

**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.

JUNE 11, 2009

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

MEMBERS EXCUSED: John Ricci, Chairman;

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

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Vice Chairman Roberts called the Work Session to order and turned the meeting over to Rick Taintor.

I. ZONING ORDINANCE REVISION

A. Overview of draft Revised Zoning Ordinance;

The final Draft Zoning Ordinance was handed out to the Board members. The purpose was to present it and talk about their suggestions for the public review process. They know there will be many more revisions as they go along but Mr. Taintor felt very good about this draft. He didn't believe they would find anything that was overly startling, although there are some changes in the Sign regulations. They have tried to deal with all of the open issues and believe they have created a good document. He did not expect the Board to go through every detail.

Deputy City Manager Hayden felt that since the public was watching, it might be helpful to go through some of the key points. Mr. Taintor stated it has been just over 3 years. They have met about 45 times, including work sessions with the City Council, the Conservation Commission, the HDC, the Sustainability Committee, the EDC and enumerable meetings between the consultant and staff, as well as individuals. Also, they reviewed other sections that were not adopted into this draft. They have completed their revision of the Site Plan Review Regulations which they finished in April of 2008 but they cannot adopt them until the draft Zoning Ordinance is ready. They have left a section open for the Senior Housing which they are still working on relative to Borthwick Village. If they are in support of those, one option would be to fold it into this document.

They have a number of map changes they are considering. They have the referral from May on the property between the By-Pass and Bartlett Street as well as a number of other areas. They will continue to work on those through the summer.

Mr. Taintor handed out a proposed public hearing schedule which included up to four public hearings. After September 10th they would have a chance to look through all input received and provide a package of suggested changes and talk about where they want to go from there. They should be able to close this out by Halloween.

Councilor Dwyer asked whether the public hearings would divide the Zoning Ordinance into sections or would each hearing be a free for all. She doesn't want a free for all but she wouldn't want to limit people either. Deputy City Manager Hayden reminded them that a lot of the new ordinance is boiler plate that hasn't changed a lot. Maybe they could highlight key issues and the people who will have a lot to say are people with a vested interest who own a lot of property. They can highlight the big sections. Mr. Rice felt they could break up the Zoning Ordinance into thirds and go over the high lights for particular sections at each hearing to give it focus. Then the fourth public hearing could be a wrap up.

Mr. Coviello asked if the handouts to the public will be in plain English. Maybe they could include examples. Deputy City Manager thought possibly that the first meeting could give an overview and the next two meetings could break it in half and then have the fourth meeting be a final overview. They must keep in mind that if people are really concerned, they will have to do some homework. There are so many tiny changes that they cannot go through them all. They should stick to the key changes. Hopefully people have been following this.

Mr. Taintor was putting together a summary of the highlights. There were two separate things. One was explaining what the Zoning Ordinance does and the other was what revisions they made. The types of things he is including are items connected to State law. Wetland sections have been expanded. Then he will explain the changes. He would try to say something for each item, even if just to say there hasn't been any substantive change.

Mr. Coker's concern was how much they limit discussion to certain areas. People will be away on vacations so will they allow comments at one meeting that was scheduled for the other meeting. Mr. Taintor felt that the first meeting may be done as an overall presentation to give people a chance to hear in more detail about the Zoning Ordinance.

Councilor Dwyer was concerned about doing this over the summer but understands the need to schedule these meetings during that time period. She thought they might have a web mailbox or other user friendly item. It is important to go out of their way to make sure people can come. Deputy City Manager Hayden confirmed that the City is using a web mailbox on another project and it is working out well. Councilor Dwyer thought that someone could read the comments out loud into the record at the public meetings.

Vice Chairman Roberts would like them to emphasize the fact that this all comes out of the Master Plan and they got a terrific amount of public input for that.

Councilor Dwyer indicated that in public hearing the Board tends not to argue back with the public or answer and explain things but this might be a good time to do that. They don't want to dampen public input but on the other hand they have the challenge of only having one or two types of input on a particular thing. They should think about how they should comment to correct misrepresentation or misunderstanding.

Deputy City Manager Hayden felt that was a real slippery slope and there may be attorneys commenting. She suggested that they try a public hearing and they will be informed by that. The Site Review Regulations have been posted for a year on the website and they haven't heard from anyone. For most people, the Zoning Ordinance is too academic. They have to recognize that it is really important to adopt the Zoning Ordinance and Site Review Regulations. There will be a few people that will be unhappy with this ordinance but it's impossible to keep everyone happy.

Mr. Taintor felt that there are going to be some problems with this ordinance and the sooner they move this forward, the sooner they will discover them. They will need to make adjustments in a lot of areas. They are not going to know if this will be better or worse until they adopt it. Deputy City Manager Hayden added that they should keep in mind that there are certain sections that are more volatile, such as signs or resource protection areas. This has been a very deliberate process and they have tried to get input from the key users of this ordinance.

In responding to the comment that the summer is not the best time for their public meetings, they may find they need a couple more meetings in September.

Mr. Coker assumed they would work with the media ahead of time to get the public to come out. Deputy City Manager Hayden confirmed they would and that they do press releases all the time.

Ms. Geffert suggested making the web mailbox easy to access as they may get more input that way.

Deputy City Manager Hayden stated that their intent is for the Board to read this draft at their leisure. There is nothing that they haven't seen. The next step is to put it out to the City Council, to post it on the website and the Planning Board Chairman and the City Council will be meeting together.

Mr. Coviello asked where they stand on their conversations with Atlantic Heights? Mr. Taintor responded that he is looking at that for map issues. It is a larger issue of the pre exist zoning and they want to look at the BOA's workload and the type of variances that are frequently being granted. They want to see if they can adjust not only Atlantic Heights but other areas also. The last time they spoke with Atlantic Heights they talked about putting together some suggested ideas as the neighborhood was not totally unified on the issues.

Mr. Coviello thought they were waiting to hear back from the Conservation Commission on the setback for vernal pools. Mr. Taintor confirmed there is something in the Zoning Ordinance on that. Deputy City Manager Hayden thought they followed up on that and incorporated it. Mr. Coker remembered a discussion about reducing wetland size but that it didn't get included. Deputy City Manager Hayden stated that it was resolved and the setback was reduced. Mr. Taintor confirmed that there was a very strong scientific basis for it in the Zoning Ordinance. There was a recommendation for 5,000 s.f. and they compromised and went to 10,000 s.f. There is a formal study on that

Councilor Dwyer asked if the other Boards will weigh in at the public hearings? Mr. Taintor advised that they have suggested that they respond to them as a Board, rather than as individuals. They don't want disagreements with the Boards at public meetings.

Mr. Coker asked if the proposed meeting schedule was definite? Mr. Taintor confirmed that is what the Board needs to decide tonight. Deputy City Manager Hayden stated they do not want to go back to each Board and revisit this or it would take forever. They want to get it on the books so they can start enforcing it. Also, it is quite typical to adopt a Zoning Ordinance and make revisions over the next couple of years. Mr. Taintor anticipated an annual packet of revisions, or "Tune-ups" so to speak, in the fall.

Ms. Geffert asked if there was any particular approach for them to take while they read through the draft? Mr. Taintor responded that they have already looked through it in bits and pieces so they should just look at it as a whole. Mr. Coker will not be available for the first public hearing on July 9th. Deputy City Manager Hayden indicated that the public hearings are televised and anyone can have a copy of the hearing on DVD.

Deputy City Manager Hayden asked if they could get a consensus that people are okay with the public meeting schedule. The Board was in consensus with the schedule. They can advise the public that the Board members that are not present at the public meetings are still actively monitoring the hearings

II. ADJOURNMENT

A motion to adjourn at 7:40 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 16, 2009.