

**APRIL 26, 2018 AT 5:30 PM SITE WALK – 105 BARTLETT STREET
[PLEASE MEET IN THE PARKING AREA IN FRONT OF GREAT RHYTHM BREWERY]**

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

**April 26, 2018
reconvened from
April 19, 2018**

AGENDA

RECONVENED FROM APRIL 19, 2018

I. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION:

The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision)

B. SITE REVIEW:

The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**.

II. PUBLIC HEARINGS – REZONING REQUEST

*The Board's action in these matters has been deemed to be legislative in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A. Request of **Clipper Traders, LLC** for Zoning Change from Office Research (OR) and Transportation Corridor (TC) to Character District 4 West End (CD4-W) and Character District 4 Limited2 (CD4-L2), for property located at **105 Bartlett Street**, Tax Map 157, Lots 1 & 2; Tax Map 164, Lots 1, 2, 3 & 4 (also shown on Tax Maps 139 and 144).

III. PUBLIC HEARINGS – OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

*If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the March 15, 2018 and April 19, 2018 Planning Board Meetings).

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

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that issue should be raised at this point or it will be deemed waived.*

- A. The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Site Plan Review for a 92 unit, 4-story apartment building with a footprint of 18,430 ± s.f. and gross floor area of 92,150 ± s.f., consisting of parking on the lower level and 23 dwelling units on each of the 1st, 2nd, 3rd and 4th levels, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 154 as Lot 2 and lies within the Character District 4-West End (CD4-W).
- B. The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) as follows:
1. Proposed lot #1 increasing from 179,032 ± s.f. to 179,160 ± s.f. , with no change in street frontage.
 2. Proposed lot #2 decreasing from 206,319 ± s.f. to 206,191± s.f., with no change in street frontage.
- Said properties are shown on Assessor Map 146 as Lot 27 and Assessor Map 154 as Lot 2 and are located in the Character District 4-W (CD4-W).

V. CORRESPONDENCE:

1. Letter from Attorney John L. Ahlgren to Robert Sullivan, City Attorney, dated April 4, 2018, regarding Airbnb.

VI. ADJOURNMENT

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you wish to attend a Planning Board meeting and need assistance, please contact the Human Resources Office at 610-7270 one week prior to the meeting.

**ACTION SHEET
PLANNING BOARD
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**April 26, 2018
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AGENDA

5:30 PM SITE WALK – 105 BARTLETT STREET

A Site Walk was conducted at 105 Bartlett Street by Juliet Walker, Planning Director and Nicholas Cracknell, Principal Planner.

I. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION:

The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision)

Voted to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration.

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B. SITE REVIEW:

The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**.

Voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.

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II. PUBLIC HEARINGS – REZONING REQUEST

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Voted to **postpone** the public hearing to the May 17, 2018 Planning Board Meeting.

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III. PUBLIC HEARINGS – OLD BUSINESS

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- A. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the March 15, 2018 and April 19, 2018 Planning Board Meetings).

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- A. The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Site Plan Review for a 92 unit, 4-story apartment building with a footprint of 18,430 \pm s.f. and gross floor area of 92,150 \pm s.f., consisting of parking on the lower level and 23 dwelling units on each of the 1st, 2nd, 3rd and 4th levels, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 154 as Lot 2 and lies within the Character District 4-West End (CD4-W).

Voted to **grant** Site Plan approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. Easements shall be provided for all new public utilities and easement plan shall be updated accordingly.
2. Landscaping shall be reviewed and approved by the Fire Department for access to Fire Department connections.
3. The applicant shall coordinate with DPW for review and approval of the stormwater surface drainage from the parking lot at 95 Brewery Lane to avoid negatively impacting proposed landscaped areas.
4. The applicant shall correct the mis-labeled 12" to 12' on the site plan.
5. The developer shall contact NHDES to review proposed impacts to the existing monitoring wells as a result of the proposed construction and secure a written decision/approval for the site plan as it relates to the monitoring wells. Developer shall be responsible for any relocation, adjustment, or abandonment of any of the wells as approved by the NHDES.
6. The developer shall provide an access easement to the City to continue to sample the monitoring wells.
7. The developer shall coordinate with NHDES to secure any necessary approvals / permits for removal/disturbance of soil on the site within the Groundwater Management Zone and documentation of these approvals shall be provided to the City.
8. The developer shall contribute \$20K for the construction of sidewalks on Chevrolet Ave to Cass St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2021.
9. The developer shall contribute \$25K to improve the Bartlett St signal on Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.
10. The developer shall contribute \$60K for the construction of a sidewalk along Jewell Court from Brewery Lane to Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.
11. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
12. The applicant shall agree to pay for the services of a third party inspector, to be selected by the City, to inspect all on-site utility work.

- 13. All easement plans and deeds shall be reviewed and approved by the Legal and Planning Departments and, as needed, by the City Council.
- 14. The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 15. The Landscape Plan shall be revised to add additional landscaping along and within the conservation area on Chevrolet Ave to provide year-round screening for the Aldrich Road neighborhood.
- 16. The applicant shall propose locations for adding benches within the community spaces to be reviewed and approved by the Planning Department.
- 17. The applicant shall confirm the location of any sloped granite curbing.

Conditions Subsequent (to be completed after building permit approval):

- 18. Developer shall conduct on-site parking usage analysis (by a qualified consultant) prior to construction and within 1-year of full occupancy to be submitted to the Planning Department.
- 19. The developer shall work with the City to convert Chevrolet Ave to a city street.
- 20. Developer shall be responsible for resurfacing Brewery Lane between Jewell Ct and Plaza 800 parking lot.
- 21. The developer shall provide engineered plans for the Jewell Court sidewalks within 6 months of the Planning Board approval.

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B. The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) as follows:

- 1. Proposed lot #1 increasing from 179,032 ± s.f. to 179,160 ± s.f. , with no change in street frontage.
- 2. Proposed lot #2 decreasing from 206,319 ± s.f. to 206,191± s.f., with no change in street frontage.

Said properties are shown on Assessor Map 146 as Lot 27 and Assessor Map 154 as Lot 2 and are located in the Character District 4-W (CD4-W).

Voted to find that granting of the following waivers will not have the effect of nullifying the spirit and intent of the City’s Master Plan or the Site Plan Review Regulations, and to waive the following regulations:

- 1) Section IV.6 – Preliminary Plat - entire area proposed to be subdivided.
- 2) Section V.6 – Final Plat – Dimensions and areas of all lots to be subdivided

C. Voted to **grant** Preliminary and Final Subdivision approval with the following stipulations:

- 1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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V. CORRESPONDENCE:

1. Letter from Attorney John L. Ahlgren to Robert Sullivan, City Attorney, dated April 4, 2018, regarding Airbnb.

Placed on file.

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VII. ADJOURNMENT

*It was moved, seconded, and **passed** unanimously to adjourn the meeting at 11:00 p.m.*

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Respectfully Submitted,

Jane M. Shouse,
Acting Secretary for the Planning Board

MINUTES

PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 PM

April 26, 2018
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A site walk was held at 5:30 pm at 105 Bartlett Street, prior to the regular meeting. Presentation was by Juliet Walker, Planning Director and Nicholas Cracknell, Principal Planner.

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I. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION:

The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision)

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

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B. SITE REVIEW:

The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**.

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

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II. PUBLIC HEARINGS – REZONING REQUEST

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SPEAKING TO THE APPLICATION

Vice Chairman Moreau recused herself.

Doug Pinciario and Ed Hayes from Clipper Traders introduced the project team. The team included Attorney Tim Phoenix, John Chagnon from Ambit Engineering and Brandon and Elisa Holben from Winter Holben Architecture and Design. Mr. Pinciario thanked the Planning Department for their detailed efforts to offer a solution to the old rail yard. This rezoning effort was not a completed task ready to be memorialized. It is not everyday that the Planning Department makes a re-zoning recommendation. It seemed like a simple journey since a few of the adjacent buildings were in the CD4W zone. It made sense to extend that zoning along the whole property. After digging into the details in November it became obvious that there was a level of complexity that needed to be considered. This packet included a detailed map to make sure all of the solutions have been custom fit for its location. The Planning Department's recommendation seemed like a complex solution. The further down the property the smaller the buildings become. The road that comes in from Ricci Lumber is owned by the railroad. The lumberyard is also leasing some property from the railroad, which will be part of the purchase. Lot 5 goes from Great Rhythm Brewery to Cornwall St. This is where the most densely developed buildings would be. The purchase from the railroad will be finalized next week. Additionally, the hope is to include the parcel going from that point to the gate next to the mineral pile. The goal is to put that under agreement with an easement to allow the bike path to continue out to Maplewood Ave. The bike path will run in the blue line area, which represents the no build zone. It will run from Bartlett St. out to Maplewood Ave. Slide 3 showed why this area should be rezoned. It is the City's feeling that the zoning of this parcel needs to be changed if it is ever to be developed. The zoning is currently office research (OR.) The goal is to make a residential community. There will be significant costs involved in this project. The biggest part will be the rebuilding of the road. It will involve moving and burying utilities. Including looping the water into the City's line. The current zoning would allow for a potentially large commercial building to be built. If the land is not purchased now, then the railroad will most likely expand the area to be a propane storage yard. The railroad is anticipating a significant increase in propane tanks.

Mr. Pinciario brought perspective to the requested zoning as it related to the City's recommendation. Initially, the applicants asked for the CD4W zone to extend from the lumberyard property down to the end of the property. The City's recommendation was to create different height and footprint zones with different sightlines. The first zone to the left of the brewery includes a 5-foot reduction from the

standard CD4W building height. The Yellow zone past the current marine construction business reduces buildings by 10 feet in height. Past the third zoning line is the CD-L2 height, where the building height allowance is reduced by 20 feet. The building height steps down further as you move closer to the center of Portsmouth. There is a 4-foot wide sewer pipe that the City approved a road on. They can't build on that part of the site, but they can put a road on it. The setbacks from the water include a 50-foot no build zone. The plan is to bring the developments close to the 50-foot line, but that whole area will be available for an easement for the bike path. In conclusion the City of Portsmouth realizes that office research is not the right zoning for the property, and encourages more residential zoning.

Ed Hayes is owner of Ricci Lumber, which has been in business for 61 years. Mr. Hayes' father worked there from 1960-2005. The property looks at the Mill Pond and Mr. Hayes feels fortunate to work near such a nice waterfront. A lot of people have no idea how beautiful that waterfront is. It has taken a lot of work to make it cleaner than it used to be. 1998 was the first year the community did a clean up of the area. It was a three-day event. The second year was a two-day event and two dumpsters were filled. The 4th year half of a dumpster was filled, and the fifth year they went somewhere else because it was so clean. This area needs some more cleaning now. It serves as an important ecological site. Mr. Hayes' family has conducted business the right way for 61 years. He wants to continue that and improve it. There is a lot of invasive flora and fauna on the site. The goal is to put in more native plants. In the end they want a project that they are proud of. Mr. Pinciario and Mr. Hayes bought the build that Great Rhythm Brewing is in together a few years ago. Mr. Hayes showed before and after pictures of the trash and cleanup in that area. The goal is to make a connection between there and downtown. Mr. Pinciario and Mr. Hayes went to the "Density Done Well" presentation put on by a former Vancouver City Planner. One main point from that presentation was that if there is an opportunity to provide public access to waterfront, then a City should do it. Mr. Hayes was there tonight to ask for their vote.

Juliet Walker, Portsmouth Planning Director, followed up the applicants' presentation with an explanation of the zoning amendments. This initially came from City Council then went to the Planning Board. The Planning Board voted to continue the public hearing. The Planning Department has incorporated some of the initial feedback and came up with some suggestions for revisions. Ms. Walker oriented everyone to the site. Ms. Walker showed the properties involved in the proposed rezoning area. A good number are owned by the railroad. Ms. Walker showed a slide that showed the current zoning. It is CD4W near Ricci Lumber. The original proposal was to extend that zoning all the way back with an extension of the West End Overlay District. There are separate height variances that are not determined by the Character Districts. There is a base zoning and then lines along the street that determine the height along with other requirements. Just because a building is in the CD4W district does not automatically mean that the height would be 2-3 stories. The revision the Planning Department proposed involves breaking the property into two districts. The line for that division should be at Brewster St. The zoning would be CD4W until Cabot St. From Cabot St. to Brewster St. would be CD4-L2. Ms. Walker showed a map that showed the height areas. Most of the height areas follow a street. There is no street yet on the property, so the plans followed the shoreline. All of the properties that abut the shoreline allow for 2-3 stories with a 40-foot height district. The area would be eligible for an extra 10 feet or one story higher with incentives because it is in the West End Overlay District. Then the next section would be 2-stories with a 35 foot height. Then the Planning Department is proposing a new height district of 1 story with a 25-foot height. There is a current district that allows for 1 story 20 feet. This change would allow for a little more room. The front portion of the property

would still be CD4W. The blue line on the plans extend the West End Overlay District if the applicant complies with incentive requirements they could be eligible for them. In addition there were some other changes that were not reflected on the maps. One of the recommendations is to increase the maximum building length from 80 feet to 100 feet. The reasoning for that is that 80 feet is not realistic for a unit to be wide enough to support underground parking. The Planning Department added new community space types, building types and façade types across the district. This was added in the Gateway Zoning but it wasn't adopted for the Character Districts. It makes sense to include for the Character Districts. This was just a housekeeping update. It would only apply to properties that met the requirements in the incentive overlay district. Any properties in the CD4-L2 in the incentive overlay district could have maximum footprint of 3,500 square feet. Another addition would allow for a one-story recess connector to connect buildings in the CD4W district. For any building with ground story parking they recommended reducing the minimum ground story height to 9 feet and required a liner building that would be something other than residential use. The minimum for off street parking was adjusted for what was amended in the off street ordinance last December. The community space was clarified to state that the community space on the property should be 20% of the total development of the property.

City Council Representative Perkins thought that what has been done so far was an excellent group of changes that was responsive to the community feedback. City Council Representative Perkins requested clarification on the block change from 80 feet to 100 feet. Why is 80 feet not enough space? Principal Planner Nick Cracknell responded that it was related to the parking and the number of units in the building. The units will likely have a first floor drive in parking area with units on the second and third floors. An 80-foot building would only allow for three units. A 100-foot building would allow for four units. The goal was to make the zoning match the concept plan until the site walk. That's the main reason for the length increase. It is to allow for the fourth unit.

City Council Representative Perkins questioned if there was an entrance requirement for an apartment building in the CD4W district. Mr. Cracknell responded that he did not think the entrance space requirement would apply for any of the buildings at the end of a private driveway.

City Council Representative Perkins noted that new parking requirements were adopted at the end of 2017. It was adopted only in the overlay district. Would they only get the new parking requirements if they qualified for incentives? Ms. Walker responded that whether you are in the district or not you would have to comply with the off-street parking requirements. Previously there was no incentive because they had decreased the parking requirements. They left the non-residential as it was and eliminated the residential. Now with the revision there was no need to keep that in there because it's not an incentive any more. The non-residential is still an incentive.

City Council Representative Perkins questioned if the greenway was required to be within 25 feet of the waterfront or between the 25 and 50 foot no build zone. Ms. Walker responded that it was the staff's assumption that the greenway would operate outside the 25 foot no disturbance zone. They anticipate it would be between the 25 and 50 foot no build zone. The preference is to have the greenway outside the 25-foot no disturbance zone, but as close to the waterfront as they can get. It would still need DES permitting. There is a bid out now to have a design for the trail. That way a design would be set. It would require a permit, but would not be as invasive as a building. It would likely involve some restoration of the shore way.

City Council Representative Perkins noted that one thing that received a lot of feedback on was the idea that there might be a fence somewhere. Ms. Walker responded that she was aware of the feedback. The railroad will likely require a fence next to any development along their line. Ms. Walker did not know any more about the fence at this point. Mr. Chagnon added that there was a similar development property on the Route 1 Bypass. The railroad gets a notice about activity next to the rail line. A standard letter that the railroad sends is that the development needs to put up a fence. That will probably come up for this. City Council Representative Perkins questioned if the fence would continue across the railroad or if it would just be along the building. Mr. Chagnon responded that would be up to the railroad.

Assistant City Manager Moore commented that it was referenced in the presentation that the block lengths for the CD4-L2 would affect other parts of the City. Where would those be? Ms. Walker responded that there are CD4-L2 districts along the Islington St. corridor. The proposal is that it would apply for all properties within the CD4-L2 districts. Mr. Cracknell noted that for a sense of scale is that most of the blocks on Islington St. are less than 100 feet block to block.

Ms. Begala noted that the changes were primarily focused on maintaining the building height and density with the context of the surrounding neighborhood. Ms. Begala believed that included the neighborhood across the water. She had a lot of questions about the height, particularly the 4 and 3-story buildings. Unless there is a lot of that in the area now. How is that achieved in this adaptation of the zoning? Mr. Cracknell responded that was an excellent question. The context of the corridor CD4-L2 only allows for 35-foot buildings, which is 2.5 stories. That is in harmony with the other buildings. This is very consistent with what is behind it. Even if those homes may not be 35 feet in height that is the zoning that has been there for decades. The brewery, marine repair and lumber building are all industrial buildings and it is CD4-L2 down Islington St. The building heights are not that different in the industrial district. The goal was to find the sweet spot between recognizing that this is its own little pocket of Portsmouth with and industrial history and coming up with a building height that is workable. Across the pond the building height is also 35 feet. It is really not that different other than it's more compact than what is in the GRA district.

Ms. Begala noted that there was a big difference between a 2.5-story building and a 4-story building. Mr. Cracknell responded that the building on McDonough Street is tall. When you look at the context of the neighborhood it's not easy to say it's inappropriate. Ms. Begala agreed with making the zoning residential. Ms. Begala questioned the amendment on page three of the memorandum to that allowed incentive standards to allow maximum building footprint to 3,500 square feet in CD4-L2. Mr. Cracknell responded that was purely a function of extending the block to 100 feet. If you extend the block, then the footprint needs to be bigger too. Ms. Begala commented there was a need to balance the appropriate use of the land and the ability to have extended community space. The developers keep saying with financial feasibility. Where is that threshold? How do they know what density needs to be achieved to reach that? Ms. Walker responded that they need to make sure the changes don't make it unachievable to build. Mr. Hayes added that he could not say an exact number of units, but they anticipate a tremendous amount of money will be needed for infrastructure, utilities and the road construction. The developers anticipate environmental remediation. It is unknown what is there today, and testing cannot be done right now. The minimal amount of testing that has been done is surprisingly good. It is mostly clay. There are a lot of unknowns. It's a tough mission. This property has many constraints. Ms. Begala read about the West End from the Master Plan, which noted that a reasonable amount of density and quality of life needed to balance. There are a number of letters from

citizens in the area about the environmental impact and public health risk assessment. Mr. Hayes appreciated that and anticipated completing the environmental testing needed. This is a high visibility project. Ms. Begala questioned how this related to the Coastal Risk Assessment. Mr. Hayes responded that it was not in the flood zone. The area has never flooded in the 53 years he's been there.

Ms. Record requested clarification on why the staff was splitting the zoning. Ms. Walker responded that there is an industrial history on the lot and they see an appropriateness for density along the portion closer to Bartlett St. The Planning Department recognized the reason the petitioner asked for the re-zone in relation to the density. The Planning Department looked at the view corridors. Ms. Record wondered if there could be a couple more buildings in the front instead of bigger buildings. Ms. Walker responded that was something they were considering. The CD4W zone also has broader uses like a restaurant. That alludes to the vibrancy attributed to the West End.

Deputy City Manager Colbert-Puff noted that she kept flipping between the aerial photo and buildings on the plan. The site walk was helpful. It would be nice to be able to see an aerial view with some dimensioning on it. For example showing the dimensions to the block lengths in the McDonough neighborhood. That would make it easier to scale things. Ms. Walker agreed.

Mr. Kisiel questioned why this parcel was not included when the West End was rezoned. Mr. Cracknell responded that they had to stop somewhere. There was a limited budget and a 3-day charrette. The railroad wasn't at the table to sell the property at the time. It is the West End from the turntable. As you get to the CD4-L2 zone then you're in a transition zone. It is not the West End and it is not downtown. The fundamental difference between the zones like is the dimension and density is higher. That's why the West End is higher than the transition to CD4-L2. Mr. Kisiel commented that if this was not rezoned a building in OR could build up to 60 feet. Ms. Walker noted that this area would apply to the Industrial District heights even though it is in the OR District. The height would be 45 feet within 200 feet of the water. There is a portion of the property that could be 60 feet.

Ms. Begala commented that the McDonough St. neighborhood is mostly single-family houses with height limits of 40 feet and a maximum coverage of 40%. Ms. Begala had a lot of specific questions about the housekeeping updates. For example, in the amended article 5a page 5 of the draft materials the first point amended the definition of a duplex that the building may have yards or setbacks on all sides. Ms. Walker responded that was because in the Gateway Zone Ordinance they use setbacks not yards. Yard is the same as setbacks in the Gateway Districts. Ms. Begala commented that was confusing. Ms. Walker responded that it was just housekeeping. When the Gateway District Ordinance was adopted not everything was revised and updated. This was just housekeeping to keep up. Chairman Legg noted that it might be helpful for Ms. Begala to work offline with Ms. Walker on this. Ms. Begala agreed.

Mr. Clark questioned what the square footage of Great Rhythm and Ricci Lumber was for comparison purposes. Mr. Pinciario responded that the Great Rhythm was 22,000 square feet and located 40 feet from the North Mill Pond. Mr. Hayes' building is up in the mid 30s.

City Council Representative Perkins questioned if the topography of site played into building height determination as well. Mr. Cracknell responded that the topography was looked at, but the primary driver was the context. They looked at the amount of buildable land between the railroad and the setbacks.

Ms. Begala commented that she hoped that the density equation for public safety and health was considered. Right now the proposed road is going in with no egress. What happens for emergency egress? Mr. Hayes responded that safety is paramount. The applicants were hoping it would be possible to get access all the way to Maplewood Ave. by that next week. That would alleviate some concern because a through way could be provided. Ms. Begala noted that would address traffic concerns too. Mr. Hayes agreed and noted that traffic concerns were something they were prepared to deal with.

Chairman Legg commented that this might be first time the public may have heard about this, and requested the Ms. Walker elaborate on the proposed ordinance. Ms. Walker responded if the developer provides community space or workforce housing, then that developer can take advantage of up to 80% maximum footprint coverage. Buildings can go up one story can have ground story height of 9 feet. The off street parking incentive for non-residential parking was added as well. In order to have those things, the developer needs to meet certain conditions. Some were added to CD4-L2 like the building could be 3,500 square feet with a one-story connector building. They have to provide community space or workforce housing. For lots close to North Mill Pond there has to be a continuous greenway that is 20 feet in width and a multi-use path. They have to meet the greenway definition. It has to be parallel and within 50 feet of the waterfront on the waterside of the building as allowed.

Chairman Legg pointed out that page 5 noted an outdoor dining café in the proposed amendments to expand outdoor dining into these districts. Chairman Legg expressed concern that a restaurant with outdoor dining on the water side of the buildings could cause sound to carry across the pond. It could be disruptive to the north side of the pond. The City should note that. Ms. Walker responded that one way to address that is to not allow outdoor dining. Another option would be to not allow it specifically in that area along the water. It could either be not allowed or require a CUP.

Mr. Chagnon pointed out a few things. The applicants know people have concerns about the process and the sensitivity of the site. The public hearing for tonight was for the zoning. Additional work will be done with this Board for the subdivision. Then they will apply for a site plan approval. There will be a lot of hearings and public comment on what will actually be built in the future. The process includes going through the Conservation Commission and DES. They will comply with their regulations. There will be work with the City with the greenway that will involve a lot of coordination. The property they are purchasing has setbacks that dwindle the available areas. They are pursuing it to complete the greenway.

PUBLIC HEARING

Elizabeth Bratter owns properties at 159 McDonough St., 342 Cabot St., 177 Bartlett St., 2 Clinton and 48 Clinton St. Ms. Bratter is a direct abutter to the North Mill Pond. Every time she attends any of the City's meetings she is always reminded to keep her comments short and that they should only be relevant to what is before the Board that she is speaking to. Therefore, she wanted to remind the members of the Planning Board that any decision they made tonight could not be based on possible solutions to the problems that lot 5 will cause. They can only be based on what is presented today. Lot 5, as it is being presented today, should be zoned GRC or another residential status to continue to maintain the character and the zoning that already exists on both sides of the North Mill Pond. Please

look at exhibit 3 “area of rezoning” request. Notice that all that brown is all residential zoning. The majority of abutting properties on both sides of the pond are residential. This lot could be split to have GH/MA and GRC zoning. Zoning lot 5 CD4-L2 would be contrary to the spirit and the intent of maintaining the character of the neighborhood.

Jonathan Wyckoff of 135 Sparhawk St is a lifelong resident of Portsmouth. Mr. Wyckoff was surprised at the speed at which this project was moving. The developers started the process in November. It was first introduced in February. Now all of a sudden a change in the zoning is being requested. Mr. Wyckoff was generally in support of changing it to a residential zone. The CD4-L2 amendment is important. The greenway path is the community space. The concerning part about that is that the greenway path is not written in stone. This could all change after the zoning is changed. It could be sold again. This is a cul-de-sac and it is a long drive from Bartlett St. There was a developer that wanted to put senior housing behind the Jackson Gray building. The City wanted second egress and that stopped the whole development. If these developers are indeed going to have more discussions, then it needs to be on the table now, or at least before the Board votes. It needs to be clear that it is indeed a safe project. Mr. Wyckoff was also concerned that the road would be built on the sewer that has collapsed before. It did not make sense to him. The buildings should be in a 3-D model or aerial photo that shows the continuous block.

Melissa Doerr of 304 Cabot Street has lived there 18 years. Her home abuts lot 5. Lots 1-4 were not problematic. Ms. Doerr had concerns about lot 5. The neighborhood has changed a great deal, and she was open to change. Ms. Doerr was pro business and development and any change that enhanced the neighborhood. There is a possibility that this project could do that. Many questions cannot be answered until variances and permits are granted. Ms. Doerr assumed that the developers would request the maximum allowances to allow the maximum return on investments. The developers have been very open and helpful and Mr. Doerr respected that. Giving the developers the opportunity to build a larger footprint on a larger scale will reduce green space in the neighborhood. This is a unique and vibrant residential neighborhood sandwiched between a downtown and industrial environment. Ms. Doerr had environmental and traffic concerns. The Board should carefully consider the benefit of the proposed greenway. It sounds attractive and it is what the City wants to do. However, if the fence blocks it off, then it would block it from the McDonough Street Neighborhood. People would have to walk to CVS then to the path.

Scott Thornton, owner of Great Rhythm Brewery spoke in support of the application. Mr. Thornton and his wife came into the property in 2012. Even back then the property wasn't a great site. It was not a desirable area to be. There is a lot of homeless and trash back there. Mr. Thornton was hoping to see a revitalization of the area with positive growth and community gathering places. It just so happened that this property is on North Mill Pond. Mr. Thornton is happy to be there and the people who come in really appreciate the brewery. There is a lot of trash where the old turn style is. Mr. Thornton works closely with Mr. Pinciario and Mr. Hayes to clean up the area. It's an eyesore that sat vacant until 2012. Then the brewery went in and that was a positive change. This property is pigeon holed. It's in a unique zone. If this opportunity passes by how long will the property sit like this? They are trying to do some good for the community. Not every developer does that. This spot will be cleaned up. This project will impact the brewery. Seeing the area cleaned up and gaining access to the greenway would be amazing. People would appreciate the pond more that way.

Dave Rheume of 81 Langdon Street had read the information provided by applicants' attorney. Some assertions made in the written information as well what was presented tonight caused Mr. Rheume to have concerns. The developers noted that there was a large turnout at the neighborhood meeting with positive support. There was a lot of concern and people will show up when you offer free beer. The developers commented that the OR zone was a placeholder. That would mean that the Planning Staff and Boards did not properly pursue the appropriate zoning for this property. Mr. Rheume disagreed with the placeholder statement. It's an amended version of the Office Research zone. That showed that it could be Office Research. The Office Research is not a bad zone. It offers opportunity.

Nancy Johnson of 81 Clinton St. was planning to address only lot 5, but was blown away at the size of lot 4. The developer is saying that they want multi-level apartment buildings and town house buildings. This should be GA zone; that is the most restrictive in terms of residences. It doesn't allow retail. The surrounding community has worked so hard to keep litter and debris out of the pond. Retail would create more litter with bags, cups and straws. Ms. Johnson did not want to see retail that would put trash in the pond. Garden apartments would be great there as well as townhouses. The garden apartment would give the developer everything they say they want and it would not allow retail in the GA zone.

Karina Quintans of 51 McDonough Street is an abutter to lot 5. Ms. Quintans comments were based on all of the conversations about the project and letters from those in the community. Her biggest concern was lot 5. Ms. Quintans was not entirely convinced that lot 5 was appropriate for residential/retail development. She did not support the vote in the zoning change. There was not enough information to vote on this zone change yet. Lot 5 has a lot of unknown variables, including environmental health risks. This location is in a future flood zone. The area is in the wetland. The Planning Board should consider the quality of life and continuity of neighborhood character. The fence would divide the neighborhood from the site. A lot of people are excited about the greenway, but this should not be approved based on that alone. Ms. Quintans would like to see a 3-D model to see if this would be appropriate. It would be ideal for lot 5 to be kept an open green space with a bike path. Lots 1-4 are less problematic. Ms. Quintans requested that the Planning Board refrain from voting that evening.

Sally Elshout of 311 Cabot Street has been in the area for 40 years, and lived on Cabot Street for 3.5 years. Ms. Elshout thought very highly of Mr. Pinciaro and Mr. Hayes, but still had some concerns. Lot 5 was the biggest concern because it is near where she lives. Ms. Elshout also had environmental concerns because this was so close to the waterway. Ms. Elshout used to live on Dennet St. and was part of the clean up of that area, and would like to make sure it stays that way. One building should not be used as precedence for the area for building height. There are too many unknowns that still have to be determined. How will the railroad impact the road going through there?

Jim Hewitt of 726 Middle Road did not think it was appropriate to recommend zoning changes until it was known if it's safe for people to live there. This is industrial land and has a different background. Mr. Hewitt wanted to make sure there weren't long-term health risks.

Matt Boyer of 152 Clinton St. had a letter signed by 9 people who lived on Clinton Street. The properties across the water have not been represented very well. A comment was made that they should not be considered as strongly as the people who live closer to the buildings. The water causes noise to carry, such that they might as well be right next to the buildings. Mr. Boyer lives right across

the water from Great Rhythm and when the windows are open it sounds like people are drinking in his backyard. Adding more residential housing would make this area louder especially if a restaurant with outdoor seating was allowed.

Joe Calderola of 170 Dennett Street spoke in support of the application. In the last meeting Mr. Calderola disclosed that he had long business relationship with Mr. Hayes and Ricci Lumber. He pointed out that the distance between the buildings by Great Rhythm and Clinton Street was about two city blocks. In this situation Mr. Calderola did not think that the building would be perceived as offensive at that distance. He wanted to make that point. As you get further away you're four blocks away from the building. That permits a larger scale.

Elizabeth Bratter owns properties at 159 McDonough St., 342 Cabot St., 177 Bartlett St., 2 Clinton and 48 Clinton St. Amendments to the zoning should be as follows. Any structures directly across from the single-family homes in McDonough should not be any taller than one story. This is needed to maintain the character of residential areas because these structures, as shown today, are one block long (site map # 83,84, 86,87.) Site map # 80 (doesn't exist) and the site map # 85 could be 3 stories since neither abuts a single-family home. These lower amendments would be compatible with the established character of its surroundings and are consistent with the City's goal for the preservation or enhancement of the neighborhood. If allowed any higher it would visually create a giant wall behind the single-family homes on the McDonough side. It would create visually a large wall of buildings from the Clinton side of the pond. Right now it is nothing but undeveloped land. This would adversely affect property values. At a minimum 100 to 150 feet from the water's edge should be zoned as conservation land and possibly donated to Fish and Game to be preserved in the character of its surroundings. Lot 5 has been undeveloped for 35 plus years therefore the wetlands along North Mill Pond should be protected. Changing their use from OR/TC to even residential much less CD4-L2 would be contrary to the goal 5.2.2 of the City's Master Plan to "pursue open space acquisitions that create wildlife corridors and ecological connects." No official greenway should be put in by the City; there already is a gravel path that meets the needs of those who enjoy visiting this sanctuary in the City of Portsmouth.

John Wyckoff of 145 Sparhawk Street encouraged the Planning Board to think about postponing the decision and have a work session on this. Mr. Wyckoff could not believe they would be ready to vote on this tonight. There is the possibility to continue this discussion into the rezoning of the Granite State Minerals area. That is the missing key of the whole affair. The road would have to go out on Maplewood Ave. Right now there is the possibility of dumping 240 cars including the traffic from Great Rhythm and Ricci Lumber onto Bartlett Street. The public at the neighborhood association have been requesting a traffic study. If this were anywhere else in the City it would be taken more seriously. In general Mr. Wyckoff was in support the rezoning, but felt that it needed more discussion.

Melissa Doerr of 304 Cabot St. commented that her primary concern was for the environmental impact on the pond. A lot of effort has gone into cleaning up the pond. There is a potential impact to the residents that live here. The site is tricky and all of the studies will probably happen down the road. They should look at the parking garage studies because it's the most similar. There could be health risks for building on a coal and tar site. Is it healthy for people to live on this? The site has not had flooding, but that should be factored in here especially because of the wetlands. It is a common sense gut check that needs to be done in terms of the wetland. Ms. Doerr asked that the public see a 3-D model for lot 5 to see the impact to McDonough St.

Dave Rheume of 81 Langdon Street noted that the developers think about transforming the property, but they need to expand vision and look at zoning change. There is talk about residential zoning in lot 5 and some areas closer to Ricci Lumber. Mr. Rheume's personal guess was that at some point in time Ricci will move. The Board has to consider what will be happening there as well. A lot of adjectives like daunting and tough mission are used to describe this area. They factor into the choice of what is appropriate for zoning. There is a lot of discussion about how difficult this is. Planning is working to make a solution, but it is getting more complicated. Office research is not necessarily the worst thing that could happen here. There is plenty more opportunity for development in the West End for example, the Frank Jones Brewery site and the Frank Jones Convention Center. Is this the right place for residential buildings?

Nancy Johnson of 81 Clinton Street walked to the site walk and saw that traffic was backed up from Bartlett Street to Clinton St. and the dead end of Woodbury Ave. was backed up. That is typical because that is the traffic pattern. It would be helpful to have a plan of the property now and have a clear overlay that people can come look at. Ms. Johnson understood that they don't know exactly where the buildings would be, but the overlay could put lot lines and wetland setbacks on top of what is there now. That would help to get a better sense of the space. The 3-D models the City has are wonderful although you are looking down on the buildings. The perspective is not looking from sidewalk up so it is hard to get a good sense of the building. There are flooding issues. That land is largely filled. There was water between the railroads. Some of the old maps show that. If the City does start getting more flooding and heavy rains will this area support the rain? Whatever zone is chosen particularly for lot 5 the City is stuck with it. It's hard to say if Ricci Lumber will be there forever. The Planning Board members and the Planning Department staff can change. The only protection for the pond in the long run is the zoning.

Joe Calderola of 170 Dennet Street reminded the Board that many of the issues being discussed are site plan issues that will be discussed later. Mr. Calderola also reminded everyone that the current zoning does not leave it vacant. OR allows for a scale and density of what these proposed buildings are or bigger. This proposal is not an increase of what is allowed, but a decrease.

Sally Elshout 304 Cabot Street commented that the concern is that there are a lot of unknowns. It is still unknown if the greenway would be completed. There are too many unknowns right now to make a decision today.

Elizabeth Brattter owns properties at 159 McDonough St., 342 Cabot St., 177 Bartlett St., 2 Clinton and 48 Clinton St. There is only one exit out of lot 5 as the rezoning request presented today states, through lots 1, 2, 3, 4 to Bartlett St. Presently during peak driving times the traffic from Bartlett St. already backs up to Woodbury Ave. and Islington St. There is already a lot of traffic that comes from retail/commercial on Lots 1, 2, 3, and 4. Allowing more traffic coming out of that area would cause a major gridlock. Therefore lot 5 must be zoned residential and should be limited on the number of condo units that can be built, to minimize the impact that adding more commercial and retail in the CD4-L2 or residential would create. The CD-4W zone already allows for a lot of retail and commercial choices. More retail and too many units would generate more traffic and be devastating to those who live on Bartlett St. This gridlock could make selling properties on Bartlett St. less desirable. Ms. Brattter wanted to remind everyone that the property could be split for zoning. It could be split differently still. The beginning of the property could be GA/MA and the other part could be a different

residential zoning. When you dig next to Ms. Bratter's house on Cabot Street the soil is pretty much just coal there. Some of the rail trains that go by have been dripping. Ms. Bratter did not want it to stay Office Research because something large like a hotel or hospital could come in. CD4W allows big things and OR allows bigger things. Ms. Bratter would like to see the zoning residential all the way down. The Planning Board can't make a decision until everything is discussed.

Matt Boyer of 152 Clinton St. had a letter from the neighborhood that handed out to the Board. Most who signed the letter were direct abutters to the pond. The one thing that has been ignored is how close Clinton sits to the CDW4 and how big those building could be. The CD4-L2 designation gives less flexibility, but it allows mixed use. CD4W allows for a 500-person music venue. Mr. Boyer and the neighborhood would have a huge problem with that. Mr. Boyer read the letter from the abutters. Our concern with the rezoning and redevelopment is the noise. There are already and noise issues with the existing business there. The noise carries over the pond due to the water. Attached to the letter was a write up of the physics of that. As the Planning Board considers the rezone the abutters ask that they stand in the backyard of a house on Clinton Street to see how loud it is. When the windows at Great Rhythm are open on a Friday afternoon or a weekend it sounds like the patrons are in the backyard. CD4W allows for a 500-person music venue and a 50-person restaurant. This would be extremely disruptive. Don't allow outdoor seating or a music venue. Change the zoning to GA/MA and consider noise mitigation. The traffic concern has been talked about a little. What has not been talked about is that cars use Clinton Street as a bail out when traffic is bad on Bartlett Street. Adding 120 housing units and mixed use with one outlet would be a major problem.

Dave Rheume of 81 Langdon Street had heard some of the things from some of the neighbors and thought there was a misconception with what the OR zone would entail. The office research zone would offer less density. The uses would be financial locations or office spaces. Medical uses are a potential for that area as well. The main point is that it would result in a smaller less dense use of the area. Office Research would require 35% lot coverage. Residential would allow for a higher density with more lot coverage. The backyards and side yards would be less. OR would require 70 feet, 50 feet and 50 feet around the building. The buildings would be 45 feet in height and not much higher than what was being proposed. OR would be primarily daytime use, so the nighttime noise concern would be less. OR would allow for the same size buildings but they would be more spread out. It would allow a live/work set up in the West End. It would allow for people who live in the area to walk into their office then walk home. It would be complimentary to the West End. CD4W along Bartlett Street makes sense. Then the OR zone allows for opportunity behind it. The OR zone would prevent building in the narrow portion of the property because of the setback and lot requirements. That's where the McDonough St. view sheds are. That would be preserved because it would be open space. It does allow for a municipally operated park. The OR zone is a less intensive use and it would allow for more public use. This area is historically industrial and commercial, not residential. The applicants are now proposing to really change that dynamic. Mr. Rheume was not sure that's what should be done. The shoreline has existed for a long time. The OR zone would allow better maintenance of green open space. The proposed would allow for large and tall buildings close together. They would block the view sheds on McDonough Street and on the other side of the North Mill Pond as well. The other concern is that the proposal doesn't go out all the way to the end. A little piece of OR would be abandoned. Additionally the Planning Staff made changes to the ordinance with a proposal of CD4W. It doesn't make sense calling for CD4-L2 and revisions to the CD4-L2. That would make specific changes to benefit a party. This sounds like spot zoning to benefit one developer. Mr. Cracknell said earlier tonight that the Planning Staff came up with the idea to match the concept plan. Trying to match

zoning to the concept plan is a concern. No one is guaranteed a view shed of the water. The unique thing happening here is that realistically changing the zoning would cause houses to lose their view shed. That would be a substantial change that would impact property values. The people who had bought in that area had a reasonable expectation that the land was OR and unlikely to be developed. This is a unique situation that would negatively impact property values. There needs to be a balance in the change. The only benefit in this proposal is the greenway and we don't know for sure that is happening. Is it enough of a benefit? The plan is offering a very high density in what has long traditionally been an open area. Keeping this zone OR is the simplest solution. It's the right answer and legally avoids the issue of spot zoning for one developer. It is the right answer for the West End and compliments what is being done there. It is the right answer for the history of the area and for the environment. The City does not need to have every square inch of it converted to housing. It is understood that there is need for more housing. This is not going to be workforce housing. Other options should be considered first.

Joe Calderola of 170 Dennet St. liked the yellow section of the zoning change. It impacts anything that can be built there and restricts it to 35 feet and 2 stories or 3 stories with bonuses. The higher and bigger buildings would be 3-4 stories. The public's concern is that it is not consistent with the single-family residential area. Only two properties would be impacted by those buildings directly. The 100-foot long buildings would only be 4-5 townhouses. There is already an industrial building and a whole bunch of undeveloped scrub. When the site plan review comes, it would be interesting to talk about the access corridors to the water. Right now people can just walk across the grass. That would be discussed in the site plan review. Development in this area under an Office Research Zone will never happen. It hasn't happened so far. It's a question of what does the City want. Should the property stay as it is? Residential zoning would bring the return, which would make development sense. What would be the best use? If 2-3 people were coming to the table with different proposals, then that would be one thing. That's not what is happening. It's this one proposal or the property will stay how it is. All of the other concerns that were raised: safety, secondary egress, access corridors, scale, and environmental would all be site plan issues.

Tim Phoenix counsel to the applicants commented after the public hearing. Mr. Phoenix took some issue with concept that this would be spot zoning. It's not spot zoning because it's done with consideration of the context of the neighborhood. Spot zoning is done with something that totally doesn't belong. Right now as the site is it's out of context. The area around the site is residential. This proposal will fit in. The OR zone would allow 45-60 foot buildings. All of this rezoning will result in more housing, cleaning up the site, and a public greenway that will go all the way to Maplewood Ave. All of the other concerns are legitimate, but they will be addressed in the site plan application. It will go through the TAC peer reviews, the Conservation Commission and DES. This has to be financially feasible. The applicant has determined that it can be with this zoning. If it changes too much, then it may not give the right return and it won't make sense. Then it would become propane storage, an Office Research building or left as is. This was not done in a vacuum. The developers worked with the Planning Staff. They would like this to move forward. Nothing else can move forward until this is approved. They received a variance for the subdivision. That had to be the first step. It was important to determine the lot lines. Now the zoning needs to be determined to know what can go in there.

DISCUSSION AND DECISION OF THE BOARD

Chairman Legg thanked all of the speakers and their remarks. They were thoughtful, sincere and respectful. Chairman Legg asked for a motion from the Board to keep public hearing open until the May 17, 2018 meeting.

Deputy City Manager Colbert-Puff moved to **postpone** the public hearing to the May 17, 2018 Planning Board Meeting, seconded by Ms. Record.

Chairman Legg noted that the Planning Staff has put a forth a plan that is pretty sound. Having said that there have been good points made tonight for changes. Some of those points are for issues not related to the zoning they are for the site plan. They are important for the final development, but not relevant for changing the zoning. Chairman Legg thought that the City Staff had probably heard some things that may require adjustments. The discussion should continue at the next meeting.

City Council Representative Perkins commented that she was personally excited by the zoning proposal. It is an excellent reuse of the land and aligns with the Master Plan goals for density and increased housing. The developers and staff have worked to create an excellent plan that City Council Perkins did not have any issues with. This is a very sound proposal. If the public comment is continued, then they should think about the comments made about lot 5. They should also think about the height limits on the lot closer to the end of Bartlett Street. Maybe height there could balance lot 5. Those changes may not need to be made, but are worth thinking about. It would be helpful if the applicants talked about what the environmental process and permitting would be as they move forward. It would be helpful to show the public how that would work.

Ms. Begala listened to all the comments. Some of them led her to believe the property should be rezoned to natural resource protection. It is really hard to determine the zone for this. This zoning should not be led by the developers. It should be led by the Master Plan. This needs more thought.

Assistant City Manager Moore found the idea of the public benefit of the view sheds interesting and wanted learn more about that. That may be part of the site plan review.

The motion passed unanimously.

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III. PUBLIC HEARINGS – OLD BUSINESS

The Board’s action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The application of **Islington Commons, LLC, Owner, for** property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building

#5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725 ± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the March 15, 2018 and April 19, 2018 Planning Board Meetings).

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. The application was postponed at the February 15, 2018 meeting because they needed to provide the updated drainage study. The study has been updated and the application was postponed in March, so that staff would have more time to review. The plan that the Board saw in February is pretty close to the plan tonight. The rain event was changed to a more extreme rain event. A few things in the plan were changed to account for that. It is a small site, so small changes in the storm event had an impact. When going over the plan with DPW they asked that a floor bay be added for infiltration in the middle of the turn around area. That is shown on sheet C2. The plans now propose that the entire non-driveway public portion of the site be porous pavement. Some trees were eliminated, a mailbox was moved and light was added to the area to allow for maintenance. Notes were added to sheet C3 about the pavement rehabilitation on State St. The previous plan did not have as much detail. Sheet C5 was revised because of the change in lighting. The landscape plan was revised to reflect the tree removal. The detail for the filter basin was changed on D3. The volume of the filtration pond was revised. More detail was provided on maintenance on sheet D6. The preference would be to not to delay another month.

Mr. Clark questioned what the purpose of the stone berm was. How would the water go around? Mr. Chagnon responded that the floor bay berm was a stone berm. It allows water to pass through but traps the sediment. Because of grading of the cul-de-sac the water enters from all directions. They decided to ring the circle with the floor bay. Mr. Clark noted that it looked like the study that was posted on the site on the model did not include the beehive in the catch basin. Originally there was a drain line going into the sediment basin, but now it cuts across the cul-de-sac. It doesn't look like that was captured in the model in the study. Mr. Chagnon responded that the bottom of the filtration basin is lined with an impermeable layer. Previously it was not so the pipe went into that catch basin. There was concern about penetrating the impermeable barrier and sealing the pipe. The pipe was moved to avoid risk of leakage. The catch basin is the belt and suspenders and not part of the major study of the flow. It is there to account for the issues next door. Mr. Clark commented that it looked like everything was modeled into the infiltration basin, but nothing to the catch basin. The last sheet shows post conditions. 21 nodes are called out on that sheet, but there were only 18 in the model. Mr. Chagnon responded that there was no flow to the catch basin in the design. It is just there to alleviate any backup that may. It is not part of the model per se.

PUBLIC HEARING

Attorney Peter Loughlin was present to speak instead of Derek Durbin. Mr. Loughlin has not been involved, but read the minutes from the last meeting. This is a classic example of the planning process on an interesting project. This went through the HDC and TAC. The 18 suggestions from those

meetings have been addressed. At the February meeting there was no significant opposition. There were just a couple comments. The drainage figures needed to be adjusted. The figures that were submitted met the City requirements. The applicants and engineers worked with the City continually and additional support has been submitted. Mr. Desfosses reviewed the study and left comments. Mr. Pezzullo may have more comments. They are not talking about traffic, zoning or environmental issues. This is down to technical issues. They will be finalized. Mr. Loughlin asked for approval to be granted subject to the issues that needed to be worked out. Allow this process to go forward. A conditional approval could be granted subject to finalization of the drainage work.

Chairman Legg closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker gave an update from the Planning Department. There have been a number of meetings with the applicant. City Staff have made themselves available despite a heavy workload. Mr. Desfosses looked at the report and did a quick review. He identified some issues and forwarded them along. The applicant responded to the comments. Mr. Desfosses is not the only individual on DPW. The critical feedback was that he was concerned that the drainage study was not modeled correctly and the storm water management area would have to change in size. Mr. Pezzullo is on vacation. Only one person from DPW has reviewed the application at this point. If the Board feels that is appropriate, then that's their decision. One of the reasons this site has taken longer is because it's a constrained site. Drainage is an issue. Ms. Walker did not doubt that the applicant was working to do a good design.

Vice Chairman Moreau commented that it sounded like there was enough question on the DPW side that if the site plan changed it would have to come back. Wouldn't it be easier to just wait on this?

Vice Chairman Moreau moved to postpone the application to the May 17, 2018 Planning Board Meeting, seconded by Mr. Gamester.

City Council Perkins requested clarification on the procedure. There were more DPW questions, but she was comfortable to conditionally approving the application. However, it could change the site plan. Vice Chairman Moreau agreed and noted they may have to come back anyway. Chairman Legg noted that it was consistent with how the Board has handled this particular issue in the past. This is how we chose to handle it the first time. It is important to ensure that it was fully vetted and looked at more. That hasn't happened yet.

Deputy City Manager Colbert-Puff agreed with the comments to make the drainage study right. Only a few Board Members here would understand the technical portion of the study. This was delayed in February and in April they still have questions.

The motion passed unanimously.

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IV. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A. The application of **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Site Plan Review for a 92 unit, 4-story apartment building with a footprint of 18,430 ± s.f. and gross floor area of 92,150 ± s.f., consisting of parking on the lower level and 23 dwelling units on each of the 1st, 2nd, 3rd and 4th levels, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 154 as Lot 2 and lies within the Character District 4-West End (CD4-W).

SPEAKING TO THE APPLICATION

Deputy City Manager Colbert-Puff moved to consider item 4 A and B together and vote on them separately, seconded by Mr. Gamester. The motion passed unanimously.

John Chagnon from Ambit Engineering spoke to the application. Mr. Chagnon introduced Eric Chinburg from Chinburg Builders and Doug Greiner from G2+1 Landscaping. The proposal is a 92-unit 4-story apartment building with lower level parking. A boundary easement plan was included. There is an existing conservation easement and existing utility easements that have City utilities. Sheet C1 showed an open space area plan. There are a number of community open space areas. The right hand panel of the plan shows the open space areas. Numbers 11-16 are the community space numbers. 1 and 12 are the proposed 12-foot sidewalk from Chevrolet Ave to Jewel Court along the Plaza 800 property and Brewery Lane. There is another connection that will be community space along Brewery lane. Number 13 is the central pocket park. It will be in the middle of the site. There is a square in front of the building. There is an edge pocket park and a natural park on the side of Chevrolet Ave. All of that make up the community space. The plans show the access easements to connect the community space to the public. There is an existing conditions plan, utilities plan and demolition plan in the packet. The site layout plan shows the wing shaped building with Plaza 800 to the south. The parking level is highlighted as a cutout. It is accesses by a driveway that crosses the site. The existing sewer and drainage need to be relocated to allow the building to be built. The building that was previously approved was a similar shape but was closer to the neighborhood. As a result of the zoning the building was moved to the west to be 200 feet away from the neighborhood. The landscaping plans show the plantings. The park areas have typical plantings that will occur in the patio areas and the first floor of the building. There will also be plantings along Plaza 800. In a meeting with the abutter from Plaza 800 they requested more trees be added. The trees were added to soften the building edge. The lighting plan provides intense lighting at the connections to the Plaza 800 property. They are providing pedestrian access to the Plaza 800 property in safe locations via crosswalks. The lighting plan reflects the need and desire to make those crosswalk connections well lit. The lighting spills onto Plaza 800 and the owners are in favor of that lighting spill. The plan includes a letter reflecting that. The electrical utilities will be connected to a transformer boot demanded by Ever source.

Mr. Clark questioned if the applicants did anything to change the sight lines as you pull out and try to take a left onto Brewery Lane. Mr. Chagnon responded that right now it is pavement from the building to the curb line the centerline is more or less in the middle. This project would be putting in a sidewalk

and parking and moving the centerline over. That way cars can get further out before they have to turn. Mr. Clark questioned if the applicants left the woods across Chevrolet Ave as is. They are kind of a mess. Mr. Chagnon responded that the applicant has agreed to lease that area of wood. The conservation easement does allow that. It also allows for the addition of landscaping to the edge. They may hear from the public a desire to extend that landscaping. If that's what they want, then the developer can do that. The conservation easement only allows for planting in the first 10 feet from the edge of the road. Mr. Clark questioned if the applicants had gotten feedback from the AOT. Mr. Chagnon responded that they had not filed with the AOT yet. They wanted to get through this first.

Deputy City Manager Colbert-Puff noted that the site layout plan had details for vertical granite curbing and sloped granite curbing. Where is the sloped granite curbing? How is the vertical granite curbing delineated throughout the site? Is the infiltration basin in the parking lot curbed or is that just a line on the plan. Mr. Chagnon responded that the line that shows up is a setback line not a curb. The 10-foot sidewalk in the middle is curbed. There is no curbing at the infiltration island. The intent is that the sidewalks get the vertical granite curb. Mr. Chagnon looked on the plan for the sloped curbs. All concrete sidewalks would be vertical and the sloped would be on the islands. Mr. Chagnon did not find the note on the plan. Deputy City Manager Colbert-Puff just wanted to confirm the infiltration basins would work. In the future she would appreciate attention to the site plan. The difference between the curb and the line is barely discernable.

Mr. Kisiel noted that the building and parking lot moved back to Chevrolet Ave, and pointed out the Zagster location. Mr. Chagnon confirmed it was their decision to move the Zagster. Mr. Kisiel questioned if it was a safety issue. Mr. Chagnon responded that they felt that it was a better location for the rack.

Vice Chairman Moreau questioned if it was their intention to keep the passageway on Chevrolet Ave. private. Mr. Chagnon confirmed that was correct. Vice Chairman Moreau questioned how it would work for large truck delivery. Would they go underground? It could be difficult for move in trucks. Mr. Chagnon responded that they would potentially use the area reserved for emergency equipment.

Chairman Legg questioned if they thought about benches in the common spaces. Mr. Greiner responded that they hadn't talked about the benches. The pocket park is laid out to give a strong sense entry and approach to the building with broad wide steps. There is a patio area and another porch patio. Bench seats could be worked into the patio areas. Chairman Legg noted that he wouldn't add it as a condition but it should be something to look at.

Vice Chairman Moreau questioned if work force housing was considered. Mr. Chagnon responded that this is not workforce housing. Vice Chairman Moreau clarified that all 92 would be market price. Mr. Chagnon confirmed that was correct.

PUBLIC HEARING

Eric Weinrieb from Altus Engineering represented the Plaza 800 owners and spoke in favor of the application. They have worked with Ambit Engineering and Mr. Chinburg closely to work through issues. They were in support of the project.

Patricia Martine of 139 Aldrich Road was happy to see the prop developer and thought that Mr. Chinburg did a good job. Ms. Martine lived on Aldrich Road when the conservation easement was established. It is very strange that you can't enhance the area. The City went through and cut a big swath in that area and removed a lot. Some was put back, but not enough to make it feel like what it was. Ms. Martine encouraged the City to enhance the area and make it as it should be. It helps the drainage. Ms. Martine's property is the lowest point and is really wet. Any trees and buffer that could be put there would be appreciated. It would be a nice addition for the area.

Debi Pekowsky of 121 Aldrich road questioned if the exterior lighting on the building would be on 24 hours a day? That was her concern.

Mr. Chagnon addressed the question. There will be soft lighting on the building and maybe some accent lighting. The lights for the crosswalks would match the Plaza 800 lighting schedule. They do not leave lights on all night. The lighting in the parking area would be dark sky friendly and apply with the ordinance to stay on all night.

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker commented that the developer has worked with the City to make contributions to offsite improvements, which has been significant. The Developer requested to put timelines on the contributions. The City appreciated applicants working with them on this.

Assistant City Manager Moore requested clarification on the proposed timeframes for the developer contribution. Ms. Walker responded that they were outlined in the final recommendation, as items 8, 9, and 10. The developer gave the proposed timeframes and the staff added a year. The applicant requested that the projects be designed or under construction by the timeframe outlined.

Mr. Gamester moved to **grant** Site Plan approval, seconded by Vice Chairman Moreau with the following stipulations:

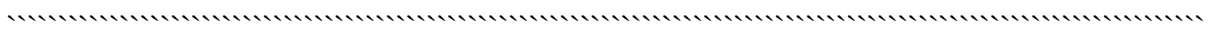
Conditions Precedent (to be completed prior to the issuance of a building permit):

1. Easements shall be provided for all new public utilities and easement plan shall be updated accordingly.
2. Landscaping shall be reviewed and approved by the Fire Department for access to Fire Department connections.
3. The applicant shall coordinate with DPW for review and approval of the storm water surface drainage from the parking lot at 95 Brewery Lane to avoid negatively impacting proposed landscaped areas.
4. The applicant shall correct the mis-labeled 12" to 12' on the site plan.
5. The developer shall contact NHDES to review proposed impacts to the existing monitoring wells as a result of the proposed construction and secure a written decision/approval for the site plan as it relates to the monitoring wells. Developer shall be responsible for any relocation, adjustment, or abandonment of any of the wells as approved by the NHDES.
6. The developer shall provide an access easement to the City to continue to sample the monitoring wells.

- 7. The developer shall coordinate with NHDES to secure any necessary approvals / permits for removal/disturbance of soil on the site within the Groundwater Management Zone and documentation of these approvals shall be provided to the City.
- 8. The developer shall contribute \$20K for the construction of sidewalks on Chevrolet Ave to Cass St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2021.
- 9. The developer shall contribute \$25K to improve the Bartlett St signal on Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.
- 10. The developer shall contribute \$60K for the construction of a sidewalk along Jewell Court from Brewery Lane to Islington St. The contribution shall be returned to the developer if the sidewalks are not constructed, under construction, or designed and scheduled for construction by 12/31/2020.
- 11. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
- 12. The applicant shall agree to pay for the services of a third party inspector, to be selected by the City, to inspect all on-site utility work.
- 13. All easement plans and deeds shall be reviewed and approved by the Legal and Planning Departments and, as needed, by the City Council.
- 14. The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 15. The Landscape Plan shall be revised to add additional landscaping along and within the conservation area on Chevrolet Ave to provide year-round screening for the Aldrich Road neighborhood.
- 16. The applicant shall propose locations for adding benches within the community spaces to be reviewed and approved by the Planning Department.
- 17. The applicant shall confirm the location of any sloped granite curbing.

Conditions Subsequent (to be completed after building permit approval):

- 18 .Developer shall conduct on-site parking usage analysis (by a qualified consultant) prior to construction and within 1-year of full occupancy to be submitted to the Planning Department.
- 19. The developer shall work with the City to convert Chevrolet Ave to a city street.
- 20. Developer shall be responsible for resurfacing Brewery Lane between Jewell Ct and Plaza 800 parking lot.
- 21. The developer shall provide engineered plans for the Jewell Court sidewalks within 6 months of the Planning Board approval.



- B. The application of **Malt House Exchange Realty Trust, Owner**, for property located at **95 Brewery Lane**, and **Portsmouth West End Development, LLC, Owner**, for property located at **145 Brewery Lane**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) as follows:
 - 1. Proposed lot #1 increasing from 179,032 ± s.f. to 179,160 ± s.f. , with no change in street frontage.

- 2. Proposed lot #2 decreasing from 206,319 ± s.f. to 206,191± s.f., with no change in street frontage.
Said properties are shown on Assessor Map 146 as Lot 27 and Assessor Map 154 as Lot 2 and are located in the Character District 4-W (CD4-W).

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to find that granting of the following waivers will not have the effect of nullifying the spirit and intent of the City’s Master Plan or the Site Plan Review Regulations, and to waive the following regulations, seconded by Vice Chairman Moreau:

- 1) Section IV.6 – Preliminary Plat - entire area proposed to be subdivided.
- 2) Section V.6 – Final Plat – Dimensions and areas of all lots to be subdivided

Mr. Gamester moved to **grant** Preliminary and Final Subdivision approval, seconded by Vice Chairman Moreau with the following stipulations:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3. The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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V. CORRESPONDENCE:

- 1. Letter from Attorney John L. Ahlgren to Robert Sullivan, City Attorney, dated April 4, 2018, regarding Airbnb.

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VI. ADJOURNMENT

Mr. Gamester moved to adjourn the meeting at 11:00 p.m., seconded by Assistant City Manager Moore. The motion passed unanimously.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the May 17, 2018 Planning Board Meeting.