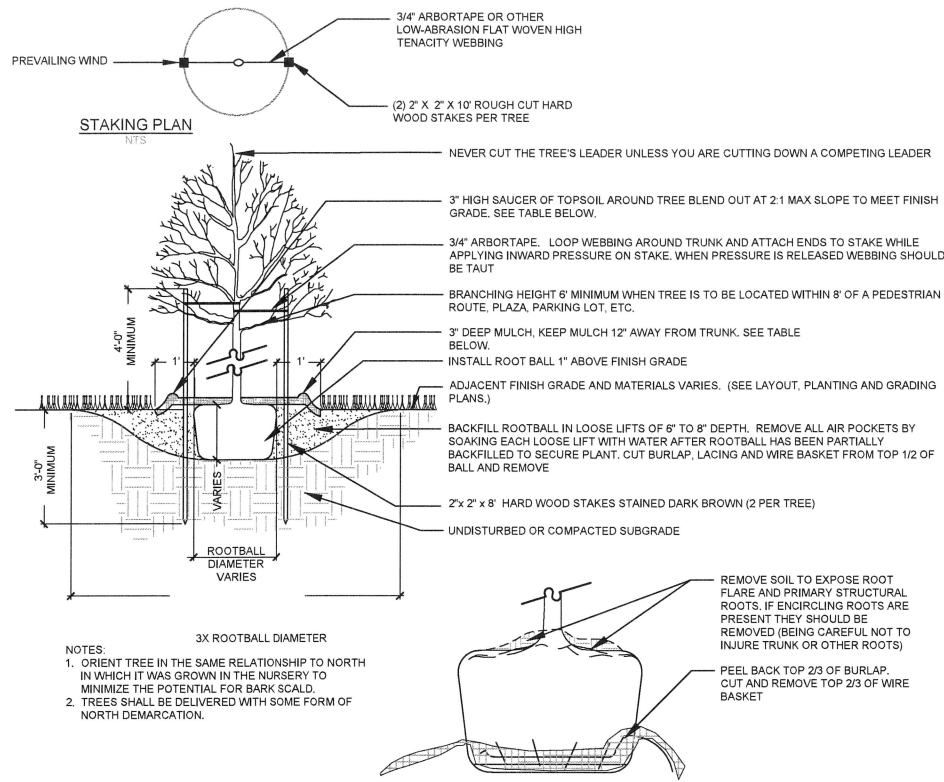
SHEET TITLE  
**LANDSCAPE PLAN**

**EXHIBIT**  
**3**

REV. NO.	REV. DATE	REVISION DESCRIPTION
IRONWOOD PROJECT NO.	19022.0	
DESIGN BY	J. HYLAND/J. MARTEL	
DRAWN BY	J. HYLAND/J. MARTEL	
CHECKED BY	J. HYLAND	
DATE	MAY 1, 2019	
NORTH		



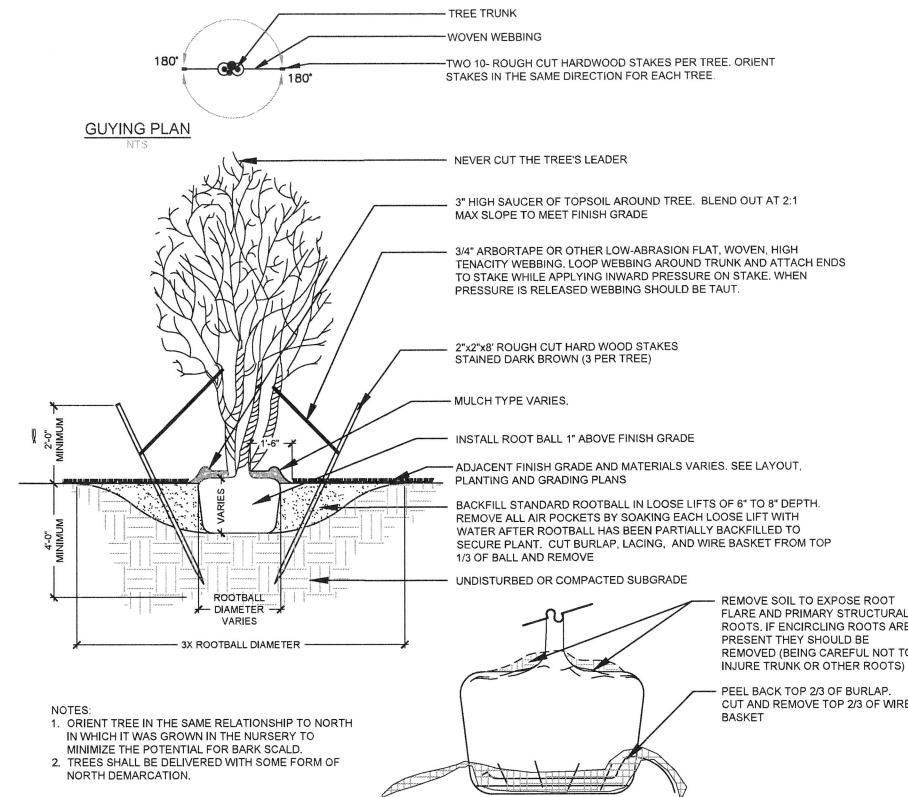
**L1**



### Deciduous Shade Tree Planting

Not to Scale

1  
L2



### Multi-Stemmed Deciduous Tree Planting

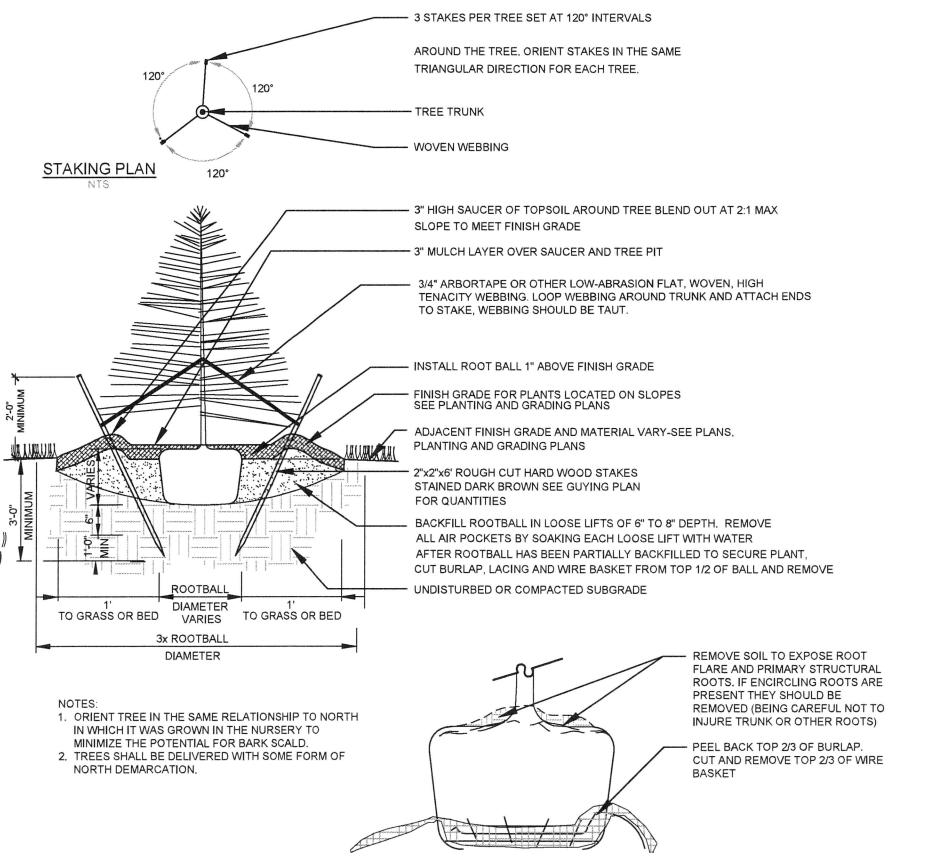
Not to Scale

2  
L2

### Solid Board Fence

Not to Scale

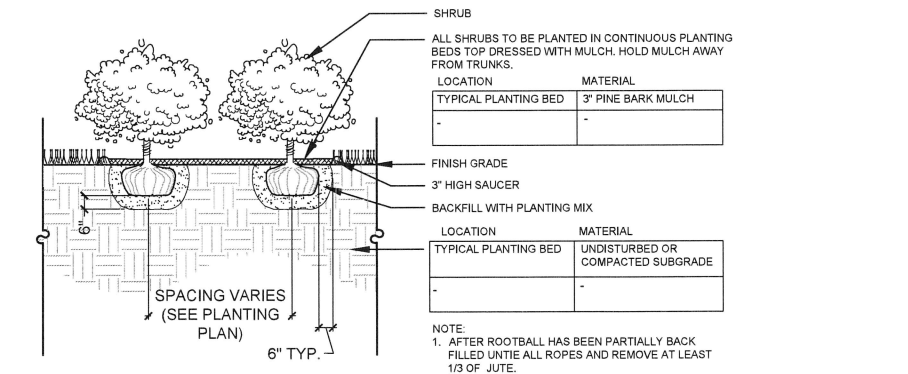
3  
L2



### Evergreen Tree Planting

Not to Scale

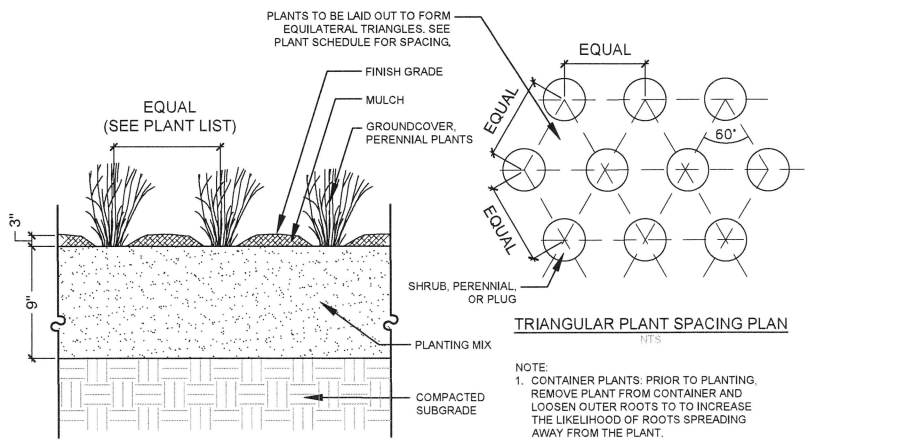
4  
L2



### Shrub Planting

Not to Scale

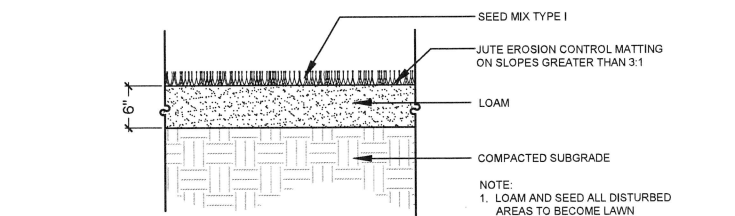
5  
L2



### Perennial / Ornamental Grass Planting

Not to Scale

7  
L2



### Loam and Turf Grass Seeding

Not to Scale

6  
L2

ISSUED FOR ZBA REVIEW

### LANDSCAPE DETAILS

REV. NO.	REV. DATE	REVISION DESCRIPTION
0	△	
0	△	
0	△	
0	△	
0	△	

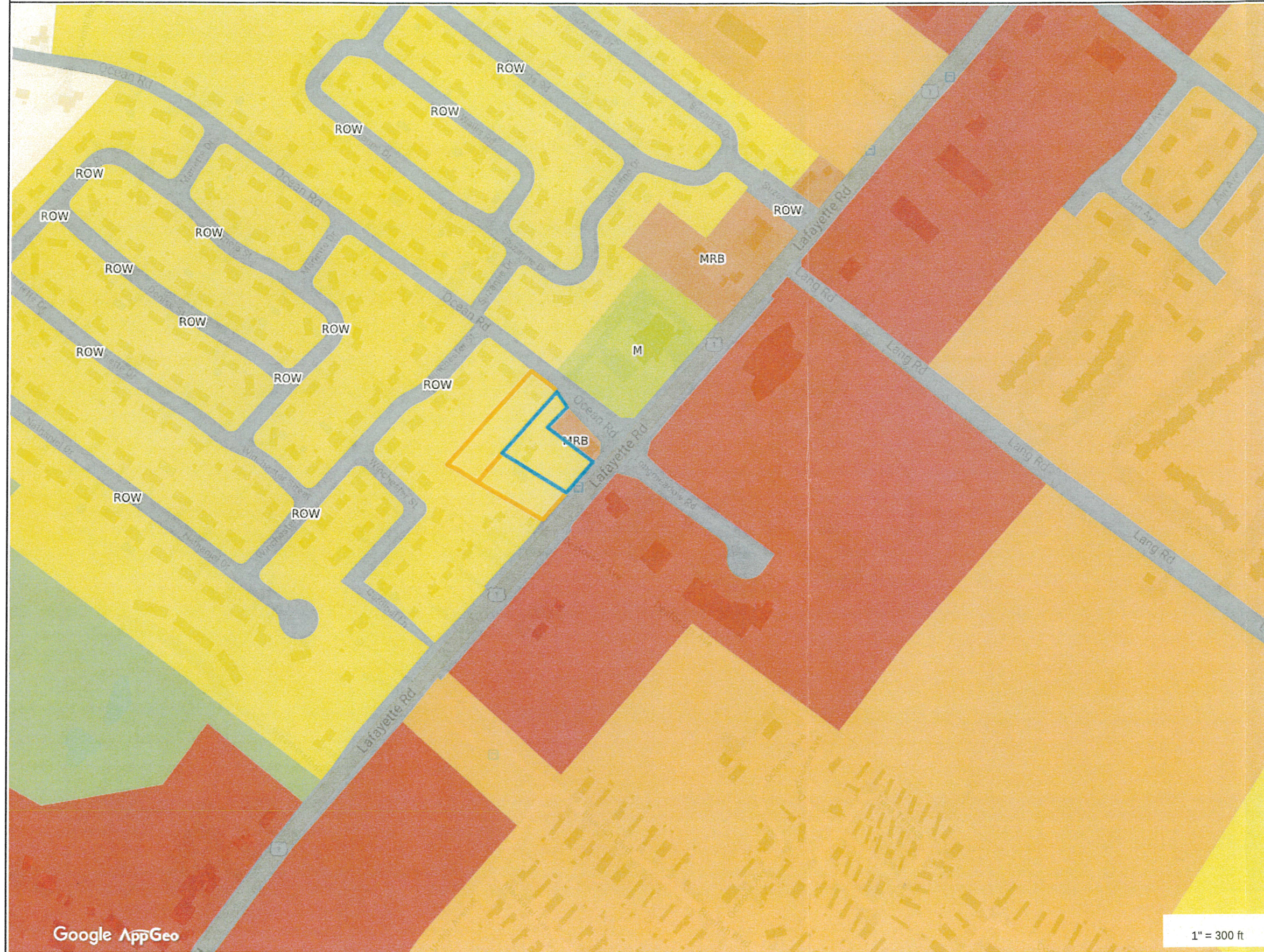
  

DESIGN BY	REV. DATE	REVISION DESCRIPTION
J. HYLAND/J. MARTEL		
J. HYLAND/J. MARTEL		
J. HYLAND		
MAY 1, 2019		





Exhibit 4 - City GIS Map



**Property Information**  
 Property ID 0292-0151-0001  
 Location 3110 LAFAYETTE RD  
 Owner WEEKS REALTY TRUST



**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 11/30/2018  
 Data updated 11/19/2018

# 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

**MEMORANDUM**



Ref: 1908A

To: Michael Garrepy  
Tuck Realty Corporation

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

Subject: Proposed Multifamily Development  
Portsmouth, New Hampshire

Date: May 1, 2019

---

As requested, Pernaw & Company, Inc. has conducted a trip generation analysis for the multifamily buildings that are proposed on a site adjacent to the southwest corner of US Route 1/Ocean Road intersection in Portsmouth, New Hampshire. The purpose of this memorandum is to summarize the results of our trip generation analyses, as well as our research of available traffic count data for this area. To summarize:

Proposed Development – According to the plan entitled “Site Plan,” prepared by Jones & Beach Engineers, Inc. (see Attachment 1) this project involves the construction of 23 multi-family dwelling units. Recognizing that this is a preliminary plan that is subject to change, the analysis contained herein is based on a range of 22 to 24 dwelling units. Access to the site will be provided via one full-access driveway on Ocean Road located approximately 200-feet west of US1. One existing residence on the subject site will be razed.

Existing Traffic Volumes – Research at the NHDOT revealed that there is a short-term Automatic Traffic Recorder (ATR) count on US1 (north of Ocean Road). This count was conducted in July of 2016. According to the NHDOT reports, the section of US1 north of Ocean Road carried an AADT volume of approximately 19,865 vehicles per day (vpd) in 2018, up slightly from 19,475 vpd in 2017 (see Attachment 2).

This data shows that traffic volumes in the area typically reach peak levels during the morning and late afternoon on weekdays; thus reflecting typical commuting patterns. Figure 1 shows the location of the site and the ATR count on US1 as well as an additional count on Ocean Road (over the B&M Railroad). The diagrams on Page 3 graphically show the daily and hourly variations in traffic demand at this location on US1. The detail sheets pertaining to these counts are attached (see Attachment 3 & 4).

Site Location / 2018 AADT Traffic Volumes



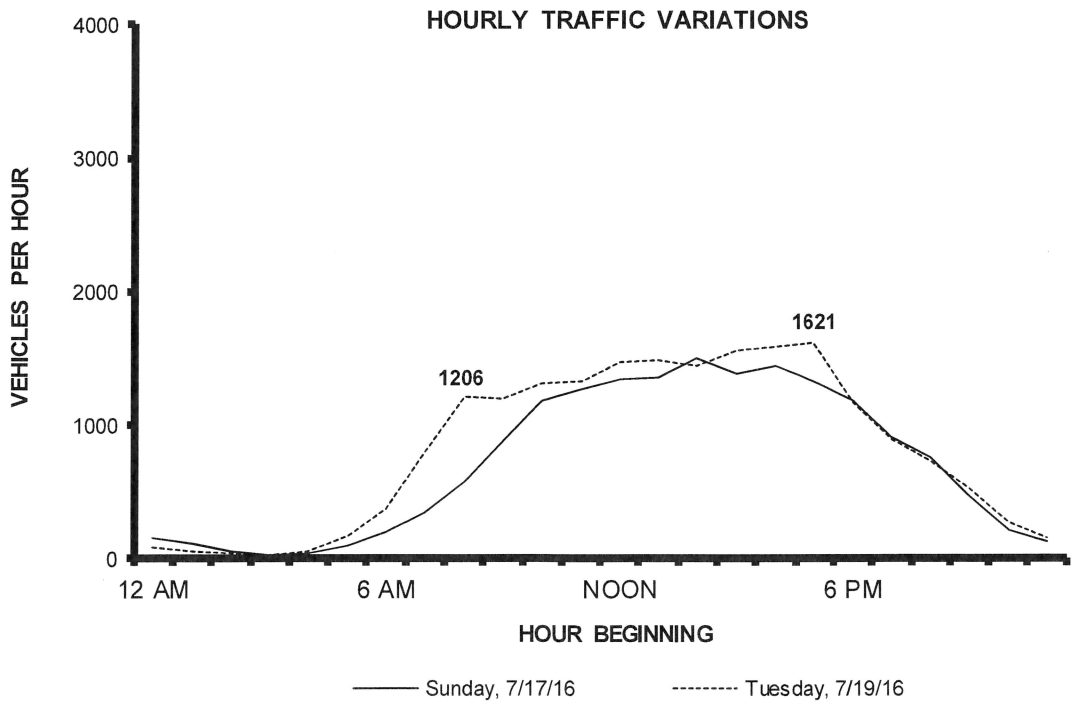
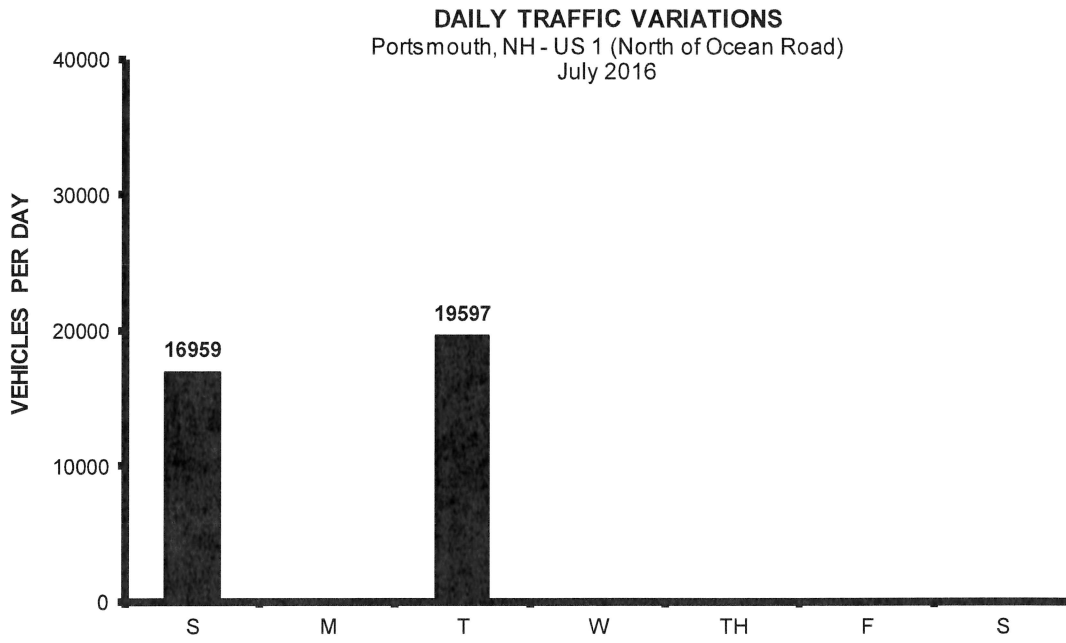
1908A



Figure 1

Site Location / 2018 Average Annual Daily Traffic Volumes

Traffic Evaluation, Proposed Mixed-Use Building, Portsmouth, New Hampshire



Trip Generation - To estimate the quantity of vehicle-trips that will be produced by the proposed multifamily dwellings, Pernaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers<sup>1</sup> (ITE). Land Use Code LUC 220 (Multifamily Housing/Low-Rise) is the most applicable category for the proposed development. The number of dwelling units was utilized as the independent variable in this analysis.

Table 1 shows that the proposed residential development will generate approximately 8 to 12 vehicle-trips during the weekday AM peak hour, and 10 to 17 vehicle-trips during the PM peak hour. The computations pertaining to these analyses are attached (see Attachments 5 & 6).

<b>Table 1</b>	<b>Trip Generation Summary</b>
----------------	--------------------------------

	<u>Lower Estimate<sup>1</sup></u> <u>(22 Dwelling Units)</u>	<u>Higher Estimate<sup>1</sup></u> <u>(24 Dwelling Units)</u>
Weekday Total		
Entering	59 veh	71 veh
Exiting	<u>59 veh</u>	<u>71 veh</u>
Total	118 trips	142 trips
Weekday AM Peak Hour		
Entering	2 veh	3 veh
Exiting	<u>6 veh</u>	<u>9 veh</u>
Total	8 trips	12 trips
Weekday PM Peak Hour		
Entering	6 veh	11 veh
Exiting	<u>4 veh</u>	<u>6 veh</u>
Total	10 trips	17 trips

<sup>1</sup>ITE Land Use Code 220 - Multifamily Housing (Low-Rise)

<sup>1</sup> Institute of Transportation Engineers, *Trip Generation*, 10<sup>th</sup> Edition (Washington, D.C., 2017)

Findings & Conclusions

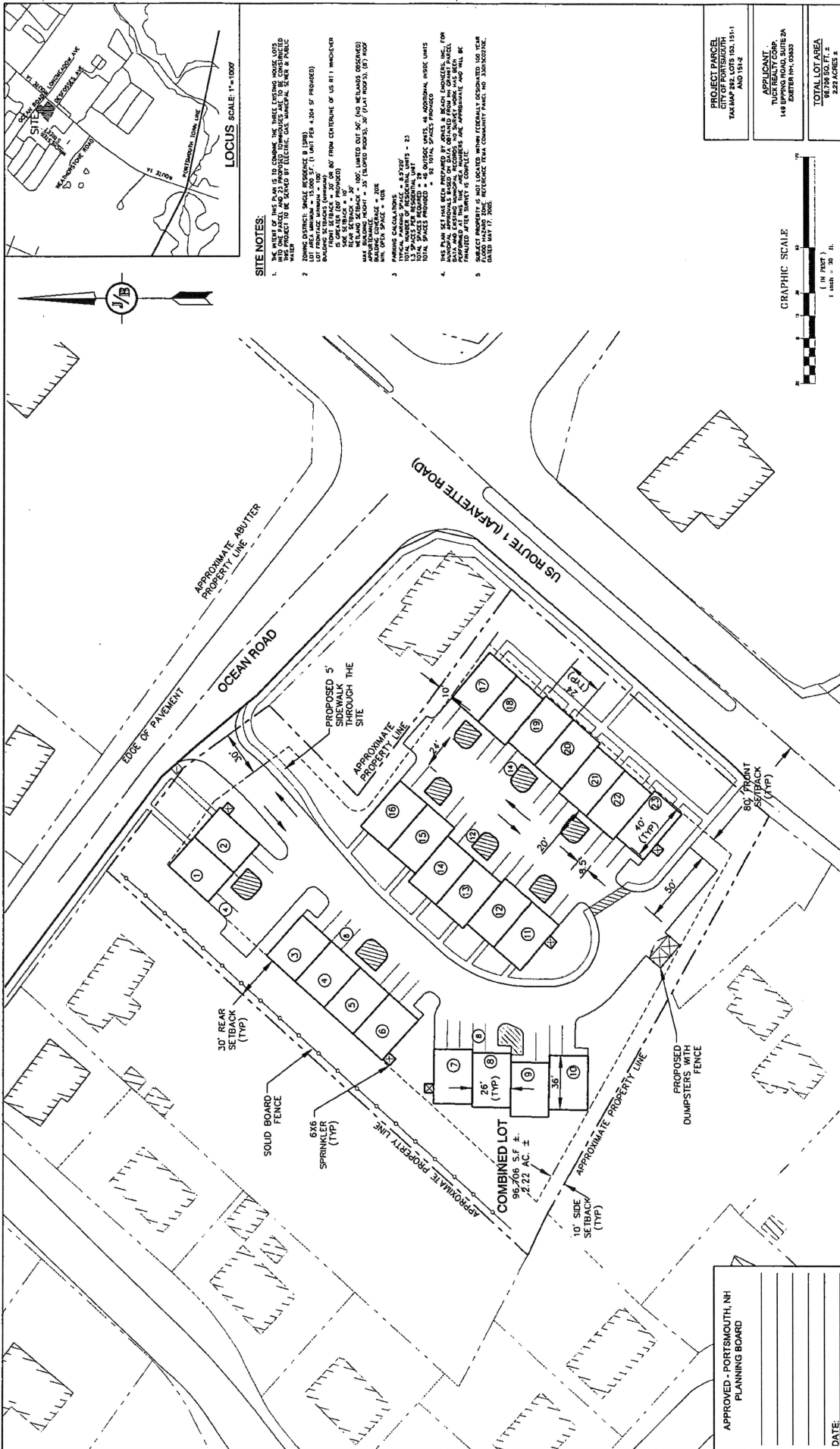
1. The traffic count conducted by the NHDOT in July 2016 on US1 (north of Ocean Road) revealed that this section of roadway carried over 19,500 vehicles per day in July 2016, with the highest hourly traffic volume occurring from 5:00 to 6:00 PM on a weekday (1,621 vph).
2. According to the trip generation rates published by the ITE, the proposed residential development will generate between 8 and 12 (AM) and 10 and 17 (PM) vehicle-trips during the peak hour periods when complete. On a daily basis this site is expected to generate between 118 and 141 vehicle-trips.
3. Driveway queuing is expected to be minimal with 9 or fewer vehicles exiting from the site over the course of the AM peak hour, and 6 or fewer vehicles during the PM peak hour.

Attachments



## ATTACHMENTS





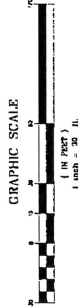
**SITE NOTES:**

- THE BOUNDARIES OF THIS PLAN ARE TO BE CONSIDERED THE BOUNDARIES OF THE LOTS AND NOT THE BOUNDARIES OF THE INDIVIDUAL UNITS. THE BOUNDARIES OF THE LOTS SHALL BE CONTROLLED BY THE RECORDING OFFICE. THE BOUNDARIES OF THE INDIVIDUAL UNITS SHALL BE CONTROLLED BY THE RECORDING OFFICE.
- ZONING DISTRICT: SINGLE RESIDENCE B (SRB).  
 SETBACKS: FRONT SETBACK = 30' OR 80' FROM CENTERLINE OF US RT 1 (WHICHEVER IS GREATER); SIDE SETBACK = 10'; REAR SETBACK = 30' OR 80' FROM CENTERLINE OF US RT 1 (WHICHEVER IS GREATER).  
 MAX. BUILDING HEIGHT = 35' (SLOPED ROOFS); 35' (FLAT ROOFS); (5' TYP. ROOF RISE PER 12' HORIZONTAL RUN).  
 MAX. BUILDING FOOTPRINT = 100' (LIMITED OUT-TO-GETHER); (NO WELLS OR SPAS).  
 MAX. BUILDING HEIGHT = 35' (SLOPED ROOFS); 35' (FLAT ROOFS); (5' TYP. ROOF RISE PER 12' HORIZONTAL RUN).  
 MAX. BUILDING FOOTPRINT = 100' (LIMITED OUT-TO-GETHER); (NO WELLS OR SPAS).  
 MAX. BUILDING HEIGHT = 35' (SLOPED ROOFS); 35' (FLAT ROOFS); (5' TYP. ROOF RISE PER 12' HORIZONTAL RUN).
- PERMITS: PERMITS SHALL BE OBTAINED FROM THE PORTSMOUTH PLANNING BOARD AND THE PORTSMOUTH FIRE DEPARTMENT. THE PORTSMOUTH PLANNING BOARD SHALL BE CONTACTED FOR PERMIT INFORMATION AND THE PORTSMOUTH FIRE DEPARTMENT SHALL BE CONTACTED FOR FIRE DEPARTMENT INFORMATION.
- THE PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR THE PORTSMOUTH PLANNING BOARD. THE PORTSMOUTH PLANNING BOARD SHALL BE CONTACTED FOR PERMIT INFORMATION AND THE PORTSMOUTH FIRE DEPARTMENT SHALL BE CONTACTED FOR FIRE DEPARTMENT INFORMATION.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERAL DISASTROUS DECLARED AREA. (SEE 44 CFR 201.6(b)(2)(ii)).

**PROJECT PARCEL:**  
 TAX MAP 202, LOTS 15A, 15-1, 15-1A AND 15-2

**APPLICANT:**  
 TUCKER REALTY CORP.  
 140 STATE ST., SUITE 200  
 PORTSMOUTH, NH 03801

**TOTAL LOT AREA:**  
 86,739 SQ. FT. ±  
 2.22 ACRES ±



DRAWING No. **C2**  
 SHEET OF 2  
 JBE PROJECT NO. 18100

**SITE PLAN**  
 3110 LAFAYETTE ROAD AND 65 OCEAN ROAD  
 PORTSMOUTH, NH 03801

Plan Name:  
 Project:  
 Owner of Record: 65 OCEAN RD., PORTSMOUTH, NH 03801  
 PO BOX 101, HAMPTON FALLS, NH 03844

Designed and Produced in NH  
**J & B Jones & Beach Engineers, Inc.**  
 Civil Engineering Services  
 60 Portsmouth Ave. Portsmouth, NH 03801  
 TEL: 603-778-1111 FAX: 603-778-0227  
 E-MAIL: JBE@JONBEACH.COM

NO.	DATE	REVISION	BY
1	07/19	ISSUED TO ZMA	
2	07/19	MICHEL REVISIONS	
3	07/19	REVISED PER BILALINA CHANGE	
4	07/19	MINOR TEXT EDITS	
5	07/19	REVISION	

APPROVED - PORTSMOUTH, NH  
 PLANNING BOARD

DATE: \_\_\_\_\_

Checked: JAC Date: 8/31 Scale: 1" = 25' Project No.: 18100  
 Drawing Name: SITE CONCEPTS  
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.



Transportation Data Management System

List View All DIRs

Record	1	of 1	Goto Record	go
Location ID	82379150	MPO ID		
Type	SPOT	HPMS ID		
On NHS	Yes	On HPMS	Yes	
LRS ID	U0000001__	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route	US 1	
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Class Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Other Principal Arterial	Milepost		
Located On	Lafayette Rd			
Loc On Alias	US 1 (LAFAYETTE RD) NORTH OF OCEAN RD (SB-NB) (81379211-81379212)			
More Detail ▶				
STATION DATA				

Directions:  2-WAY  NB  SB

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2018	19,865 <sup>3</sup>				18,315 (92%)	1,550 (8%)	Grown from 2017
2017	19,475 <sup>3</sup>		8	53	18,075 (93%)	1,400 (7%)	Grown from 2016
2016	19,093	1,621	8	53	17,413 (91%)	1,680 (9%)	
2015	17,895 <sup>3</sup>						Grown from 2014
2014	17,374 <sup>3</sup>						Grown from 2013

1-5 of 15

Travel Demand Model										
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV	

VOLUME COUNT			
Date	Int	Total	
Tue 7/19/2016	60	19,597	
Sun 7/17/2016	60	16,959	
Fri 9/27/2013	60	20,159	
Thu 9/26/2013	60	19,003	
Wed 9/25/2013	60	18,690	
Tue 9/24/2013	60	18,712	
Mon 9/23/2013	60	18,246	
Sun 8/15/2010	60	19,668	

VOLUME TREND	
Year	Annual Growth
2018	2%
2017	2%
2016	7%
2015	3%
2014	2%
2013	-7%
2010	-2%
2007	0%



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379150	Type:	SPOT
Located On:	Lafayette Rd	:	
Direction:	2-WAY		
Community:	PORTSMOUTH	Period:	Mon 7/11/2016 - Sun 7/17/2016
AAADT:	19093		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph	
12:00 AM							157	157		0.9%
1:00 AM							106	106		0.6%
2:00 AM							53	53		0.3%
3:00 AM							23	23		0.1%
4:00 AM							38	38		0.2%
5:00 AM							99	99		0.6%
6:00 AM							200	200		1.2%
7:00 AM							346	346		2.0%
8:00 AM							580	580		3.4%
9:00 AM							876	876		5.2%
10:00 AM							1188	1,188		7.0%
11:00 AM							1262	1,262		7.4%
12:00 PM							1345	1,345		7.9%
1:00 PM							1354	1,354		8.0%
2:00 PM							1506	1,506		8.9%
3:00 PM							1389	1,389		8.2%
4:00 PM							1440	1,440		8.5%
5:00 PM							1333	1,333		7.9%
6:00 PM							1185	1,185		7.0%
7:00 PM							908	908		5.4%
8:00 PM							766	766		4.5%
9:00 PM							469	469		2.8%
10:00 PM							211	211		1.2%
11:00 PM							125	125		0.7%
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,959</b>			
<b>24hr Total</b>							<b>16959</b>	<b>16,959</b>		
<b>AM Pk Hr</b>							<b>11:00</b>			
<b>AM Peak</b>							<b>1262</b>	<b>1,262</b>		
<b>PM Pk Hr</b>							<b>2:00</b>			
<b>PM Peak</b>							<b>1506</b>	<b>1,506</b>		
<b>% Pk Hr</b>							<b>8.88%</b>	<b>8.88%</b>		



Transportation Data Management System



Excel Version

Weekly Volume Report			
<b>Location ID:</b>	82379150	<b>Type:</b>	SPOT
<b>Located On:</b>	Lafayette Rd	:	
<b>Direction:</b>	2-WAY		
<b>Community:</b>	PORTSMOUTH	<b>Period:</b>	Mon 7/18/2016 - Sun 7/24/2016
<b>AADT:</b>	19093		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		88						88	0.4%
1:00 AM		54						54	0.3%
2:00 AM		39						39	0.2%
3:00 AM		28						28	0.1%
4:00 AM		57						57	0.3%
5:00 AM		169						169	0.9%
6:00 AM		378						378	1.9%
7:00 AM		785						785	4.0%
8:00 AM		1206						1,206	6.2%
9:00 AM		1201						1,201	6.1%
10:00 AM		1313						1,313	6.7%
11:00 AM		1332						1,332	6.8%
12:00 PM		1477						1,477	7.5%
1:00 PM		1479						1,479	7.5%
2:00 PM		1446						1,446	7.4%
3:00 PM		1561						1,561	8.0%
4:00 PM		1587						1,587	8.1%
5:00 PM		1621						1,621	8.3%
6:00 PM		1174						1,174	6.0%
7:00 PM		899						899	4.6%
8:00 PM		738						738	3.8%
9:00 PM		530						530	2.7%
10:00 PM		279						279	1.4%
11:00 PM		156						156	0.8%
<b>Total</b>	<b>0</b>	<b>19,597</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>24hr Total</b>		<b>19597</b>						<b>19,597</b>	
<b>AM Pk Hr</b>		<b>11:00</b>							
<b>AM Peak</b>		<b>1332</b>						<b>1,332</b>	
<b>PM Pk Hr</b>		<b>5:00</b>							
<b>PM Peak</b>		<b>1621</b>						<b>1,621</b>	
<b>% Pk Hr</b>		<b>8.27%</b>						<b>8.27%</b>	

**Trip Generation Summary**

Alternative: Alternative 1

Phase: Higher Estimate - 24 Dwellings

Project: 1908A 043019

Open Date: 4/30/2019

Analysis Date: 4/30/2019

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	71	70	141	3	9	12	11	6	17
	24 Dwelling Units									
	Unadjusted Volume	71	70	141	3	9	12	11	6	17
	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	71	70	141	3	9	12	11	6	17

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.

**Trip Generation Summary**

Alternative: Alternative 1  
 Phase: Lower Estimate - 22 Dwellings  
 Project: 1908A 043019

Open Date: 4/30/2019  
 Analysis Date: 4/30/2019

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
221	MID-RISE 1	59	59	118	2	6	8	6	4	10
	22 Dwelling Units									
	Unadjusted Volume	59	59	118	2	6	8	6	4	10
	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	59	59	118	2	6	8	6	4	10

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.

**Exhibit 6**  
**Site Photographs**



Existing Conditions – View of Property from the North



Existing Conditions – View of Property from the South

**Exhibit 6  
Site Photographs**



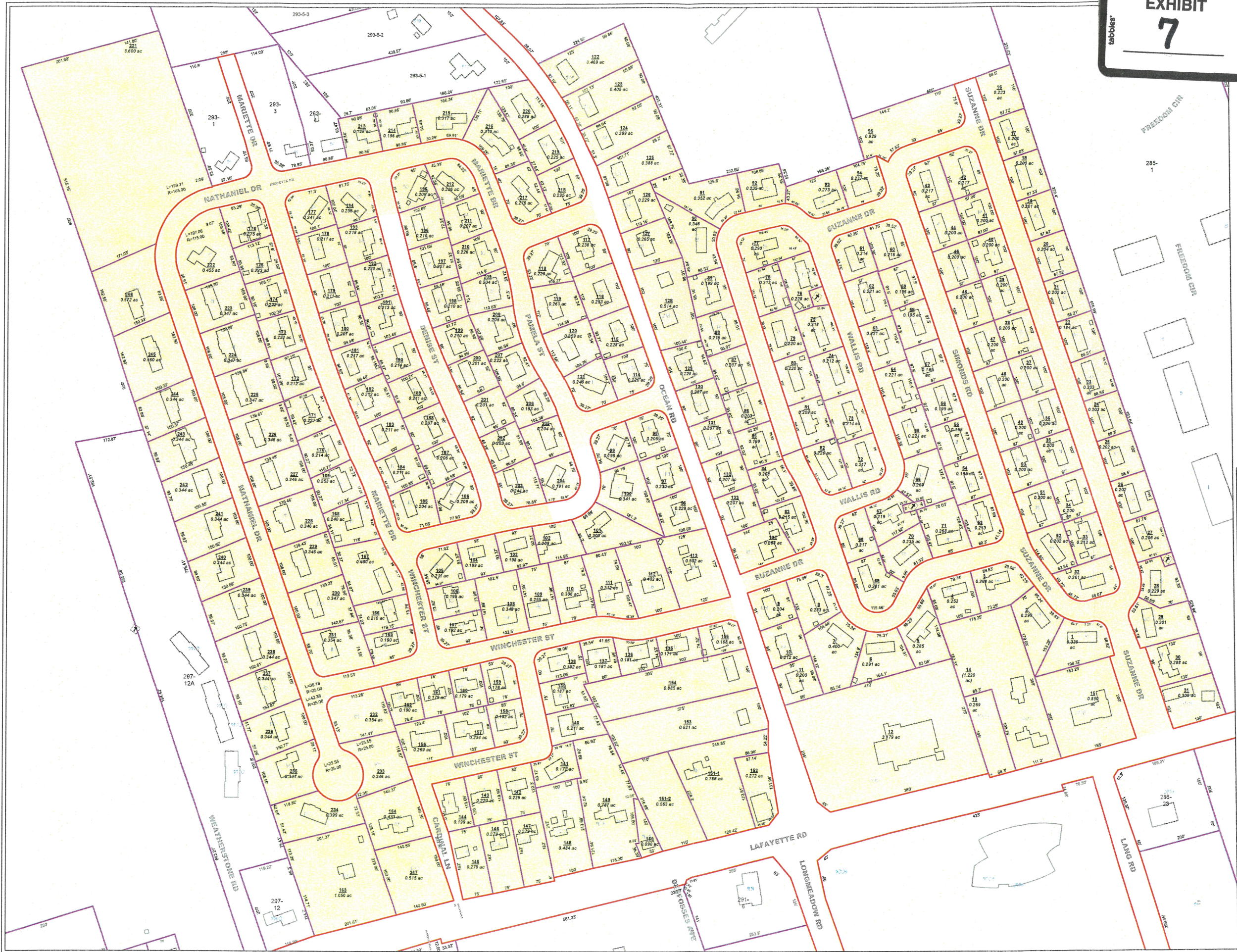
Existing Conditions – View of Property from the East



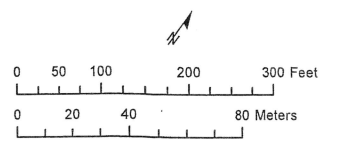
Existing Conditions – View of Property from the East



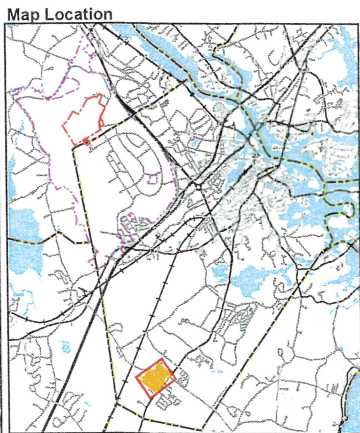
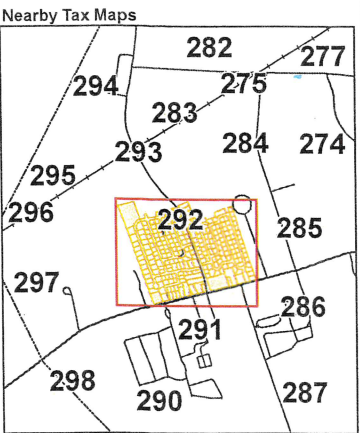
**EXHIBIT**  
**7**



- Partial Legend**  
See the cover sheet for the complete legend.
- 7-5A Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - Address number
  - 233-137 Parcel number from a neighboring map
  - 86 Parcel line dimension
  - SIMS AVE Street name
  - Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
  - Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire  
2018  
**Tax Map 292**