

**MINUTES OF
WORK SESSION**

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

MAY 10, 2007

MEMBERS PRESENT: John Ricci, Chairman; Jerry Hejtmanek, Vice-Chairman; M. Christine Dwyer, City Council Representative; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; Raymond Will; Donald Coker; Anthony Coviello; and Paige Roberts,

MEMBERS EXCUSED: Timothy Fortier, Alternate;

ALSO PRESENT: David M. Holden, Planning Director
Lucy Tillman, Chief Planner
Peter Britz, Environmental Planner

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Mr. Holden asked the Board if they would be agreeable to hearing the two Westin applications on June 7th rather than have a Work Session. This is due to the very heavy Agenda that the Board has coming up. He asked for a consensus of the Board. Ms. Roberts asked how that would effect their work with Mr. Taintor? Deputy City Manager Hayden indicated that they will discuss under the next agenda item.

The Board was in agreement to hear the two Westin applications on June 7th.

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I. ZONING ORDINANCE REVISION PROJECT

A.) Zoning Revision Project Schedule, Review of City Council Referrals, and future Work Session Schedule

Zoning Revision Project Schedule: Staff was asked to make up a schedule for the Board's review. Mr. Taintor reviewed the schedule on powerpoint. He showed what they have accomplished and gave a timeframe for future meetings, with an end date in May '08.

Councilor Dwyer asked when they would have time to discuss ideas that have come up through their discussions? Mr. Taintor felt it should be fed through Mr. Holden and Ms. Tillman so they can make time. Councilor Dwyer would like to have time prior to them being 75% done. Mr. Will agreed. Deputy City Manager Hayden reminded them that is only 75% in draft form. Chairman Ricci felt they could just have a one hour work session before their regular meeting and he would like to do it on the 7th. Mr. Will felt it was important to talk about what their priorities are.

City Council Referrals:

Borthwick Forrest had their attorney present, Malcolm McNeill. Mr. Holden stated that the land is located between Islington Street and Borthwick Avenue and the proposal is how the land can best be developed. Chairman Ricci took input on how the Board wants to handle it. Mr. Coviello asked if the applicant had prioritized Borthwick Forrest over Granite Street. Mr. Will understood they were going to do form based zoning on Islington Street so wouldn't that area come first before considering making two major changes to the zoning ordinance? He felt the priority is form based zoning. Chairman Ricci invited Attorney McNeill to speak briefly.

Attorney Malcolm McNeill passed around the history of the Borthwick Forrest rezoning request. He's not sure Mr. Will's suggestion works for them. They have a project ready to go forward that can't as they need a zoning change and they have no other way to seek relief. The only reason they are requesting this activity is because both projects are in the City's Master Plan. It is difficult for a developer to have to wait 9 months for a zoning change so he asked them to prioritize these referrals. The Borthwick Forrest request has a higher priority but the Portsmouth Gardens rezoning request is also important.

Mr. Coker asked about the statement that the only option is a zoning change and that a 6-9 month time frame is not acceptable to them. Attorney McNeill stated that a zoning variance for 37 acres would be very unusual as it is fundamentally a rezoning. Regarding a 6-9 month time frame, they are ready to proceed with a very productive project and that window may not be open in 6-9 months.

Chairman Ricci advised the Board that he will be recusing himself from both referrals.

Deputy City Manager Hayden wondered, knowing how busy they are, if they should start by having a public meeting and finding out what the public thinks. This is very different than Islington Woods and she has a lot of questions. She would like to know what other information she would need to make a decision to move forward on this.

Chairman Ricci asked about Mr. Will's comment about form based zoning. Deputy City Manager Hayden felt that probably was not appropriate as it will not connect to Islington Street. Mr. Will stated that Attorney McNeill said this was in the Master Plan but everything they are working on is in the Master Plan. He couldn't see any justification for prioritizing it.

Councilor Dwyer felt this is clearly a Planning Board issue. She was surprised at the last meeting that people were concerned it would be a lot of work. It is a completely different project than Islington Woods. She felt it would be interesting to have a public meeting to find out more about it.

Deputy City Manager Hayden added they may need other resources other than staff time and it may be good to look into this.

Mr. Coviello disagreed with Mr. Will about the form based zoning. He doesn't understand why they don't get started with this. Mr. Holden confirmed that the City Council has sent this to the Board and they need to decide how they are going to prioritize it and the Department will support their action.

Chairman Ricci was unclear what are they prioritizing and what would be involved? Deputy City Manager Hayden indicated that she was not sure what would be involved.

Vice Chairman Hejtmanek thought they devoted a lot of time to City Council referrals and they were constantly interrupting the process they were trying to complete. Chairman Ricci felt this was different because it was an applicant.

Councilor Dwyer felt that they do not want the City Council to deal with this and this was not a City Council generated item.

Mr. Coviello felt they have an obligation to work on this. Chairman Ricci reminded the Board that they are 6 months behind on the zoning ordinance audit. He feels they need to find out what they are getting into. This Board has done a considerable amount of work over the past year.

Mr. Coviello, in an attempt to start moving this along, felt they should start with the first one and get a presentation. Deputy City Manager Hayden agreed that Atlantic Heights is more of public input into the Zoning Ordinance re-write. Mr. Holden felt it could perhaps be referred to Rick Taintor to work into their schedule.

Chairman Ricci felt it appeared that they were in agreement that they want to address the Borthwick Forrest project? Mr. Will asked if they are the just putting a toe in or are they obligated by the land owner to follow this through. He feels it will be a daunting task. He thinks they need to find out more information.

Chairman Ricci wanted to address Borthwick Forrest and see how much time is required so they can prioritize other items and let staff know. Deputy City Manager Hayden suggested taking it one step at a time. Mr. Hopley asked Mr. Holden when he sees plugging it in? Mr. Holden responded that they serve the Board on this. He does not believe staff has enough information to complete the matrix. He is confident that the one page zoning amendment will not be acceptable.

Mr. Holden suggested a public meeting, with staff notifying abutters, to solicit public comment at the June Meeting.

They could then hear Woodbury Gardens at the July meeting.

Atlantic Heights is scheduled in their Rezoning Audit and it will fit into their schedule. Mr. Will requested a letter back to the neighborhood advising them of this.

Work Session Schedule:

A discussion was held regarding upcoming work session dates. Mr. Holden advised the Board that staff would come up with a schedule to discuss next week at the May 19th meeting.

B.)

Islington Street Form-Based Zoning:

1) Review form-based overlay district types:

Chris Eaton addressed the Board and reminded them of the different types of form based zoning that they talked about last time.

They talked about what she called neighborhood corridors and then another designation just called corridors. The neighborhood designation referred to Islington Street and the corridor designation referred to Lafayette Road. She has revised those titles instead to the mixed use corridor, which is Islington Street, and a major corridor, which is Lafayette Road.

Ms. Eaton presented a powerpoint presentation to the Board on Islington Street. There are three distinct section to Islington Street, being north, middle and south. She asked the Board to consider what can they learn in terms of the standards that they want to apply from her "tour".

The purpose was to look at what forms are on Islington Street and she asked them to notice the distinctions, such as the store character, lot size, whether there as been redevelopment or if there is

redevelopment potential. She asked the Board to consider what standards they want to apply. And they should also think about things that could apply to Lafayette Road.

The north area is roughly from Maplewood to Cabot Street and is an area of historic, residential and iconic buildings including the library and the park.

The middle area goes from Cabot to Albany and is an area of residential character with mixed use buildings.

The south area goes from Albany to the By-pass and has it's own historic character in some places including the mill and brewery buildings, larger lots, redevelopment and a second downtown shopping area (Plaza 800).

Councilor Dwyer asked if they are talking only about the corridor or the blocks surrounding the corridor? Ms. Eaton was talking about one lot in but as they get into zoning they are sometimes including the next block in.

She displayed the south area, including Plaza 800, the button factory, mixed use and some SRB. She reviewed current setbacks. There are large lots that have been redeveloped and there is retail. Some have parking in front and some retail buildings come right up to the road. She showed photos displaying both.

The middle section is smaller in scale. The zoning on the south side is MRB and Apartment behind with and extension of business. The uses are mixed and include businesses with residential character. Lot patterns are very small, although some are deep.

The north section is CBB with the Apartment District wrapping around with a section of MBO and MBB. There is a lot of commercial activity and lot patterns are varied.

She ended by asking what can they learn from overlay standards? There are two options, one for the north and middle sections and one for the south 2 section.

The first option is to make sure standards allow/retain/reward the existing streetscape where appropriate for the North and Middle sections:

- Residential and mixes use building character
- Parking to side, or behind, NOT in front
- Historic or iconic buildings okay
- Storefront character – large windows on street
- “Tight” parking, street width and sidewalks

The second option is where lot patterns allow additional development, or redevelopment is likely (South 2), make sure standards allow infill/refill of similar development:

- Buildings at street edge
- Large scale buildings adjacent to each other
- Mirror mill and factory features
- Less “tight” but more urban than existing

That concluded Ms. Eaton's powerpoint “tour” of Islington Street.

She went on to center on some specifics of some discussion points. She talked about what some of the standards might be. The building forms which come to mind for her on Islington Street, or the mixed

use corridor, are neighborhood commercial, mixed use building with residential, and a residential building which is two stories with a large gable roof.

The first concept that she discussed was street frontage. They talked about a building that would have no setbacks and if they were to develop or redevelop, they could put the parking behind or to the side. The building percentage would front the street by 80% of its building frontage for a neighborhood commercial. For the residential building form she would not recommend a frontage percentage. The mixed use with residential would have a 75% frontage requirement. It would be very specific on how they would figure that.

She asked if the Board would require that as a baseline or form based option? Mr. Coviello was thinking the opposite. Going down Islington he sees the residences going right up to street front. He would like to see the commercial buildings with a pedestrian space in front.

Ms. Roberts was strongly in favor of bringing buildings right up to the street and she would agree with Mr. Coviello that that was a residential issue. Chairman Ricci brought up the issue of steps extending on the sidewalk or would they require recessed steps. Deputy City Manager Hayden noted that a B & B is set back with a small green area in front. Ms. Eaton felt there are different ways to do that. She felt the residential character could "float" a little bit. Ms. Roberts did not want to see a "spacial void" in front of the buildings. She would like to address the dead space. Mr. Coviello does agree there are some dead space areas. The green space in front of Gallagher's is not friendly or inviting. Ms. Eaton felt it might not be street tight but it could be set back a little bit.

Councilor Dwyer stated that she normally likes the concept of coming to the lot line. The street used to be a modest street with an open friendly space in front. They can't go back to what it was but they shouldn't go too far in the other direction either. She felt a higher percentage of lot/width coverage is needed. She also stated, as one of the many people who were hit by a car, the kind of spaces where pedestrians to cross such as at the Pic N Pay, makes people nervous. She felt it was very important to make the street pedestrian friendly and it would be a mistake to be too close to the street.

Ms. Eaton heard some support for a street front requirement but with some leeway. Deputy City Manager Hayden asked if this was in reference to the length of the corridor or just one section. Ms. Eaton felt it would mostly be the middle section which is mostly built out. But they could ask the question for any part of the street. Chairman Ricci stated that what he likes about Islington Street is that it is different in different sections. Mr. Coviello noted that the McDonough Street side is right up to the lot line but the other side is more open and has more flexibility. He felt from Maplewood to the bridge should be up to the property line and the other side should have more flexibility. Councilor Dwyer felt it was the opposite. Deputy City Manager Hayden looked at what area would be the most ripe for redevelopment and they might want to consider form based for the whole length. Mr. Holden suggested that for traffic and right of ways, the right of ways severely constrain that. You need to encourage some open space to encourage greenery to mimic what used to be there. Zoning is long term.

Ms. Eaton discussed other zoning standards, including looking at extending height up, extending density for residential, lot coverage, minimum lot size and parking standards. She felt increasing height by about 10' and allowing for higher density. It also makes it more financially feasible. They need to put together some mandatory items and some incentive items. Councilor Dwyer felt that the other piece of what has happened to Islington Street, which has come out of the Economic Development Commission who is coming at it at a different angle, is that it is more of an extension of downtown. At the last EDC meeting it was discussed that there is not much that can be done for traffic and pedestrian issues. Mr. Holden indicated that the street is not handling the traffic demand that it has now. They need to discuss that issue when considering incentives. They need to be careful about adding on to the existing problem. Deputy City Manager Hayden asked if there was enough cash value to consider parking underground? Mr. Coviello noted there are a few already. Ms. Eaton added that

people who work in the offices and stores may not have their own cars. Mr. Holden reminded them that this is the neighborhood who is considering neighborhood parking permits.

Mr. Holden referred to a recent Site Review project at 1039 Islington Street. Ms. Tillman indicated that it is hard to get tenants because of the demand for the parking for the businesses. It is an extremely tight sight. Ms. Eaton decided that she was hearing that reduced parking would not be considered by the Board

Ms. Eaton asked about the standard for lot coverage for redevelopment. Are they interested in allowing for higher amounts of lot coverage? Councilor Dwyer felt that was an area for incentives. Ms. Eaton added others could be design features and amenities. Mr. Holden felt this would be a good opening to look at lot coverage. Parking has always been a hot button but building coverage is something to consider. There are some things they require, for example, if there is parking that comes up to a lot line, they can require a brick wall with landscaping or they can require a gas station to have a wall along the front to define its boundaries. Design standards can be discretionary and set up for something that is a little unusual.

Councilor Dwyer felt that one of their challenges was no urban landscaping. She asked if form based ever got so far as to suggest plantings. Ms. Eaton indicated that screening and buffering requirements could cover that.

Ms. Eaton discussed streetscape amenities, which would include awnings at least 5' over the sidewalks, transparencies for commercial buildings, outdoor seating, public art or sculpture, public time and temperature devise and planters or urns. Mr. Coviello really liked that as they would have an identity. He thought they should pick a tree so as to have some continuity. Chairman Ricci liked the landscape incentive. The City arborist could review the plan and in exchange there would be an incentive. Mr. Holden felt that a policy of the City could be to set up Elms on the corridor and an incentive would be offered. Or maybe a lilac.

Ms. Eaton referred to uses and talked about a simplified use table and having a wide array of uses allowed. They currently have a wide array of uses. As they go forward in form based, form comes first and uses come second. She asked the Board if they agree that a wide array of uses would be appropriate? It was the consensus of the Board that they agree with that.

Ms. Eaton asked how far back from the corridor they should go? Mr. Coviello felt they should protect the residential section to Pearl Street. Mr. Holden agreed with Mr. Coviello to keep it fronting along the corridor. They could look at expanding uses on McDonough Street and the set back areas. Ms. Eaton confirmed they will come back with a map showing the uses.

Regarding off street parking requirements, Ms. Eaton suggests a reduction of 10% but the Board does not agree.

The last standard deals with the location of parking, to require parking to be to the side with limits on the width, or behind. Mr. Holden felt it could be done with driveway standards and the Board was in agreement. They will also work on ADA standards which may be too tough. Mr. Taintor felt that the places that have the most congestion may not be due to the standards. Parking is a complicated issue and is more than dealing with just parked cars. Councilor Dwyer stated that people feel Islington Street is so dangerous they don't park and walk. Ms. Eaton stated that the Islington Street study had some very good suggestions on engineering improvements on Islington Street to enhance the pedestrian experience.

Ms. Eaton talked about the review process. She mentioned a somewhat discretionary process and asked if there should be a Site Plan Review Committee, or could staff review lower scale projects, or

should the City consider a hearings officer or an attorney or a separate board. Mr. Holden felt it might be better if they hold off on that for now.

Councilor Dwyer asked them to think on the idea of subcommittees of the Boards that may be charged with some aspects. Members of the Board felt that was a good thought and could be discussed at a later point.

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Mr. Holden indicated that the City Emergency Operation Center has asked them to consider street names that are causing problems. Staff has set up a process that has merit and they would like to discuss it at their next meeting. An informal estimate to get through all of the Street names is one year.

Deputy City Manager Hayden indicated they need to make sure the public can weight in at public meetings. They thought they would start with some of the easier streets. Mr. Will stated that the previous process was difficult because of State 911 but this is more local emergency services where they have actually had problems. Mr. Holden added this is also a way to let the public know they are looking for street names.

Mr. Coviello asked if there is a list somewhere they can review? Mr. Holden confirmed that would be coming to the Board for their review.

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II. ADJOURNMENT

A motion to adjourn at 9:14 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on July 19, 2007.