

**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.

FEBRUARY 5, 2009

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Paige Roberts, Vice Chairman; Donald Coker; Anthony Coviello; John Rice; Anthony Blenkinsop; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; and MaryLiz Geffert, Alternate and Norman Patenaude, Alternate

MEMBERS EXCUSED: na/

ALSO PRESENT: David M. Holden, Planning Director; Lucy Tillman, Chief Planner

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6:30 – 7:00 Non Meeting with counsel
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Chairman Ricci called the meeting to order and turned it over to Rick Taintor, City Consultant.

I. DRAFT REVISED ZONING ORDINANCE

A. Proposed Business Corridor (BC) District

**Use and Dimensional Regulations
Special regulations for Business Corridor Planned Development**

Mr. Taintor started with a power point presentation and welcomed questions from the Board. He pointed out the proposed Business Corridor District which only had preliminary boundaries at this point. They are trying to pull in residential districts along Lafayette Road and their goals are to encourage mixed use development, enhance the character of the corridor, expand moderate cost housing, incorporate pedestrian/bicycle access and use the transportation infrastructure efficiently. He gave an overview of two key aspects – creating the business corridor district and creating allowed uses. The use and dimensional regulations are based on the GB district with some modifications. They looked into a reduced front yard. The State would like to do a 92’ setback. So instead of 105’ back from the sideline, it would be from the center of Lafayette Road. They are proposing a maximum front yard with parking behind. Conditional Use would be the BCPD which would allow residential used in

a mixed use development with a further reduction of the front yard and an increase in coverage as incentives for planned developments and better design.

He displayed an updated dimensional standard table for the different districts and explained the dimensions that have changed. Some key changes are pulling the residential density from the BD into the BCPD district, front setbacks, side yards, maximum front yard, 75% coverage allowance but that never happens because you can't get up to that number, FAR of 1.0, percentage of lot frontage that must be occupied by buildings or open space. He showed how they would compute the maximum building height. Mr. Coviello asked about trees in the 10' front yard setback. Ms. Tillman confirmed it would have to be the right tree with enough height. Mr. Taintor displayed a breakdown of the dimensional standards and how they play out. He reviewed maximum building coverage, open space requirement, maximum height and parking. If you go higher than three stories, the parking expands so the building needs to get smaller so there are diminishing returns. He then did the build-out calculations for a three story building and reviewed the parking. It would be 4 spaces per 1,000 s.f. and 1 for 250 s.f. and with mixed uses they can get more of a benefit. He came out with maximum floor area of 54,000 s.f. for a 4 acre lot in GB, or a FAR of .3. Less parking requirement gets you up to a .38 FAR. The additional benefit of higher coverage gives you a smaller setback and up to a 82,000 s.f. of development. If they add residential they would get even more development. The objective is to try and encourage a development to take this route as they get more development and they come under their jurisdiction more strongly and they get to shape the development through the Conditional Use. Compared to non residential maximum of 54,000 s.f. in GB you could have 32,000 s.f. of commercial and 76 dwelling units, using the business district density for residential. 20% of all parcels are over 5 acres or 21 parcels, but they could combine parcels. Water Country is not included in the map so they might want to go back and get the industrial district behind it. Councilor Dwyer asked about the minimum and maximum percentages for residential? Mr. Taintor explained they are just trying to say they needed some significant amount of residential to qualify for the additional benefit but not have all residential. There is not any science to it but just whatever their sense is that makes a good mix. Mr. Taintor also included a build-out calculation for 50% surface parking.

Mr. Taintor displayed ortho photos from the City showing Lafayette Road to display the roadway and 20' and 30' front yard setbacks showing the building area. He did this for the old Yoken's site, the vacant lot across from McKinley Road, Water Country, and the Rye town line by State Street Discount.

He showed some simulations of how areas can change from existing conditions to a more pedestrian friendly site. Mr. Coker asked if they could envision a Wal Mart coming into a BC in this scenario? Mr. Taintor felt it was more likely to have buildings in front of the anchor store as a coordinated development. Their buildings are so big and designed for such a short life span that it wouldn't make sense for them to do that.

Some things that the simulations showed as areas getting rid of overhead wires, landscaping, redevelopment close to the street, adding bus lanes and making everything more pedestrian friendly. He displayed before and after slides of Marhpee Commons in Cape Cod as a failed shopping center which they developed into a town center which was done in many phases.

That concluded Mr. Taintor's slide show.

Mr. Taintor handed out an updated draft on Section 10.1260 Business Corridor Planned Development.

The first page was unchanged. Councilor Dwyer questioned the title, Business Corridor District. She felt it doesn't include anything about residential and maybe they could consider something more like a mixed use corridor. It is important to convey what they are trying to do. Mr. Taintor was completely open to the title. Mr. Coviello asked if they are going after pedestrian friendliness? Mr. Taintor explained that it will still be a State highway so he doesn't want to give the impression of a downtown. Councilor Dwyer added that they are thinking differently about this because it is a gateway and they want to leverage different design standards. Other title ideas were Community Gateway Corridor or Gateway Corridor. Mr. Taintor agreed that was a very good point and they will continue to think about it.

Mr. Coviello asked to be clearer about the parking lot to parking lot access so that they are not driving back on to the main road. Mr. Taintor felt they could say it was an objective but not mandated.

Section 10.1262 General provision. This gives them their authority and page 2 lists the permitted uses. In addition to the uses listed on the use table, they would allow multi family dwellings, studios of artists or artisans, live work space. Section .20 deals with prohibition against multiple dwellings unless otherwise allowed. Section .30 may be contradictory. They are saying that if the mixed use is over 5 acres they have to mix the uses between residential and non residential and if it is under 5 acres it could either be mixed or all non residential. Councilor Dwyer asked what the option gives them? Mr. Taintor explained that it takes away the 5 acre threshold. Councilor Dwyer and Vice Chairman Roberts both strongly opposed having an option. Chairman Ricci disagreed as this is a business corridor and that limits what the developer is able to do. Mr. Taintor stressed that this whole section is an option. They can still do anything that is allowed but this just says if they want the extra option for additional density they have to do residential. Deputy City Manager Hayden felt they should incentivize as much as possible. They want residential but also want to have more control over what it looks like as much as possible. If they don't create enough incentive for them to follow that route then they won't be any residential. Ms. Geffert felt that residential construction will proceed on its own. Mr. Taintor felt there are pretty strong incentives in this section for residential. If someone does the numbers, they would probably go in that direction. But they are leaving it open so they don't have to do residential. Mr. Coviello asked if they are allowing townhouses, as separate buildings? Mr. Taintor confirmed that he meant that you can have dwellings up and down or side by side and you don't have to mix uses in the same buildings but can have different uses in each building. Councilor Dwyer did not believe they wanted to deal with the 5 acre option because they might have a smaller lot where they really intensively want to do residential. Mr. Taintor stated if they don't want to mandate then they could just eliminate paragraph 30. Mr. Coviello felt a developer would want to put residential in up front as there is more money to be made. Mr. Taintor indicated that he will mark this section with a question mark and will work on it. Mr. Holden noticed that they allow one or more lots and he asked if that would be heard if one lot went out of common ownership and would that pose a problem? Mr. Taintor did not feel that was a problem as the idea is to permit things on two separate lots but review them as a comprehensive plan up front so they know what they were getting.

Mr. Taintor brought up the question of 30 vs. 70. Do they feel that is too overpowering for residential? Chairman Ricci asked about what other towns do? Mr. Taintor indicated there are wide variations. It

depends what they are trying to encourage or discourage and different communities have different goals.

Section 10.1264 Development Intensity. This is where the 5 acres comes in. This does not say you have to do 5 acres but that is the figure he used as an example. They are saying the maximum floor area is 1.0. Mr. Holden felt it would be good to have a safety limit as you never know what may happen. Mr. Taintor reminded the Board that the structure coverage would be impossible to exceed at 75%. The building height was changed to 60' and the setbacks from the front and side lot lines abutting residential districts were changed.

Section 10.1266 Site Design Standards. A lot of information was rearranged in this section to make it more logical and other information was changed. Phased development has to show future infill development and there is a provision for pedestrian oriented space, which is a formula.

Councilor Dwyer referred to phasing and the implications. She mentioned the Portwalk project. Are they approving the full site use? A lot of things might affect phasing, such as setbacks, etc. Is everything else contingent on the original approval because they would be approving something that may not happen. Councilor Dwyer felt they would be forcing people to make representations of things they are not ready to do. Mr. Holden felt it could be a problem because how do you enforce a phase plan? Ms. Geffert felt if the phasing was on the same lot then it could be built into the same site plan. Mr. Taintor asked if it was the consensus to move this issue to Site Review? Deputy City Manager Hayden asked if they should add anything in the revised Site Review Regulations on phasing? Parade Mall has brought this issue forward.

Section 10.1266.30 Off Street Parking and Bicycle Parking. Mr. Taintor felt they needed to think about this carefully. This may only work for residential and non residential on the same parcel or maybe for all elements without residential uses but he suggested taking 75% of the parking requirement and that brings them down to 1 space per 330 s.f. and 1.2 spaces per dwelling units. As people will not buy without a parking space, this will probably take care of itself. Mr. Holden felt that on Lafayette Road, on residential use, most people have 2-3 cars so they could run into problems.

Section 10.1266.35. Ms. Geffert liked parking not on the street and she liked the way they have parking set back from the street. She thought that maybe 40% was not low enough. Vice Chairman Roberts agreed. On Section 10.1266.32, Mr. Coviello noted that the Parade Mall is surrounded by four streets so street frontage may cause a problem and maybe there should be some leniency. On Section 10.1266.35, Mr. Taintor asked if they should have parking set back further? The rationale behind the 65' gives you two rows of parking. Mr. Coker asked if the intent is to have more building than parking on the street. Mr. Holden also noted that where the parking is will affect other things.

Section 10.1266.34 was confusing to Deputy City Manager Hayden. Mr. Taintor agreed it was difficult because bicycle storage could have one unit with multiple bicycles in it and that is why it says capacity. Mr. Holden asked if they are fulfilling the purpose by stressing this as a bicycle requirement? How strong do they want to be and do they want to encourage it rather than require it. Deputy City Manager Hayden didn't think it would be difficult to enforce as it would be on the site plan. She likes having it in the section.

Vice Chairman Roberts asked if Route One will have a bike lane? Mr. Taintor described it as a multi use 4' shoulder lane. Vice Chairman Roberts prefers to provide some bicycle capacity somewhere. Mr. Taintor felt it might be clearer to say that bicycle parking spaces for storage capacity shall be provided at a rate of 15% of the off street parking spaces. (15% is the LEED –ND established figure).

In summary, Mr. Taintor confirmed he will look at 32 again as it is not strong enough. He will look at 35 again and check the parking numbers and make it stronger. Section .36 is the exception to .35 with an example on page 6.

Section 10.1266.40 Pedestrian Circulation. Pedestrian facilities must connect the project to adjacent land uses and provide connections through the project to the public street right of way. It was thought that “logical” and “direct” might be hard to enforce but it’s hard to come up with any other wording. Deputy city Manager Hayden liked the diagram and suggested that he change the text to include “such as public art” to make it broader.

Section 10.1266.44, Pedestrian walkways will be raised or just striped? Mr. Taintor confirmed it is meant to be raised and the picture on page 8 reflects that. This was thought to be a site plan issue along with snow storage. Mr. Holden felt that landscaping can get covered with snow in the winter and they have to make amenities for that in the winter. It can also affect drainage on the site.

Section 10.1267.20 Architectural Design. Vice Chairman Roberts felt there was a problem architecturally in more recently designed entrance with principal entrance. Can they make that stronger as it is not always obvious where the principal entrance is located, maybe use the wording “clearly visible”. There was a discussion about the primary entrance and how can you have more than one primary entrance? Mr. Taintor felt they should have one clearly defined public entrance. This is probably not realistic for residential. Mr. Coker asked if they want to get into telling people what they can use for building materials or architectural features? Mr. Taintor clarified that these are all optional in exchange for incentives. This is also part of the Master Plan. This section will encourage more people on site so they will need better way-finding. They should clarify every non residential building and they should make it clear by saying something like clearly defined prominent building entrance, rather than saying primary entrance. Also, maybe it would be better to combine 11 and 12.

Councilor Dwyer was concerned with section 13 and the requirement of clear windows. Mr. Taintor explained that this kind of regulation is if they are contemplating a pedestrian oriented street. This is still going to be a highway and the question is how comfortable do they want to make people walking down it? Councilor Dwyer doesn’t think that pedestrian oriented doesn’t have to mean every single building has to have plate glass windows and she would like some variety. Vice Chairman Roberts saw it as areas that aren’t visual dead zones and she would like interaction between the interior and the exterior. Mr. Taintor agreed this may be too rigid but how do they achieve it otherwise?

Page 9. In breaking up long buildings, 50’ is commonly used to break up these buildings.

Section .23, indicates that the Planning board may modify or prohibit designs that it finds to be inconsistent with this provision. Deputy City Manager Hayden asked if they will they run into problems defending this? She likes the intent of the provision. Mr. Taintor asked about taking off that sentence. Deputy City Manager Hayden would like to think about it a little bit more. Chairman Ricci

would like to see the sentence taken out. Mr. Holden stressed that they need to refer to the sign section. Mr. Taintor will review the formula business proposal that they worked on last year to see if there is anything they could use.

Page 10, Section .25. Councilor Dwyer doesn't understand the prohibition of wood clapboards and shingles, especially with their interest of mixed use and pedestrian friendly. Mr. Taintor explained this came from another city ordinance who really wanted that section. Deputy City Manager Hayden likes the relatively impermanent materials. Mr. Taintor felt they could add on to the end that they might want to allow vinyl for some decorative elements as they are easier to maintain. The general consensus was to take the entire .25 section out.

Section .26, Blank Walls. Mr. Rice was concerned about artwork on walls being defaced and not characteristic of this part of the country. Councilor Dwyer felt some items were appropriate and would have to be redone. Mr. Blenkinsop hesitated to define what was "appropriate artwork". Councilor Dwyer confirmed they have a public arts ordinance which lists these things in great detail. There are a number of things to choose from. The point was made that plants die more often than artwork is defaced.

10.1267.30 Sustainability. The question arose whether they need to comply with all three sections? They are all different levels. The LEED gold rating is too high. Section 32 deals with the site and section 33 deals with the building. Mr. Taintor added that section 31 is energy and section 32 is energyplus and section 33 is the site. A discussion was held about which section should be included. Building sustainability is less of an issue than site sustainability. It was the consensus that Gold LEED is too high and they should just go with .33. Mr. Hopley felt that building codes are going towards energy conservation. Mr. Coviello stated that the Master Plan has asked them to look at sustainability. The building code is making baby steps towards energy efficiency but these sections are much stricter. The buildings are going to be sold so it's important to have these incorporated. Mr. Taintor confirmed that he will look into LEED and come back with some information for the Board.

Mr. Taintor felt they had a very good discussion on the section.

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II. ADJOURNMENT

A motion to adjourn at 9:15 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 February 19, 2009.