

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-18, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 pm

OCTOBER 15, 2020

MINUTES

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Jeffrey Kisiel; Colby Gamester; Jody Record; Jay Leduc; Corey Clark, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I

MEMBERS ABSENT: Polly Henkel, Alternate

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WORK SESSION (6:30 PM)

- I. Review and discussion of proposed revisions to the Site Plan Review Regulations
- II. Review and discussion of proposed revisions to the Subdivision Regulations
- III. Review and discussion of proposed revisions to the Floodplain Overlay District section of the Zoning Ordinance

Ms. Walker commented that the presentation would encompass all of the regulation changes. Ms. Walker focused on the changes that were made from the September meeting. There were minor revisions to the site plan, subdivision and zoning ordinances for flood plain. Brian Goetz Deputy Director of Public Works, James McCarty GIS Coordinator, Peter Britz Environmental Planner and Storm Water Specialist Bill Archery were present to speak as well.

Ms. Walker commented that the key changes talked about for the site plan review regulations that focused on storm water were in Articles 2 and 7. Tree planting updates were made for Article 6 to be consistent with current practices. Revisions were made to the regulations for the national flood plain insurance requirements. Finally, there were some revisions made for housekeeping to be consistent with the online permitting process. Changes that have been made since September include adding requirements about minimizing fertilizer usage. Mr. Archery commented that there was a provision in the AOT regulations that references the new coastal assessment risk guidance for projects that involve infrastructure with design life for more than 30 years. The regulations were updated referencing the 2020 manual which follows similar language to the AOT. Any project replacing or adding new

infrastructure connecting to the City's system would need to include flood protection measures. There is a catch all statement noting that the applicability of measures would be determined by review of the City.

Ms. Walker commented that there were subdivision regulations and zoning requirements for the flood plain requirements. For the subdivision section they had to update the flood hazard zone definition. The zoning has to specifically reference the maps going into effect in January 2021. The City had to change the definition of new construction to be in compliance with the FEMA definition. Last time this went to City Council they requested to revise the definition which they did. However, it has to revert back to the original language to be in compliance.

Mr. Britz added that it was important to use the approved FEMA maps and be in compliance, so that people can get flood insurance. Flood insurance only works if the zoning is compliant with the adopted FEMA maps and the language is up to date as approved by FEMA. The maps will be in effect for 2020 but came out in 2014. The topography on the maps have changed, but other than that there is very little change.

Chairman Legg commented that one of the notes under the subdivision regulations references subdivisions with more than 5 acres or 50 lots should show base flood elevation. Portsmouth doesn't deal with developments that large. Chairman Legg questioned if it should be for any proposed subdivision. Mr. Britz responded that it was required when it was close to a flood plain. It would not hurt to put it in there, and people can apply for a waiver. Ms. Walker confirmed that they would look at that and bring it back for the public hearing.

Mr. Clark noted 20% clay referenced in the topsoil specifications is pretty hard to find. Contractors will have a tough time getting that specification. There is usually a lot more silt and little bit of clay. Ms. Walker responded that they would review it with the City Arborist.

REGULAR MEETING (7:00 PM or after)

I. APPROVAL OF MINUTES

A. Approval of Minutes from the September 17, 2020 Planning Board Meeting

Vice Chairman Moreau moved to approve the Minutes from the September 17, 2020 Planning Board Meeting, seconded by Ms. Record. The motion passed unanimously.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

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

Mr. Kisiel recused himself.

Mr. Gamester moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Vice Chairman Moreau. The motion passed unanimously.

III. PUBLIC HEARING ON CITY COUNCIL REFERRAL (OLD BUSINESS)

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

SPEAKING TO THE APPLICATION

Ms. Walker noted that Eversource wants to rename the road. Right now, it is a private unnamed road. Generally, for a private road the City defers to the party requesting it. The City reviews the name to ensure there is no issue then defers to the party. The Planning Board has input and then it goes to the City Council.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **recommend approval** of this request to the City Council, seconded by Mr. Gamester. The motion passed unanimously.

IV. PUBLIC HEARINGS – NEW BUSINESS

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

SPEAKING TO THE APPLICATION

Eric Sorry and Jack Blalock spoke to the application. Mr. Sorry commented that the property is at the inlet in Little Harbor and has been eroding for some time. The section of lawn on the property is wetland and there is an existing dock. The proposal is to install a living shoreline. They will add stone at the edge, regrade, install berms that will be 5 to 1 slopes, and add a rain garden. The rain garden will convey to the existing pipe. The whole area will be planted to revert to a natural marsh state. The mounds will slow flood waters and reduce erosive potential. There will be three different planting zones and six different plantings. The rain garden will have a wetland seed mix and ornamental grasses. The mound area will have salt tolerant grass mix. The berm areas will get a wildlife seed mix and wildflower seed mix. There will be some pathways to the docks that will be maintained as lawn. They will gather seed from the adjacent marsh to plant it with another salt tolerant seed mix in the tidal area. The low marsh will have reed grass. Rocks will hold the soil with a double layer of coconut matting. The dock will be redone because it is failing. The Conservation Commission recommended approval of the project. This has been submitted to DES, but they have not heard back yet. The Commission requested that they prepare a slope failure plan and that was included in this packet. There will be a deed restriction on the whole area to ensure that the marsh is protected.

City Council Representative Whelan questioned if there was a septic field on the property. Mr. Sorry responded that the property was on city sewer. City Council Representative Whelan requested more information on the pipe the rain garden will go to. Mr. Sorry responded that there was a catch basin on the edge of Clough Drive. It has been in there since the 1950s and is in pretty good shape.

Chairman Legg questioned if tapping into that pipe rain changed the grandfathering of that existing rain garden at Little Harbor Elementary. Mr. Sorry responded that they did not look at that rain garden, but there are all grasses around it. It is probably getting good treatment. This project won't impact that.

Vice Chairman Moreau questioned if the deed restriction would encompass maintenance guidelines. Mr. Sorry responded that it would reference the monitoring plan and slope failure plan. This will be monitored for 2 years after installation.

Chairman Legg questioned how they were planning to deal with the geese. Mr. Sorry responded that they were a concern. The area will be fenced off for 2 years to allow the vegetation to take hold.

Chairman Legg questioned if there were 2 docks or just one. Mr. Blalock responded that it was just one. The other dock shown on the plan is the abutters. Chairman Legg questioned if they were partly treating the abutter's property. Mr. Blalock responded that the abutter did some work at the end of last year. The project will tie into their berm.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** this request, seconded by Mr. Gamester with the following stipulations:

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

The motion passed unanimously.

Vice Chairman Moreau commented that it was a really great plan. It is good to have residents step up to fix the shoreline issues. Chairman Legg agreed the plan was innovative. It will be good to act as an example of what can be done in Portsmouth and on the Seacoast.

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

SPEAKING TO THE APPLICATION

Attorney John Bosen and Peter Mocklis spoke to the application. Mr. Bosen commented that they were seeking a revision to the site plan that was approved by the Board in January. Part of the approval stated that the dumpster would be screened with materials in sync with the building. That has been interpreted that it requires the applicant to build a brick structure. That estimate came in at \$42,000. Mr. Bosen noted that they are proposing a simpler fence and included a picture to show an example. The dumpster is 25 yards away from the building.

Vice Chairman Moreau commented that the dumpster will sit in the middle of the parking lot and questioned if they could do something that was less see through like a wooden fence. Mr. Bosen responded that they can put up a canopy around the fence to make it look less like a chain link fence. Vice Chairman Moreau commented that the wrap should be solid and not see through. Mr. Bosen responded that the wrap is almost like a canvas but made of hard plastic. Bottom line they are looking for relief from the brick enclosure and the cost associated with that. Vice Chairman Morea commented that they should not be able to see through the enclosure and it should be taller than the dumpsters.

Ms. Walker commented that the example picture below looks more like a wooden enclosure. The enclosure doesn't have to be brick, but it should something more architecturally appealing.

Mr. Mocklis commented that the intention was to not see the dumpster, but they do not want to build the brick enclosure. The goal is to make it look nice, but not be brick.

Chairman Legg commented that the Board originally expected waste would be housed in the new building without an exterior dumpster. The Board took great comfort when they saw images of the

enclosure that although waste would be outside the exterior would be of the same quality as the building. A chain link fence is not the same quality.

Mr. Bosen commented that they submitted a chain link fence because it is 25 feet away from the building. Any material other than brick would be acceptable. The goal is to find a more price conscious material.

Mr. Kisiel noted that the proposal from the contractor includes \$500 for block steel fencing. They can do that for less than \$5000. Mr. Bosen agreed that they could do steel fencing all around.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Chairman Legg commented that the Board was not committed to the brick enclosure but was not for a chain link fence either. Chairman Legg questioned if they should postpone this application to see the new proposed fence, or if Staff was comfortable to handle it. Ms. Walker responded that was up to the Board. The Board can postpone if they want to see the new proposal, but Ms. Walker was comfortable with the comments from the meeting tonight to handle as well.

Vice Chairman Moreau moved to **grant** this request, seconded by Mr. Gamester with the following stipulation:

1) Dumpster enclosure does not need to be brick, but cannot be chain link and the enclosure shall be above the height of the dumpsters and shall not be see through. Applicant should refer to the type of fencing presented to the Board in January as an example of fencing that would be acceptable.

The motion passed unanimously.

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

SPEAKING TO THE APPLICATION

Vice Chairman Moreau recused herself from the application.

Kenton Slevenski spoke to the application. Mr. Slevenski commented the Request was for an attached ADU that will be created as part of a second-floor expansion. A second floor will be added to a single-story ranch home. There will be a master bedroom and bathroom with walk in closets on the left side of the home. The right side of the house will have a separate entrance. The common room would lead to

an ADU with its own door. It will be 750 sf and include a bedroom, office, living/dining room, bathroom with laundry, and kitchen. The only item that this application does not meet is the lot area size and relief has been received for that.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

The Board voted as follows:

1.) Mr. Gamester moved to find that the application satisfies the requirements of 10.814.60, seconded by Ms. Record. The motion passed unanimously.

2.) Mr. Gamester moved to **grant** the conditional use permit as presented, seconded by Ms. Record with the following stipulations:

2.1) In accordance with Section 10.814.90 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Section 10.814, including the owner-occupancy requirement and shall renew the certificate of use annually.

The motion passed unanimously.

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

Mr. Kisiel recused himself from the application.

Chairman Legg commented that this will be divided into two separate votes with two separate public Hearings.

SPEAKING TO THE APPLICATION – for the 1-year extension

Greg Mikolaities with August Consulting and Attorney Tim Phoenix, Architect Sotia Cheyney, Adam Wagner and Kim Rogers spoke to the application. Mr. Phoenix noted that the project was granted approval in November 2017. It has been granted two extensions thus far and the extension will expire on November 15, 2020. The original extension was requested because of some issues related to the 5-lot development including Foundry Place Garage. The project could not start until the City was done with the garage in the Fall of 2018. Then there were private project problems, construction cost increases, and it was difficult to find an anchor tenant. The commercial space was reduced, and the residential space was increased. The team met with the Planning Department prior to Covid-19 with preliminary changes. Ms. Walker thought the changes could be approved administratively. Then Covid-19 hit and the architect on the project could not deliver in time. They have since hired Market

Square Architects to take over. In July they submitted the application for an extension. The application wasn't scheduled to be considered until now and it was decided that this should go in front of the Planning Board. The project should have been in process with the last extension before the expiration date, however, Covid-19 has impacted the projects progress. As a result, they are asking for one more extension.

Vice Chairman Moreau questioned if the project was actually going to get started in the next year. Mr. Phoenix responded that there was no no reason to believe it won't. Market Square Architects is working to get the design done. Mr. Rogers confirmed that they were moving forward on this. They have gotten preliminary cost estimates in that are on budget and talking to 3 different lenders who are interested in lending on this project. Things are looking positive. There is a very good chance this project is breaking ground early next year. Mr. Wagner added that the biggest impact Covid-19 had on the construction market was the volatility of the lumber prices. Across board those prices are stabilizing. Prices are coming back down to normal rates.

Chairman Legg commented that it would have been good to have financing in hand to demonstrate to the Board they have the finances to complete the project. It is understandable that Covid-19 has had a huge impact on businesses and individuals for the last 7 months. However, the applicant had 30 something months before that to complete the project. It is difficult to point to Covid-19 as the cause for the delay. Mr. Rogers responded that it was a struggle to make the initial as design cost effective. They explored the possibility of a hotel, but the public objected to the height of the building at the ZBA. The team decided to go back to the original design and look at how to make it more efficient or effective to build. The project is looking good and Mr. Rogers was confident they can get in the ground if they get the extension and work through the redesign.

Mr. Phoenix commented that there has been challenges and the Board has found the project meets requirements for the original extension and the second one. The sections in the site plan review say an extension is grantable if things haven't changed substantially. Chairman Legg responded that the Board does not need to give an extension. There is a reason the City and Ordinances have timelines. They are not arbitrary. They are to ensure an approved project is built in a timely manner. The longer that project goes without being built the further it gets away from current land use thinking the City may have.

PUBLIC HEARING – for the 1-year extension

Rick Beckstead of 1395 Islington St. commented that 40 Bridge St. was a similar project to this one. It went through 2 extensions and then got a 3rd extension. Things have change significantly. Mr. Beckstead felt that the job of the Board was to not grant a third extension. Covid-19 is understandable but not an excuse. The project was altered, and changes were made for it to be a hotel. The neighborhood that was in favor of the approved project came out to speak against the hotel. There should not be a third extension granted.

Elizabeth Bratter of 159 McDonough St. commented that this was the third time the developer has asked for an extension. Every time it comes with a different design and new uses. The Board should deny the extension request. If the property only built 27 units and they sold for \$500,000, then it would make 13.5 million dollars. Ms. Bratter was not sure why there were conversations about financing issues. The Board should not allow the extension.

Tim Phoenix understood that this was unprecedented. Covid-19 has never happened before. Because of the length of time Covid-19 has negatively impacted this project, the team requests that the Board grant the extension.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION – for the 1-year extension

Mr. Gamester moved to approve the one-year extension, seconded by Vice Chairman Moreau.

Mr. Gamester commented that the applicant probably got lucky that Covid-19 caused a delay. The granted extension expires next month and during this extension period Covid-19 happened and that was out of their hands. Because of that alone Mr. Gamester would support the motion.

Vice Chairman Moreau commented that this project was brought to the Planning Board a year too soon because they couldn't start until the garage was done. Vice Chairman Moreau agreed with Mr. Gamester that Covid-19 was a blessing for them in some ways. It is hard to run a business during times like this and a lot of people have been impacted. Vice Chairman Moreau was willing to support a third extension, but this was the last time.

Chairman Legg commented that they may have gotten lucky because of Covid-19, but that doesn't change anything. Chairman Legg had little confidence when the applicant asked for a second extension. The Board was assured they would have a foundation in the ground. The economy did not shut down until March. There has been no demonstration that this team has the ability to build the project. The City does not want the parcel to lay fallow for another year or 2.

City Council Representative Whelan noted that he was also not going to support the extension. There have been a lot of projects that have not stopped and pushed forward during Covid-19. City Council Representative Whelan had no confidence in this team to push through and get it done.

Ms. Record agreed with Chairman Legg and City Council Representative Whelan's comments.

The motion failed by a 4-5 vote.

SPEAKING TO THE APPLICATION – for the amended site plan

Greg Mikolaities with August Consulting and Attorney Tim Phoenix, Architect Sotia Cheyney, Adam Wagner and Kim Rogers spoke to the application. Mr. Mikolaities commented that Market Square Architects submitted a letter in August 2020 summarizing the revisions. The summary included zoning and parking calculations. The site plan eliminated the second entrance off Hill St. There was a change of elevation with the footprint on the west property line. The bottom slab was put in to deal with a ground water issue. After analysis they found that if the slab was raised 18 inches there would not be any water issues. The transformer location was determined with Eversource. The footprint was reduced by 150 sf on the ground. The community space and green space has not changed. There was a TAC comment about the note for regrading Hill St. That note needs to be corrected to show that Hill St. will be milled and overlaid. A total of 10 feet 1 inch was taken off the building. The entrance will

be off Foundry Place with 31 ground level parking spaces. The north side will have a new side entrance. The roof level penthouse was eliminated and will now be a covered outdoor patio.

Ms. Cheyney commented that the roof of this plan was lowered 10-feet 1 inch from the approved site plan. The approved plan was 76.4 feet and this is 69.3 feet. The rest of the building is 68.3 feet. From average grade the overall building is 50.9 feet. It is only 9 inches over the zoning ordinance. The footprint was reduced 4 inches inside along entire building.

Mr. Mikolaities commented that the team met with TAC on October 6, 2020 and the application was approved with 9 conditions. The first two were DPW questions about the water room location. The plan has been updated and reviewed by DPW. TAC requested that a bike rack be moved and that was done. The roof deck was reduced in size to meet code. There were six more conditions to be completed prior to permit issuance. TAC requested that all notes that referenced "by City" be removed and that was completed. The contours will be fixed. There will be three parking spaces on Hill St. that will be for Hill Hanover Group. There will be landscaping along the City right of way. The applicant is proposing landscaping and has agreed to pay and maintain it. There will be a landscaping agreement. There are four carry over conditions from 2017 that the applicant has agreed to do.

Mr. Phoenix commented that they completed a parking analysis and updated with the new apartment unit changes. Ms. Walker did not agree with the analysis. Mr. Phoenix commented that it was their position that the site plan that was approved included parking and that was vested for the appropriate period of time. That should not change. There is a new ordinance from the original approval and that would lead to a different parking result. Mr. Phoenix's analysis says 69 spaces are required and the City's analysis for 2020 is that 72 spaces are required. That number includes 11 visitor spaces. Mr. Phoenix asked that the parking already vested not be reconsidered. This will be a private parking lot that tenants will enter with a key fob. Visitor spaces are not needed. Commercial use does not require parking in the downtown overlay, but residential use does.

Vice Chairman Moreau questioned if the parking provided on the first floor was underground. Ms. Cheyney responded that the parking was in the basement underground. Vice Chairman Moreau noted that the parking lot was under agreement with people across the street and questioned if they were still providing parking for that. Ms. Cheyney confirmed that counted as part of the parking total and they were providing access through the Courtyard entry, stair 2 entry, and at the front of Foundry. Vice Chairman Moreau questioned if the new roof deck would be for year-round use. Mr. Rogers responded that it would be a seasonal deck.

Chairman Legg noted that the August 24, 2020 cover letter parking summary revised the total required spaces from 53 to 65 due to an increase in residential units. The parking was reduced on site but added to the municipal lot. The original proposal had 50 on site and 15 off site. Mr. Rogers responded that they applied the parking requirement based on the zoning that was in effect in 2017 when approval was obtained. The total required was 65 spaces. Chairman Legg requested more details on the Hill St. side of the building for the revised proposal vs. the original proposal. Ms. Cheyney responded that they heard the concern about the building height from Hill St. The average grade is 16 feet. Hill St. is 18 feet on one end and goes down to 13 feet. The building height from the 18 foot side is 48.3 feet and from the 13 foot side is 53.3 feet. Chairman Legg questioned how that compared to the original approval. Ms. Cheyney responded that the average grade was 14.6 feet. The building was 60.4 feet from the Hill St. average grade. The proposed building height is 50.3 feet from the 16-foot average grade.

Vice Chairman Moreau requested more details about the residential units. Ms. Cheyney responded that there will be a some one bedroom units, some two bedroom units, and some larger one bedroom units with more space for a den. Mr. Rogers added that the intent was to rent the units.

PUBLIC HEARING – for the amended site plan

Elizabeth Bratter of 159 McDonough St. commented that there was a discrepancy on the Hill St. height from the plan in 2017. It starts at 53.2 feet on the Hill St. side then moves back with a whole series of balconies and terraces. Then it goes from 64 feet up to 76 feet. The building is lower in front then steps up on the Foundry St. side. The height has nothing to do with grade. The original plan had 16 spaces on the first floor with 14 for Hanover St. Now there is only 31 spaces in the basement parking. The new plan shows apartment and commercial space with open space. The original plan redesign was more user friendly. This zoning is wrong. It did not match the neighborhood. The scale, density and size does not go with the neighborhood. The plan reduced onsite parking by 70%.

Bruce Summer Manager of Hill Hanover Group was concerned about the imposing height and distance from the existing property compared to the previous plan. The parking easement for Hill Hanover is for 14 spaces and it is unclear where those spaces will be.

Kim Rogers confirmed there was a parking easement with Hill Hanover Group and the City. There was a step on the part of the building facing Hill St. and that has been eliminated. This proposal is using wood construction which makes it difficult to do a step. Part of the original approval included a bonus incentive that allowed 5 stories and 60 feet. The penthouse was removed and reducing the height and stories was a compromise. This design is similar as far as a full four-story face.

DISCUSSION AND DECISION OF THE BOARD – for the amended site plan

Chairman Legg requested that Ms. Walker explain the difference in opinion on the parking between the project team and City Staff. Ms. Walker responded that the project team is only applying current zoning to the added units. In 2017 the parking requirements for this property were 1 space per residential unit. There was still a reduction of 4 and no requirements for non-residential. There were no visitor parking requirements. The revised parking requirements in effect today apply the same standards that are applied elsewhere in the City for residential units. The spaces required are based on the size of unit. Units less than 500 sf require .5 spaces and anything over 750 sf is 1.3 spaces per unit. One visitor space is required for every 5 units. If those requirements are applied to the whole project, then the result is a different number than if it is just applied to the new units. The total for the revised proposal with the current zoning would require 72 spaces. It is a difference of 3-4 spaces. The applicant can figure out a way to make up for parking or come back for a parking CUP. The applicant is modifying their approved plan and should comply with parking requirements.

Mr. Phoenix commented that if this was built and then the inside was changed, then the building would be grandfathered. Mr. Phoenix did not see a difference between a project that was vested by approval vs. vested by being built. What was approved is not changing and should not be subject to the new 2020 ordinance.

Mr. Pezzullo commented that it seemed like there was more off-site spaces in the parking garage with this proposal and questioned if there was a certain allotment for these projects. Ms. Walker responded that part of the land agreement does provide a specific number of spaces to the lots originally owned by

Deer St. Associates. There was no stipulation that it had to be allocated a certain way between the lots. They can't double count.

City Council Representative Whelan noted that the proposal had 35 spots in Foundry with 5 other parcels that need to have parking. City Council has not voted on an agreement yet to allow the parking. City Council Representative Whelan questioned how many were left after these 35 spaces. Ms. Walker responded that she believed the agreement was for 68 spaces. That was a combination of spaces in the garage itself and some surface spots. The Lot 3 approval used a portion of those spaces as well. Between those two projects the allotted spaces are either maxed out of nearly there. Chairman Legg commented that they have no ability as a Board to dictate how the agreement is carved up. City Council Representative Whelan commented that residents already have a parking problem on Hill St.

Mr. Clark questioned where the 10 flex parking spaces were. Ms. Walker responded that they were the surface parking on the side of garage.

Mr. Clark clarified that the 14 spaces for Hill Hanover Group will indeed be in the new building. Ms. Walker confirmed that was correct. Three of the spaces will be on the street.

Mr. Gamester commented that the revisions were satisfactory, but the parking one was difficult. It is easy to understand both points of view. The applicant should go for a parking CUP.

Vice Chairman Moreau agreed with the City's point of view because the project hasn't gotten far. They should apply to the new zoning. It is not the same project. A lot about the building is changing. It is disappointing the step was eliminated.

Chairman Legg agreed with Vice Chairman Moreau's comments that the building itself is less attractive. On the other hand, it provides a better functionality for the City with more residential units. Overall it is acceptable because there is better functionality. The average height on Hill St. still seems less than the original proposal overall.

Mr. Gamester moved to **grant** the amendment request, seconded by Vice Chairman Moreau with the following stipulations:

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

off- street parking or apply for a conditional use permit from the Planning Board for approval of a reduction in off-street parking.

The motion passed by a 7 -2 vote.

V. OTHER

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

Ms. Walker noted that this was a revision to an easement. It is in front of the Board because the Board approved the original easement as part of a previous site plan approval. The easement would allow pedestrian access continuously through the site. It seems preferable to staff to have a connection from Maplewood Ave. to Bridge St. This was able to happen because the applicant came to an agreement with abutters. The other easement would be converted to commercial space.

Chairman Legg questioned if there would still be a walkway to Deer St. Ms. Walker confirmed there would be.

Mr. Gamester moved to **recommend approval** to the City Council, seconded by Vice Chairman Moreau. The motion passed unanimously.

VI. ADJOURNMENT

Vice Chairman Moreau moved to adjourn the meeting at 9:15 p.m., seconded by Mr. Gamester. The motion passed unanimously

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Respectfully submitted,

Becky Frey,
Acting Secretary for the Planning Board