

**From:** [Private General](#)  
**To:** [Planning Info](#)  
**Subject:** question for the developer  
**Date:** Friday, October 9, 2020 2:23:05 AM

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Dear Planning Department,

When comparing the site plans(2017 vs 2020) for 88/89 Foundry Place it is difficult to ascertain **how high the physical building will be on the Hill St side including whatever amount of grade** may be necessary to even it off with the lower Foundry Place side. Some neighbors are wondering if it would be possible to ask Market Square Architects to show that on their plans. Could this information be provided BEFORE the Planning Board meeting?

If one looks at A2.02T in the 2017 plans provided by JSA it shows the height on the Hill St side would be 54' 2 1/2" (reader page 419). The 2020 version of A2.02.T plans show the height as 69' 3 1/2"(reader page 19). **This is a 16'1" INCREASE from the original plans.**

Mathematically it would make sense if the Foundry Place side of this structure were 54'2" with a 15' 6 1/2" grade, the final height on the Foundry Place side of the building would be 69' 8 1/2". However the Hill Street side would likely be 54'2" *plus some other amount of grade* to make it even with the Foundry Place side. **What will the total height be including the necessary grade on the Hill Street side of the structure? Could this please be presented as part of the proposed Site Plan amendments for this application?**

**Respectfully, Liz Bratter**

October 15, 2020

Planning Board

Elizabeth Bratter

159 McDonough St

Portsmouth Property Owner

Dear Chairperson Legg and Members of the Planning Board,

I realize the Planning Board has to look at this from a legal perspective and the impact on surrounding area and the city. Many look at this project as to how it will impact the neighborhood look, feel and life in general.

There is a BIG difference in this amendment in the height of 88/89 Foundry Place on Hill Street! The 2017 height on Hill St was shown (see step down below) as a step down height with the first height of 53' 2 1/2" which included the grade of 14' 6 3/8". The NEW proposal does NOT show a step up on the Hill St side and presently shows the height as 69' 3 1/2" including a 15' 6 1/2" grade. THIS IS A 16' 1" INCREASE IN HEIGHT ON HILL STREET, which is about 1 and half stories more. Please NOTE the Foundry Place side in 2017 showed a height of 76' 4 3/8" with a 14' 6 3/8" grade and it now shows a 69' 3 1/2" height which is ONLY a 7' 7/8" decrease than the original 2017 building. The Foundry Place height reduction is not even a whole story!

I have asked the Planning Department to ask the developer to show the actual height including grade on Hill St. It is NOT likely a building will have the same amount of grade under it when it sits on a hill *UNLESS the entire hill is removed and then grade added to increase the area needed for underground parking*. I would ask the Planning Board either keep the original plans OR ask the developer to include similar steps and a lower height (including the proposed grade) in the 2020 amendments on the Hill Street side.

The first floor shows a lot of changes including adding 12 residential units by removing the 16 parking spaces and an office space. Originally there were 50 on-site parking spaces in 2017 for their 43 units. The new proposal shows 34 spaces on-site for their 55 units. The new amendment shows 35 spaces will be in the Foundry Garage, which can be done to off-set the required 68 spaces. *This will leave NO spaces for future developments of Lots 4 and 5. It is the change being made on the first floor of removing the 16 parking spaces and adding more residential units which could have negative consequences for parking in the neighborhood.* **If allowed**, the 16 parking spaces could be retained from the 2017 original approval and the Office Space could be changed into 4 to 6 more of the desired increase in units. If changes are NOT able to be put forward to the proposed amendments please keep the original 2017 plan for the 16 parking spaces and the penthouse. This may have a much lesser impact on the neighborhood.

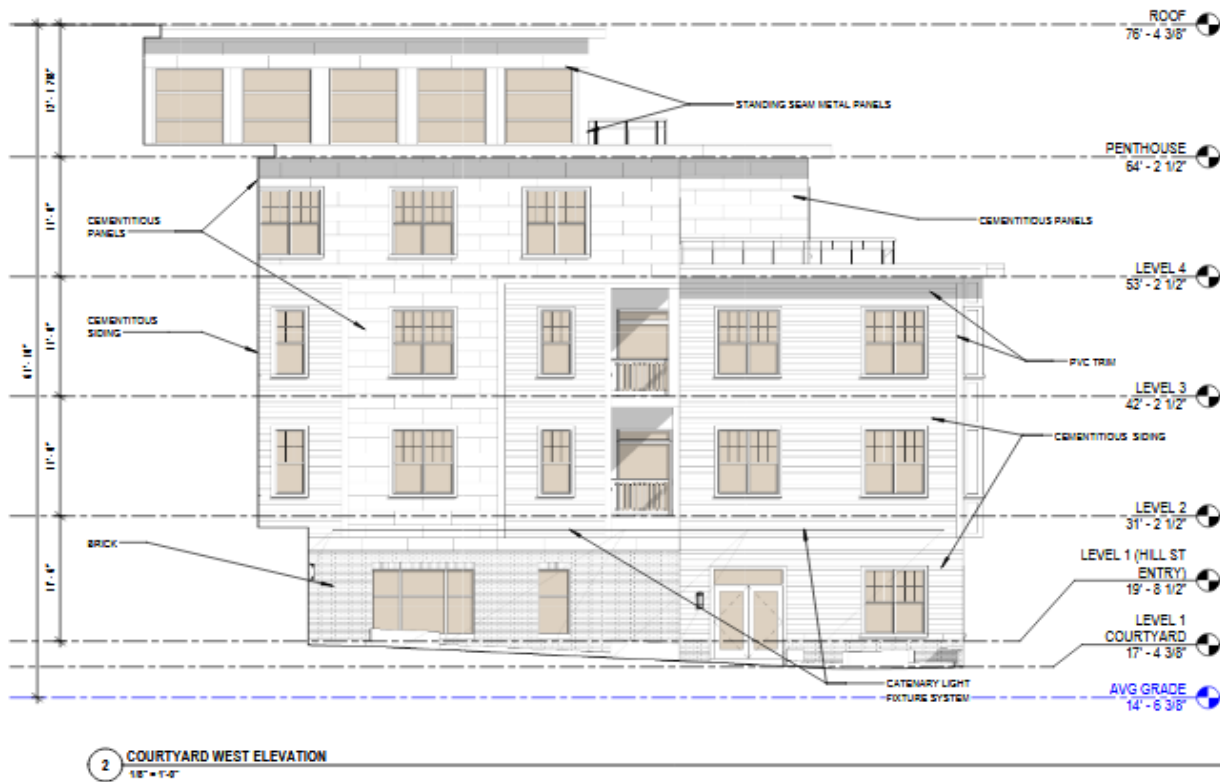
It is stated there is a decrease in the size of the project with some minor changes! The change in the actual footprint is a mere 168', which is what the neighborhood sees. There is a reduction of 8254 sf of interior use of space by removing 6023 sf of penthouse area and a few other changes (see zoning changes). **It is the "minor changes" to the first floor and the exterior design plan on Hill Street which will greatly impact the neighborhood.**

I appreciate the opportunity to share my thoughts on this project and possible impacts on the neighborhood. I have included screen shots and the math of comparisons of the 2017 Approved Site Plan and the 2020 amendments proposed to allow for easier review. Thank you for your time in this matter!

Respectfully,

Elizabeth Bratter

## 2017 Step down proposal (reader page 419)



## 2020 Flat Proposal (reader page 19)





## 1-HILL STREET

Above 2017

Proposal with step down on Hill Street



Plate 8. Hill Street, View West. The yellow dwelling and green garage on the north side of the street are in the project area. The brick building at the center of the picture, part of the Portsmouth Steam Factory, is not in the project area.

## Changes in Square Footage of Uses for 2020

Net *reduction* of square footage = 8254 sf (83,313sf-75059sf)

*Reduction* in Commercial/Office Space = 1881sf (6163sf-4282sf)

Reduction in all decks and balconies = 2600 sf (5608sf-3008sf)

Reduction in Parking Garage = 4445 sf (16364sf- 11914sf)

*Increase* in multi-family dwelling= 5833 sf [55855 sf- 50022 sf (2017-includes 6023sf penthouse)]

June 15, 2017

Building Name	Use

Building 6 (development incentive 10.5A47.10)

	Parking Garage
	Parking easement for Hill Hanover Group
	Multi-Family Dwelling
	Multi-Family Decks / Balconies
	Office
	Retail Sales
	<b>total area</b>

### AREA ANALYSIS

Ground Floor (below grade) Area SF	1st Floor Area SF	2nd Floor Area SF	3rd Floor Area SF	4th Floor Area SF	Penthouse Area SF	Total Gross Floor Area - to inside face of exterior wall	Total Unit Count

### Building 6

16,364	5,156						0
							0
	3,097	13,969	13,969	12,964	6,023		43
		511	631	819	3,647		0
	4,296						0
	1,867						0
16,364	14,416	14,480	14,600	13,783	9,670	<b>83,313</b>	43

August 20, 2020

Building Name	Use

Building 6 (development incentive 10.5A47.10)

	Parking Garage
	Parking easement for Hill Hanover Group
	Multi-Family Dwelling
	Multi-Family Decks / Balconies
	Office/Commercial space
	<b>total area</b>

### AREA ANALYSIS

Ground Floor (below grade) Area SF	1st Floor Area SF	2nd Floor Area SF	3rd Floor Area SF	4th Floor Area SF	Rooftop Area SF	Total Gross Floor Area - to exterior face of exterior stud	Total Unit Count

### Building 6

11,914							0
							0
	13,015	14,280	14,280	14,280			55
	180	180	180	180	2,288		0
4,282							0
16,196	13,195	14,460	14,460	14,460	2,288	<b>75,059</b>	55

## Parking Comparison

**2017- 43 units - 50 on site spaces (15 spaces in Foundry Garage-56 required)**

**2020- 55 units - 34 on site spaces (35 spaces in Foundry Garage- 68 required)**

Number of spaces already spoken for of the 68 available in the Foundry Garage for Lot 3 = 33

Number of spaces available for Lots 4, 5, and 6 as of today = 35 (68-33)

Number of spaces proposed to be used by (88/89 Foundry Place) = 35 (**leaving 0 spaces for Lots 4 and 5**)

June 15, 2017

Building Name	Use
Building 6 (development incentive 10.5A47.10)	
	Parking Garages
	Parking easement for Hill Hanover Group
	Exterior parking
	Multi-Family Dwelling
	Multi-Family Decks / Balconies
	Office
	Retail Sales
	total area

PARKING ANALYSIS

Parking required - Downtown Overlay District 10.1115.20		Parking required - Development Incentive 10.5A47.10		Downtown overlay district - 10.1115.23	Total parking spaces required	Parking spaces provided on site	Parking spaces provided at Municipal Garage (see references below)	Total parking spaces provided	Surplus Parking Spaces
Spaces per residential unit	Quantity	Spaces per residential unit	Quantity	Reduction = 4 parking spaces	Quantity	Quantity	Quantity	Quantity	Quantity
Building 6									
0	0	0	0	0	0	33	0	0	0
0	14	0	0	0	0	14	0	0	0
0	0	0	0	0	0	3	0	0	0
0	0	1.00	43	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0
0	14	0	43	(4.00)	53	50	15	65	12

New Municipal Foundry Place Parking Garage	
Reference City/DSA Post Closing Obligations Agreement & Parking Agreement documents dated 9/09/2016, and per Section 10.1113.111 Municipal Garage Spaces qualify as "off-street parking" as held by City Legal Department.	
DSA Parking Garage spaces - interior	58
DSA Flex Parking Spaces - exterior / interior	10
<b>Total spaces</b>	<b>68</b>




August 20, 2020		PARKING ANALYSIS									
Building Name	Use	Parking required - Downtown Overlay District 10.1115.20		Parking required - Development Incentive 10.5A47.10		Downtown overlay district - 10.1115.23	Total parking spaces required	Parking spaces provided on site	Parking spaces provided at Municipal Garage (see references below)	Total parking spaces provided	Surplus Parking Spaces
		Spaces per residential unit	Quantity	Spaces per residential unit	Quantity	Reduction = 4 parking spaces	Quantity	Quantity	Quantity	Quantity	Quantity
Building 6 (development incentive 10.5A47.10)		Building 6									
	Parking Garage	-	-	-	-	-	-	17.00	-	17.00	-
	Parking easement for Hill Hanover Group	-	-	-	-	-	14.00	14.00	-	14.00	-
	Exterior Parking	-	-	-	-	-	-	3.00	-	3.00	-
	Multi-Family Dwelling	-	-	1.00	55.00	4.00	51.00	-	-	-	-
	Municipal Garage	-	-	-	-	-	-	-	35	35.00	-
	Office	-	-	-	-	-	-	-	-	-	-
	Retail Sales	-	-	-	-	-	-	-	-	-	-
	total area	-	-	-	55	4.00	65	34	35	69	-

New Municipal Foundry Place Parking Garage	
Reference City/DSA Post Closing Obligations Agreement & Parking Agreement documents dated 9/09/2016, and per Section 10.1113.111 Municipal Garage Spaces qualify as "off-street parking" as held by City Legal Department.	
DSA Parking Garage spaces - interior	58
DSA Flex Parking Spaces - exterior / interior	10
<b>Total spaces</b>	<b>68</b>

## General Differences Based on Zoning

Differences between	2017	2020	Change
Maximum Building Footprint	16364 SF	16196 SF	168 Ft smaller
Building Height	61'10"	53' 9"	8' 1" shorter (does not include grade)
Building Stories	4+ Penthouse	4+deck	-penthouse + deck
Minimum Ground Story Hgt	18'11"	20' 2 3/4"	2' 8 1/4" higher

### 2020

PORTSMOUTH CHARACTER ZONING - D5 - Deer Street Assoc. Subdivision Lot 6, 89 and 99 Foundry Place		
	PER CDS	PROPOSED
<b>BUILDING PLACEMENT - PRINCIPLE BUILDING*</b>		
MAXIMUM PRINCIPLE FRONT YARD	5 FT	> 5 FT
MAXIMUM SECONDARY FRONT YARD	5 FT	> 5 FT
SIDE YARD	NR	NR
MINIMUM REAR YARD	GREATER OF 5 FT FROM REAR LOT LINE OR 10 FT FROM CENTER LINE OF ALLEY	5 FT
* EXCEPT FOR ITEMS LISTED UNDER SECTION 10.5A42.12		
<b>BUILDING AND LOT OCCUPATION</b>		
MAXIMUM BUILDING BLOCK LENGTH	225 FT	152 FT
MAXIMUM FAÇADE MODULATION LENGTH	100 FT	60 FT
MAXIMUM ENTRANCE SPACING	50 FT	MAX <50 FT
MAXIMUM BUILDING COVERAGE	95%	73%
MAXIMUM BUILDING FOOTPRINT (INCLUDES INCREASED FOOTPRINT INCENTIVE)	20,000 SF 	16,196 FT
MINIMUM LOT AREA	NR	NR
MINIMUM LOT AREA PER DWELLING UNIT	NR	NR
MINIMUM OPEN SPACE	5%	18%
<b>BUILDING FORM - PRINCIPLE BUILDING</b>		
*BUILDING HEIGHT (INCLUDES INCREASED HEIGHT INCENTIVE)	50 FT + 10 FT + 2 FT 	53'-9"
BUILDING STORIES (INCLUDES INCREASED HEIGHT INCENTIVE)	4 STORIES + 1 STORY	4 STORIES
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE	36 INCHES 	< 36 INCHES
MINIMUM GROUND STORY HEIGHT	12 FT	20 FT 2 3/4 INCHES
MINIMUM SECOND STORY HEIGHT	10 FT	11 FT
FAÇADE GLAZING - SHOPFRONT FAÇADE	70% MIN.	72%

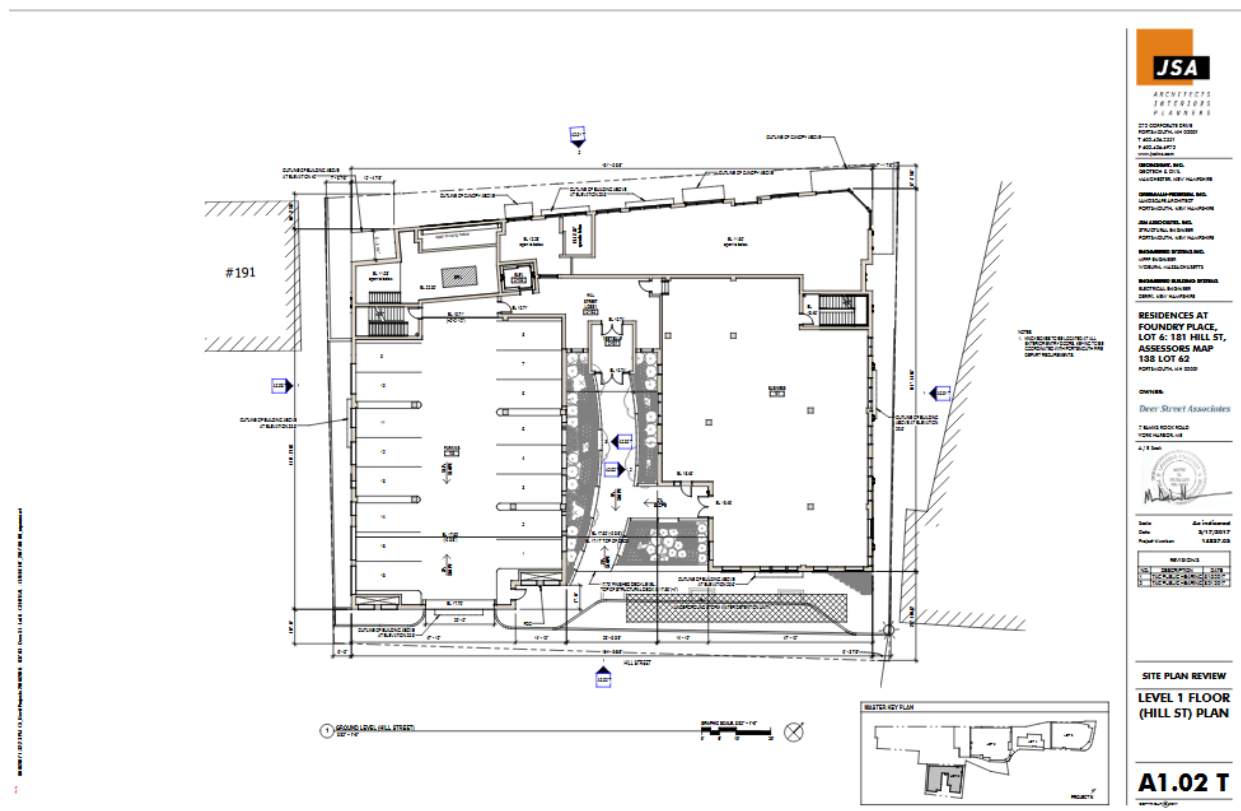


PORTSMOUTH CHARACTER ZONING - D5 - DEER STREET LOT 6 - 181 HILL STREET		
	PER CD5	PROPOSED
BUILDING PLACEMENT - PRINCIPAL BUILDING*		
MAXIMUM PRINCIPAL FRONT YARD	5 FT	> 5 FT
MAXIMUM SECONDARY FRONT YARD	5 FT	> 5 FT
SIDE YARD	NR	NR
MINIMUM REAR YARD	GREATER OF 5 FT FROM REAR LOT LINE OR 10 FT FROM CENTER LINE OF ALLEY	5 FT
* EXCEPT FOR ITEMS LISTED UNDER SECTION 10.5A42.12		
BUILDING AND LOT OCCUPATION		
MAXIMUM BUILDING BLOCK LENGTH	225 FT	152
MAXIMUM FAÇADE MODULATION LENGTH	100 FT	60 FT
MAXIMUM ENTRANCE SPACING	50 FT	MAX <50 FT
MAXIMUM BUILDING COVERAGE	95%	73%
MAXIMUM BUILDING FOOTPRINT (INCLUDES INCREASED FOOTPRINT INCENTIVE)	20,000 SF	16,364
MINIMUM LOT AREA	NR	NR
MINIMUM LOT AREA PER DWELLING UNIT	NR	NR
MINIMUM OPEN SPACE	5%	18%
BUILDING FORM - PRINCIPAL BUILDING		
*BUILDING HEIGHT (INCLUDES INCREASED HEIGHT INCENTIVE)	50 FT + 10 FT + 2 FT	61 FT 10 INCHES
BUILDING STORIES (INCLUDES INCREASED HEIGHT INCENTIVE)	4 STORIES + 1 STORY	4 STORIES + PENTHOUSE
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE	36 INCHES	< 36 INCHES
MINIMUM GROUND STORY HEIGHT	12 FT	18 FT 11 INCH
MINIMUM SECOND STORY HEIGHT	10 FT	11 FT
FAÇADE GLAZING		
SHOPFRONT FAÇADE	70% MIN.	72%
OTHER FAÇADE TYPES	20% MIN TO 50% MAX	33%
ROOF TYPE	FLAT, GABLE, HIP, GAMBREL, MANSARD	FLAT
ROOF PITCH, IF ANY	FLAT	FLAT
TOTAL OUTDOOR LIGHT OUTPUT ALLOWANCE 10.1143.10 - BUSINESS DISTRICTS - MAX MEAN LUMENS / NET ACRE	300,000	LESS THAN 300,000 - SEE LIGHTING REPORT ATTACHMENT

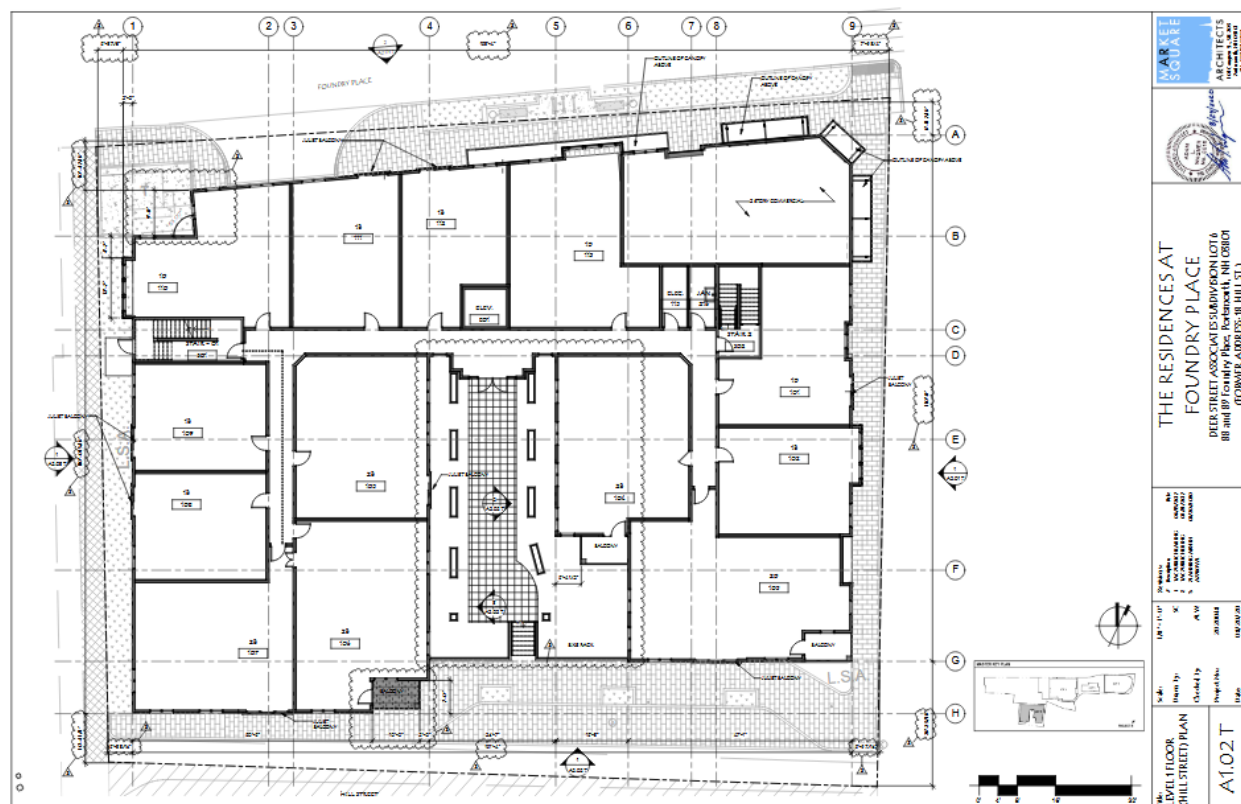
\* BUILDING HEIGHT + INCENTIVE HEIGHT + 2 FEET FOR PENTHOUSE LEVEL  
PER MAP 10.5A21B BUILDING HEIGHT STANDARDS



## 2017 First Floor (reader page 416) Upper right commercial, middle right office



## 2020 First Floor (reader page 16) upper right commercial, rest residential units



**From:** [Richard D"Andrea](#)  
**To:** [Planning Info](#)  
**Subject:** Hill street 88-89  
**Date:** Sunday, October 11, 2020 8:17:31 AM

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The planning of this project is not considering the impact on neighboring houses! You need to keep the Hill street side of the building as low as possible and keep as much parking ON SITE as possible!! As it looks now this project will be 15-20' higher than the top of the Foundry parking garage which was built higher than It should have been. The Hill St side of this new project MUST BE LOWER to match the neighborhood. I feel like developers are pushing the limits with no concern of the neighborhood and height requirements keep changing. We are the City of Portsmouth not Boston...

Now let's talk about parking, with this project you will be taking parking from the neighborhood equal to 125 spaces. 110 from 55 condos plus the 2 commercial spaces, one on Foundry Place, one one on Hill St. Now add employees and guests. I realize the hopes of the Foundry garage being at full capacity, but it shouldn't be at the neighborhood residents expense..

**From:** [Robin Husslage](#)  
**To:** [Tracy A. Gora](#)  
**Subject:** Planning Board Meeting 10/15/2020-89 Foundry Place  
**Date:** Wednesday, October 14, 2020 9:23:14 PM  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)  
[image.png](#)  
[Rezoning Requests to Planning Department.pdf](#)

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Tracy -- would you please pass this along to everyone on the Planning Board for me for inclusion for the 10/15/2020 Board Meeting regarding 89 Foundry Place's submission?

Thanks!

Best,

Robin Husslage

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Dear Planning Board,

I am against extending the request of Foundry Place, LLC, Owner, for property located at 89 Foundry Place for amended Site Plan Review Approval and a third 1-year extension of the Site Plan Review approval that was originally granted on November 16, 2017 and most recently granted a second 1-year extension on September 18, 2019, which will expire on November 16, 2020, for the following reasons:

**(1) Islington Creek Neighborhood is Currently Working with the Planning Board (see attached for full details) to rezone this area of the neighborhood to offer a better transition from the most dense development (CD5) where this building is located to the immediate surrounding neighborhood of 2-3 story homes by:**

- **Removing the North End Incentive Overlay District from the Islington Creek Neighborhood:**

Keeping this North End Incentive Overlay District in the Islington Creek Neighborhood negatively impacts our residential neighborhood by encouraging the doubling of the maximum building footprints (up to 30,000 sf), adding up to 10 more feet in building height, and requiring less parking by developers (which is already a critical problem in this part of our neighborhood)- We therefore ask that the Islington Creek Neighborhood portion from Rock Street to Bridge Street be excluded from the North End Incentive Overlay District as shown below in red with the revised border ending at Bridge Street (the border of the Islington Creek Neighborhood) rather than extending down into the Islington Creek Neighborhood as shown with the black dotted line:



- Removing the Downtown Overlay District from the Islington Creek Neighborhood:** Keeping this Downtown Overlay in the Islington Creek Neighborhood negatively impacts our residential neighborhood by disallowing residential uses on the first floor.



- Changing the Height Requirement Code for building heights for all non-GRC zoned buildings on both sides of all streets from Rock Street to Bridge Street to a maximum of 35 feet:** Maintaining the current Height Requirement Codes of 40 feet (green) and 50 feet (brown) for the non-GRC zoned buildings on streets in the Islington Creek Neighborhood will negatively impact our residential neighborhood by encouraging new development inconsistent with the character of our neighborhood. The streets we are requesting a Height Requirement Code change in height to a **maximum of 35 feet are shown in red** below:



All of these changes directly affect what is planned for the 89 Foundry Place development so we respectfully request that this extension not be granted so these critical changes can be made to the erroneous zoning in our Islington Creek Neighborhood before this development is evaluated for an appropriately sized building and use for our neighborhood.

(2) **The Proposed Design Changes of Squaring off the building rather than stepping down the height of the building on the hill street side as originally proposed increases the impact to the surrounding neighborhood especially Hill Street.** It is also critical to have updated renderings of the redesigned building and surrounding area from different perspectives, especially from Hill Street side so its impact and relative size, scale, and massing can be accurately judged from the surrounding neighborhood similar to what was provided for the original plans:



I hope you will consider these important concerns for our neighborhood which will be permanently impacted by this development when you are reviewing their significantly revised submission and rezoning changes currently underway which have also been impacted by COVID.

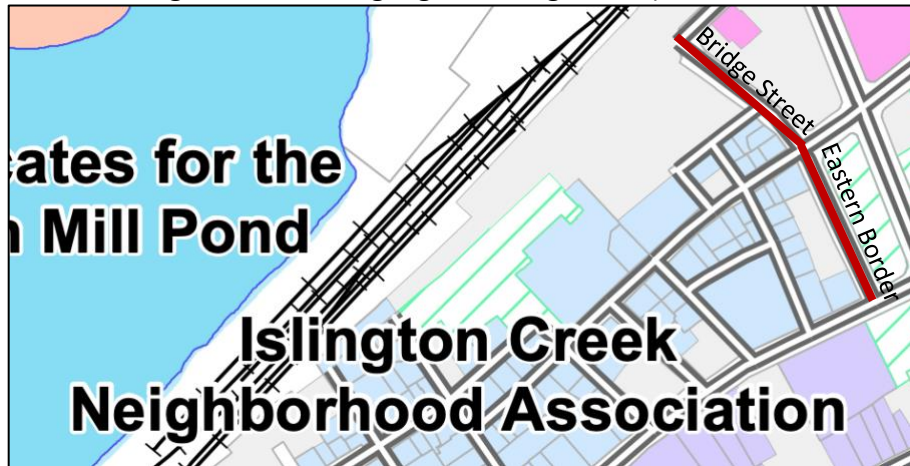
Respectfully submitted,

Robin Husslage  
27 Rock Street  
Portsmouth



## Re-Zoning Requests Affecting the Islington Creek Neighborhood - January 2020 -

**Point of Clarification:** Bridge Street defines the Eastern Border of the Islington Creek Neighborhood (the Islington Creek Neighborhood is highlighted in light blue):



- I. Currently, the **North End Incentive Overlay District** extends down into the Islington Creek Neighborhood, encompassing the parking garage as well numerous commercial properties which are directly across the street from 2 and 3 story residential homes:



Revised North End Incentive Overlay Border

- II. Currently, the **Downtown Overlay District** extends down into the Islington Creek Neighborhood, encompassing the parking garage, commercial buildings, and building lots.

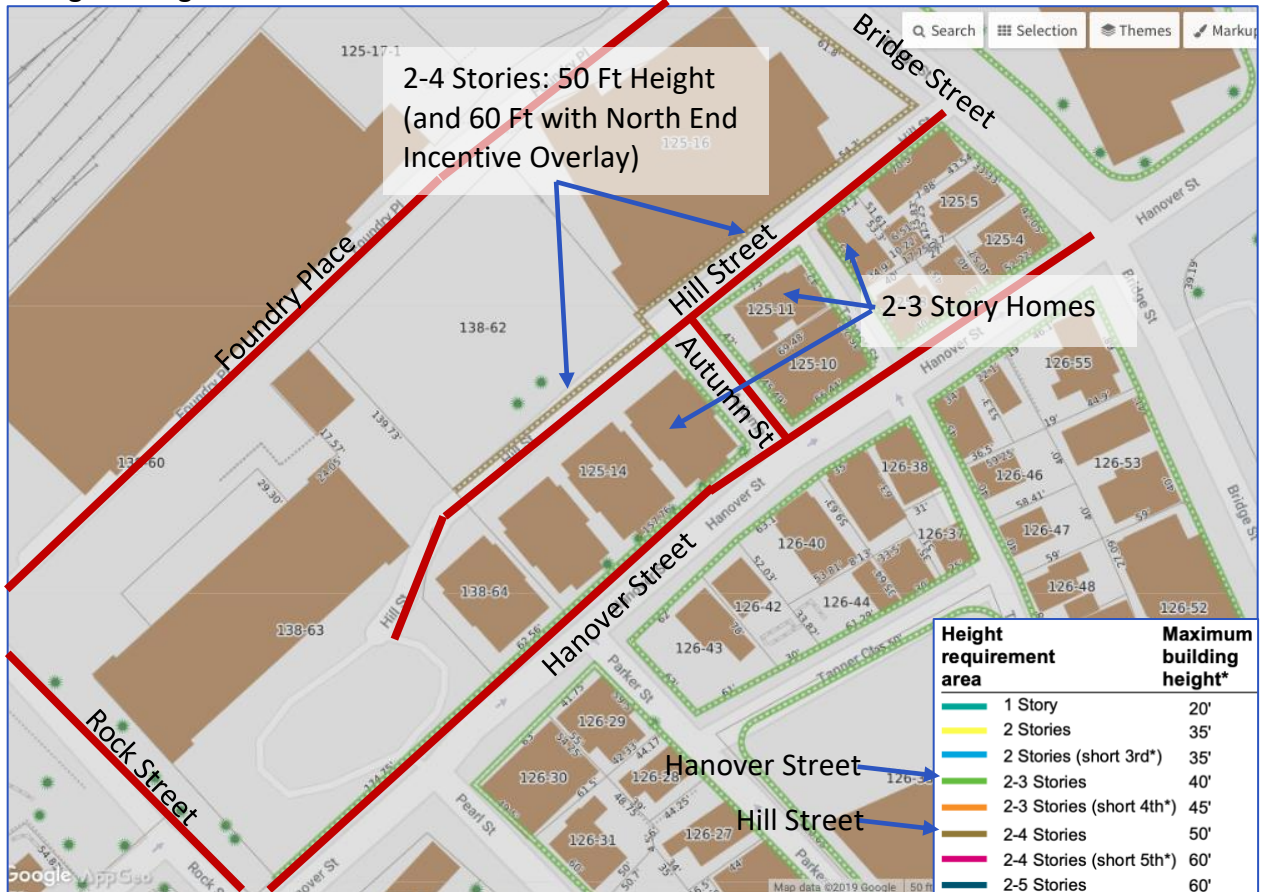


**We ask the City of Portsmouth to remove the Downtown Overlay District from the Islington Creek Neighborhood.** Keeping this Downtown Overlay in the Islington Creek Neighborhood negatively impacts our residential neighborhood by disallowing residential uses on the first floor – see “notes” page 6 of this document details. We ask that the portion from Rock St to Bridge St be excluded from the Downtown Overlay District as shown below in red below:





- III. **We ask the City of Portsmouth to change the Height Requirement Code for building heights for all non-GRC zoned buildings on both sides of all streets from Rock Street to Bridge Street to a maximum of 35 feet—see “notes” on page 7 of this document for details.** Maintaining the current Height Requirement Codes of 40 feet (green) and 50 feet (brown) for the non-GRC zoned buildings on streets in the Islington Creek Neighborhood will negatively impact our residential neighborhood by encouraging new development inconsistent with the character of our neighborhood. The streets we are requesting a Height Requirement Code change in height to a **maximum of 35 feet are shown in red below.**



- IV. **We ask the City of Portsmouth to revise the allowed uses for properties on the following streets:**
- Foundry Place** (all properties with entrances on Foundry Place): Single family dwelling, 2 family dwelling, townhouses, multi-family up to 8 dwellings, historic preservation building, museum, city park and related activities, professional office, business office, financial services, family day care, convenience store with maximum hours from 6AM-11PM, drop off and pick up of laundry/dry cleaning, retail sales-non marine, restaurant or public function building for less than 50 guests, concessions in principal building, indoor storage of vehicles and boats.
  - Hanover Street** (all properties with entrances on Hanover Street): Single family dwelling, 2 family dwelling, townhouses, multi-family up to 4 dwellings, historic preservation building, museum, city park and related activities, professional office, business office, financial services, and family day care.

- c. **Hill Street** (all properties with entrances on Hill Street): Single family dwelling, 2 family dwelling, townhouses, multi-family up to 8 dwellings, historic preservation building, museum, city park and related activities, professional office, business office, financial services, and family day care.
- d. **Rock Street** (all properties with entrances on Hanover Street): Single family dwelling, 2 family dwelling, townhouses, multi-family up to 3 dwellings, historic preservation building, museum, city park and related activities, professional office, business office, financial services, and family day care.

**See Pages 6 and 7 for Notes...**

**Notes:** (1) Detail from the Portsmouth Zoning Ordinance (Page 5A-34) regarding the **North End Incentive Overlay District** – this allows the **building footprint to expand up to 30,000 sf**, **building height to increase by 10 feet (1 story)**, and **reduces the parking requirement to 1 parking space/unit (or .5 parking space/microunit)**:

10.5A46 Incentive Overlay Districts		
The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified <b>development</b> standards may be modified as set forth in Section 10.5A46.10 below, if the <b>development</b> provides <b>community space</b> or <b>workforce housing</b> in accordance with Section 10.5A46.20, as applicable:		
10.5A46.10 Incentives to Development Standards		
DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum <b>building coverage</b>	No Change	80%
Maximum <b>building footprint</b>	30,000 sf	30,000 sf
Minimum <b>lot area</b>	No Change	2,000 sf
Minimum <b>lot area per dwelling unit</b>	No Change	No minimum
Maximum <b>building height</b>	Plus 1 story up to 10 ft <sup>1</sup>	Plus 1 story up to 10 ft <sup>1,2</sup>
Minimum <b>off-street parking</b>	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

<sup>1</sup> In order to receive the **building height** incentive, the **sidewalk** width in front of any **façade** shall be at least 10 feet plus two feet for each story of **building height** above three stories. Any property area needed to comply with this requirement shall count as **open space** as listed in Figures 10.5A41.10A-D (Development Standards) as **community space**; even if less than 15 feet in width.

<sup>2</sup> For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum **building height** provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

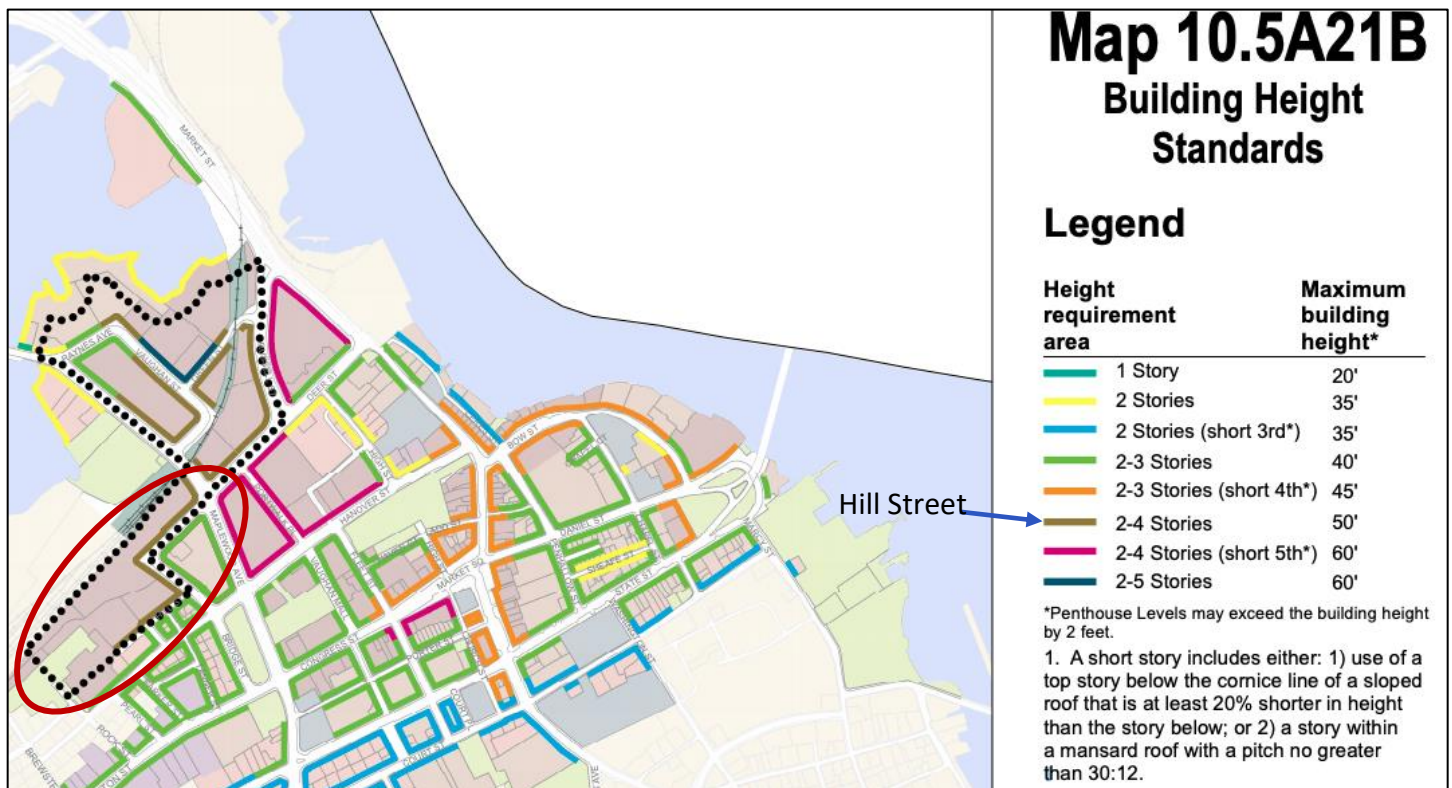
(2) Detail from the Portsmouth Zoning Ordinance District (Page 6-23) regarding the **Downtown Overlay District**-this disallows residences to be located on the 1<sup>st</sup> floor:

Section 10.640 Downtown Overlay District	
10.641	Establishment and Purpose
10.641.10	The Downtown Overlay District (DOD) is an overlay district applied to portions of the Character Districts. <b>All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.</b>
10.641.20	The purpose of the DOD is to promote the economic vitality of the downtown by <b>ensuring continuity of pedestrian-oriented business uses along streets.</b>
10.642	Ground Floor Uses
	<b>Within the DOD, the ground floor of any building shall consist entirely of the following uses:</b>
	1. <b>Nonresidential principal uses</b> permitted in the underlying zoning district;
	2. <b>Entries, lobbies, stairs, and elevators</b> providing pedestrian access to permitted upper-floor residential uses, not exceeding 20 percent of the <b>ground floor area.</b>

(3) Building & Story Heights detail from the Portsmouth Zoning Ordinance (Page 5A-24 and 5A-25):

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum **building height** in each height requirement area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 <sup>rd</sup> )	2	2 + short 3 <sup>rd</sup>	35
2-3 stories	2	3	40
2-3 stories (short 4 <sup>th</sup> )	2	3 + short 4 <sup>th</sup>	45
2-4 stories	2	4	50
2-4 stories (short 5 <sup>th</sup> )	2	4 + short 5 <sup>th</sup>	60
2-5 stories	2	5	60





## Juliet T.H. Walker

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**From:** Tim Phoenix <TPhoenix@hpgrlaw.com>  
**Sent:** Thursday, October 15, 2020 3:24 PM  
**To:** Juliet T.H. Walker  
**Cc:** Kim S Rogers; Ania Rogers; Gregg Mikolaities; Sothea Cheney; Adam Wagner AIA - Market Square Architects PLLC (awagner@MarketSquareArchitects.com); Doug Reynolds; Michelle Whelan  
**Subject:** Foundry Place LLC 89 Foundry Place parking analysis.  
**Attachments:** scanner@hpgrlaw.com\_20201015\_131047.pdf

Good Afternoon, Juliet;

Please allow this to respond and respectfully disagree with the position of city staff that the proposed change from commercial to residential requires application of the 2020 parking requirements to the entire project rather than our position that uses unchanged from the approval in 2017 are grandfathered, requiring application of the 2020 parking requirements only to the new residential units. The importance of this is that under our application, our provided parking, 69 spaces, is sufficient, while under city staff's application we would need 72 spaces and possibly a CUP (see attached updated parking analysis). We ask that the staff reconsider its position and that the planning board adopt our application of the parking ordinance, or in any event accept that 69 parking spaces are sufficient.

The original site review approval, as extended, vested the entire approval, including parking. In fairness, there is no basis for us to lose the vesting of the approved uses, thus parking, that we are not changing. We posit that the changes are overall less impactful than has been approved. We are converting commercial space to a residential use which has been approved. We are reducing commercial use by about 33%, increasing residential use by about 28%. We are shrinking the total footprint of the building from 83,313 ft.<sup>2</sup> to 75,059 ft.<sup>2</sup>, approximately a 10% reduction. We are lowering the height of the building by approximately 11 feet and eliminating a story. While we have reduced on-site parking, we have increased licensed parking in the municipal garage.

Although the ordinance requires no offstreet parking for commercial uses, in reality commercial use is significantly more intense. As now proposed, we will have 12 additional dwelling units, with perhaps one or 2 vehicles allocated to each unit. Because we are only 3 under the 2020 Z.O. parking requirement advanced by city staff, there will be very few cars looking for surface parking. Compare this to commercial uses which would have possibly 6 to 10 employees per thousand square feet plus customers/clients seeking parking on city streets in an effort to avoid paying at the garage.

Finally, the 2020 Z.O. would require 11 visitor parking spaces. In reality, these will be seldom used because the parking garage in our building is assigned parking only and will be accessed by building tenants and tenants of the Hill Hanover properties across the street using a key fob or key code to open a gate( except for the 3 spaces on the Hill Street private right of way). This will in reality leave more parking for tenants, with visitors primarily left to park in the public garage directly across the street.

In sum, our overall change to the approved project is minor enough for you to have originally thought you could approve changes administratively. Considering the minor change to residential use already permitted, the reductions in building size, and the actual parking use including the commercial uses, it is reasonable to apply the 2020 parking requirements only to the newly proposed residential units.

We will also upload this.

Thank you for your consideration.

Tim

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Residences at Foundry Place - Parking Summary

Building Name	Use
October 14, 2020	
Building 6 Analysis per 2020 Z.O.	
1	Onsite Parking in Garage for Tenants
2	Onsite Parking for Hill Hanover Group by easement
3	Reduction in Parking Spaces under the DOD
4	Original (17) & Added (7) Units 500-750 SF (=24)
5	Original (26) & Added (5) Units >750 SF (=31)
6	Visitor Parking for Original (43) & Additional (12) Units (=55)*
7	Exterior Parking
8	Municipal Garage
9	Retail/Commercial Ground Floor (zero required in DOD)
11	Totals for 55 Units

Revised per Director of Planning instructions (and contested by Applicant)

Parking required - 10.5A44 and Downtown Overlay District 10.1115.20		Parking required per ZO (Development Incentive 10.5A47.10 for 2017 only)		Downtown overlay district - 10.1115.23	Total parking spaces required by ZO	Parking spaces provided on site	Parking spaces provided at Municipal Garage (see references below)	Total parking spaces provided	Surplus (Defecit) Parking Spaces
Spaces per residential unit	Quantity	Spaces per residential unit	Quantity	Reduction = 4 parking spaces	Quantity	Quantity	Quantity	Quantity	Quantity
PARKING ANALYSIS - 2020 Zoning Ordinance - Projected Additional 12 Residential Units									
Building 6 - 89/99 Foundry Place									
-	-	-	-	-	-	17.00	-	17.00	-
-	-	-	-	-	-	14.00	-	14.00	-
-	-	-	-	(4.00)	(4.00)				-
1.00	24.00				24.00	-	-	-	
1.30	41.00				41.00	-	-	-	-
1 per 5	11.00			-	11.00	-	-	-	-
-	-	-	-	-	-	3.00	-	3.00	-
-	-	-	-	-	-	-	35.00	35.00	-
-	-	-	-	-	-	-	-	-	-
-	76	-	-	(4)	72	34	35	69	(3)

\*Foundry Place LLC ("Applicant") believes that 2017 Zoning Ordinance Bonus Incentive 10.5A47.10 should apply to parking calculations for 43 units, and utilize the 2020 Zoning Ordinance for parking required for the additional 12 units only. 43 Units (17 < 750 SF and 26 > 750 SF) are not a change in use and are grandfathered at 1 parking space per unit and visitor parking requirements do not apply. If the Planning Board decides that the 2020 Zoning Ordinance parking requirements apply to the entire building, then above, the Applicant has supplied the increased parking calculations.

New Municipal Foundry Place Parking Garage	
Reference City/DSA Post Closing Obligations Agreement & Parking Agreement documents dated 9/09/2016, and per Section 10.1113.111 Municipal Garage Spaces qualify as "off-street parking" as held by City Legal Department.	
DSA Parking Garage spaces - interior	58
DSA Flex Parking Spaces - exterior / interior	10
Total spaces **	68

\*\* 33 of the 68 municipal parking spaces used in Lot 3 - 165 Deer Street Site Plan parking calculations