

**MINUTES
OF
REGULAR MEETING**

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

SEPTEMBER 24, 2009

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

MEMBERS EXCUSED: Donald Coker;

ALSO PRESENT: Rick Taintor, Planning Director

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Chairman Ricci thanked the Board members for all of their efforts and attendance at the many, many meetings and he also thanked Rick Taintor and staff for their great work. He then turned the meeting over to Rick Taintor.

I. WORK SESSION

A. Revised Zoning Ordinance:

Mr. Taintor provided a handout to the Board members containing comments they have received from the various public hearings, emails and written comments that have been received.

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Article	Subject	Comment	Planning Board Comments
2	Certificate of Occupancy	Sec. 10.222.20 – Clarify “altered” with respect to requirement for Certificate of Occupancy	This language was taken from the existing Zoning Ordinance. Mr. Hopley was not sure the CO needed to be addressed as it comes at the very end and closes out a building permit process. This will be resolved with Rick Hopley, Chief Building Inspector
2	Board of Adjustment	Sec. 10.230 – A provision should be inserted regarding entry onto sites by Board of Adjustment members (similar to Sec. 10.634.30 for the Historic District Commission).	Same as 10.222.20. They will consult with the City Attorney regarding the liability of allowing members to enter private property that have applied for an application and make it more consistent for all Boards and Commissions.
2	Variance standards	Sec. 10.232.20 spells out the standards for granting special exceptions, but Sec. 10.233.10 refers to state law for standards for variances. Standards for variances should be listed.	They will include new variance standards (effective 1/1/10).
2	Appeals from decisions of Code Official	Sec. 10.234.20 – Specify a time frame for making an appeal from the decision of a Code Official: either “a reasonable time after the decision becomes known to the appealing party,” or a specific period such as 30 days.	They will state 30 days for all appeals.
2	Abutter notification	Sec. 10.234.40 – Inconsistency between (a) requirement to notify in accordance with state law and (b) requirement to notify owners of property within 300 feet. Also, inconsistency between notice requirements for board of adjustment and notice requirements for site review: if zoning ordinance includes more than state law requires, then site review regulations should mirror this requirement.	They recommend that if the ZO includes more than State Law, then Site Review regulations should mirror this requirement. The notification procedure for all Boards should be consistent.

Article	Subject	Comment	Planning Board Comments																
2	Abutter notification	Sec. 10.234.40 – The Ordinance should include the statutory requirements to notify condominium associations.	This should be included.																
4	Zoning Districts	Include a brief statement of the purpose of each zoning district as a guide to those unfamiliar with the ordinance.	They agreed with this comment.																
4	Multifamily dwellings in CBA, CBB & B Districts	Table of Uses prohibits multifamily dwellings in CBA, CBB and B districts (uses #1.41–1.43).	Mr. Taintor confirmed this was an oversight. The Table of Uses should be changed as follows: <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="border-bottom: 1px solid black;">CBA</th> <th style="border-bottom: 1px solid black;">CBB</th> <th style="border-bottom: 1px solid black;">B</th> </tr> </thead> <tbody> <tr> <td style="padding-right: 10px;">1.41</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> <tr> <td style="padding-right: 10px;">1.42</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> <tr> <td style="padding-right: 10px;">1.43</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> <td style="text-align: center;">S</td> </tr> </tbody> </table>		CBA	CBB	B	1.41	P	P	P	1.42	P	P	P	1.43	S	S	S
	CBA	CBB	B																
1.41	P	P	P																
1.42	P	P	P																
1.43	S	S	S																
4	Apartment District	Islington St. area has high number of nonconforming multifamily dwellings, many unrelated individuals living together, and high proportion of absentee landlords. These factors result in parking congestion and lack of building maintenance. Consider designating Apartment districts in other areas of the city in order to spread out these problems rather than concentrating them in one small area.	After discussion, it was felt that 5 unrelated individuals living together was excessive in some areas of the City. They would like more control but they cannot be overly restrictive, especially in light of the workforce housing issue. Enforcement would be difficult. This section needs further focus and work in the future.																
4	Gateway District	Include areas on Route 1 Bypass and Woodbury Avenue in the GW district.	This was reserved for future zoning map review as it will involve a lot of thought and time and they do not want to delay the Zoning Ordinance that long.																
4	Waterfront Business District	Allow expansion of existing residences in WB district.	This was reserved for future zoning map review (see above)																
4	Neighborhood Businesses	Allow limited business uses in residential districts (e.g., neighborhood corner store).	This was reserved for future zoning map review (see above).																

Article	Subject	Comment	Planning Board Comments
5	Residential density	Encourage compact development with more open space by (1) increasing allowable residential density and (2) reducing allowed building coverage.	Mr. Taintor was not sure they would achieve a lot by doing this as they are built out but they should look at whether they want to encourage redevelopment at slightly higher density than the residential areas. They will review dimensional standards in the next revision.
5	Required open space	Sec. 10.515.20 – Inconsistency between text and illustration: change “less than 5 feet” in text to “5 feet or less.”	They will make this recommended change.
5	Front yard exception	Sec. 10.516.10 – How are the setbacks of existing buildings to be determined? Survey?	They need a common sense approach that is less than a survey, possibly the edge of the pavement to the front wall of the building.
6	Historic District	Restore explanatory footnotes from existing ordinance.	The legal effect of the footnotes in the existing ordinance is ambiguous. They will review footnotes to determine what can be added to the body of the regulations.
6	Historic District	Sec. 10.633.20(7) – Exemption of “mechanical equipment and ventilation terminators” not exceeding 27 cu. ft. in volume, and not projecting more than 4 ft. vertically or more than 1 ft. horizontally. What does this mean?	They will review and clarify if necessary with a picture or sketch.
6	Historic District	Sec. 10.634.21 – Consider requiring plans for projects costing more than \$50,000 to include dimensions.	It was agreed to require plans for large projects which should be to scale and include dimensions.
6	Historic District	Sec. 10.635.23 – Require notification of abutters for work sessions; or allow one work session without abutter notice, but notify abutters if a second work session is held.	They agree with the concern and intent reflected in the comment and recommend notification of abutters for all work sessions. It was agreed that this is an issue for HDC more than other Boards due to the number of work session. A limit on the number of work sessions that were allowed will be considered. Posting signs on the property was also considered.

Article	Subject	Comment	Planning Board Comments
6	Historic District	Sec. 10.635.50(4) – Public notice should indicate if a proposal entails an adjustment to a previous approval.	Agreed with comment.
6	Historic District	Sec. 10.635.60(4) – Not clear; explained by footnotes in existing ordinance	This text will be clarified so that a footnote is not required.
6	Historic District	Sec. 10.636.40 – Is this provision (Application to Commission for Rehearing) enough?	This will be reviewed against applicable RSAs.
6	Historic District	Sec. 10.636.43 – Not clear: does this paragraph describe one 30-day period for both the decision on a rehearing and the final action, or are there two consecutive 30-day periods?	This appears to be an (unsuccessful) attempt to restate the requirements of RSA 677:3 more clearly. The statute appears to indicate that there is one 30-day period, not two consecutive periods. Staff will review this section and revise as appropriate.
6	Historic District	Sec. 10.636.51 – The phrase “final decision of the Commission” needs to be defined more clearly, so that the Board of Adjustment knows when it has jurisdiction.	Agreed with comment. Staff will research and clarify whether this is the vote or the written decision.
6	Historic District	Sec. 10.636.52 – Does this mean that the City can tell a court what to do?	The wording of this section is taken verbatim from the existing Ordinance, and is adapted from RSA 677:3 regarding exhaustion of local remedies before appeal to a court. The wording is in error as applied to appeals and will be corrected. They may just want to refer to State law.
7	Continuing Care Retirement Community	Any change in the zoning of the 41-acre parcel between Borthwick Ave and Islington St. [i.e., the Borthwick Village parcel] violates the Master Plan and its intent.	See discussion below.
7	Continuing Care Retirement Community	Remove age restriction (62 years and over), so that seniors are not isolated from other age groups.	This was designed for senior citizens and the Board agreed to keep this.

Article	Subject	Comment	Planning Board Comments
7	Continuing Care Retirement Community	Remove restrictions regarding site area (35-acre minimum) and location (within 1/2 mile of hospital).	See discussion below.
7	Continuing Care Retirement Community	Remove requirement for two separate ways to access public street; don't allow public access to Islington St.	See discussion below.
7	Continuing Care Retirement Community	Sec. 10.735.40 – should be at least 5 acres and should be deeded to the City	They should say that a portion of the site shall be set aside for community purposes.
8	Motor Vehicle Sales	Proposed changes in required setbacks of motor vehicle sales uses from residential districts make most existing uses nonconforming. Leave existing standards in place: 200-foot setback between motor vehicle <u>use</u> and residential <u>district</u> .	The Board agreed with this comment. The changes from the existing standards were made in a Planning Board meeting without considering the potential impact on existing dealerships.
10	Wetlands	Repeal all local wetlands regulations; follow state wetlands regulations.	The Board was unanimous in their opinion not to adopt this and to retain local regulations.
10	Wetlands	Don't include man-made wetlands as jurisdictional areas.	The Board did not wish to adopt this as the comment reflects a dispute over the intent of wetlands regulations.
	Vernal pools	Mr. Coviello did not believe that 100' was enough buffer for vernal pools.	This was a compromise recommendation from the Conservation Commission so the Board felt they should not change it. They do have a larger vegetative area and limited cut area for vernal pools a few pages later.
10	Wetlands	Sec. 10.1013.40 – delete “inter-tidal areas and” <u>or</u> add definition of “inter-tidal area”	The Board agreed to delete this.
11	Outdoor lighting	Sec. 10.1140 – “Outdoor lighting” is not defined.	This term is defined in Article 15 under “lighting,” but a cross-reference under “outdoor” will be added.

Article	Subject	Comment	Planning Board Comments
11	Outdoor lighting – purpose	Sec. 10.1141 states that the purpose is to “minimize” light trespass, but Sec. 10.1144.20 states that the purpose is to “eliminate” light trespass. These should be consistent, and “eliminate” is preferable.	Staff will make this wording consistent using “minimize.” Mr. Coviello asked about regulating inside lighting but it was agreed that was a very complicated issue and has not historically been a problem. The Board agreed to put this at the top of their list of items to start reviewing after the ZO is adopted.
11	Outdoor lighting	Sec. 10.1144.20 refers to “abutting” residential lots, but Sec. 10.1144.50 refers to “residential buildings on adjacent or nearby land.” These should be made consistent. Recommend that “abutting” be defined to mean “adjoining, across the street or highway from, or nearby” to afford most protection to residential property owners. Otherwise, “abutting” would mean “touching on one side,” because that is the “ordinarily accepted meaning” (see Sec. 10.1514).	Staff will clarify this wording by using the state’s definition of “abutter” as an owner of property adjacent to, or across a road or stream from, the property in question.
12	Signs - definition	What can be done to better define “sign” so that we don’t have a repetition of the sign/portal confusion?	This was a good question but the Board has done their best to address this.
12	Signs – more than 1 façade	Sec. 1271 – Allow signs only on facades with public entrances.	The Board disagreed with this.
12	Sign area – halo signs	Sec. 10.1252 – State how to calculate the sign area of a halo sign: e.g., state that the area is ___% of the physical sign area.	The Board agreed to have staff work on this and include it.
12	Signs – illumination	Sec. 10.1260 – Prohibit all internal illumination of signs.	This would be a huge policy change and too late in the game to do this. The Board previously talked about this and decided against it.
12	Signs – Historic District	Sec. 10.1274.10 – Is it necessary to require large signs to be at least 2/3 of building frontage?	This is an existing regulation which the Board agreed to delete.

Article	Subject	Comment	Planning Board Comments
15	Definitions	Did not see definition of “sign.”	In addition to the cross-references in Section 10.1520, staff will add cross-references to other lists of defined terms within the alphabetical listing (especially, “sign”).
15	Definitions - “boarding house”	<p>The definition of “boarding house” in ordinance is definition of “rooming house” in most dictionaries.</p> <p>house” (owner-occupied single-family dwelling with up to 2 rooms or 4 persons accommodated for compensation). In 2007 the City adopted a “Boarding House” ordinance in its general ordinances (Chapter 9 – Miscellaneous Public Welfare).</p> <p>The proposed definition of “boarding house” in Article 15 is based on the definition in the Boarding House ordinance, the only difference being the addition of the phrase “but not more than 10 rooms” in the Zoning Ordinance.</p> <p>In the existing Zoning Ordinance, a rooming house is a permitted use in the MRO and MRB districts, and a special exception use in the GRA and GRB districts. It is not allowed in any other district.</p> <p>In the existing Ordinance, a boarding house is a permitted use in the CBB and B districts and a special exception use n the MRB district. It is not allowed in any other district.</p>	The existing Zoning Ordinance defines both “boarding house” (lodging for up to 10 persons, with owner or manager living onsite) and “rooming
15	Definitions - “boarding house”	Does the “more than 3 rooms” threshold for a boarding house mean that anyone can rent out 3 rooms in a single-family house? “3 rooms” does not necessarily mean 3 people.	<p>See above. To address this concern, the Board agreed to the following revised language:</p> <p>Boarding House:</p> <p>A dwelling unit, other than a bed and breakfast, in which rooms are rented, leased or otherwise made available for compensation to more than 2 but not more than 10 tenants, and where such rooms do not contain separate cooking or bathroom facilities.</p>
15	Definitions - “boarding house”	There is a cross-reference to “rooming house” but that term is not defined.	The cross-reference will be removed. The term “rooming house” has been removed from the Ordinance.

Article	Subject	Comment	Planning Board Comments
15	Definitions – “developable area”	This term is shown in bold in the Gateway Planned Development provisions (Sec. 10.764.10) but is not defined in Article 15. Also, the term <u>is</u> defined for Planned Unit Developments (sec. 10.723.11) and Continuing Care Retirement Communities (sec. 10.734.22) but is not shown in bold in those sections.	Staff will add to Article 15 the most restrictive of the three definitions in the current draft, i.e.: Developable Area: The total parcel area, excluding all open water bodies, wetlands subject to this ordinance, 100-year floodplains, and slopes exceeding 15 percent, and areas subject to valid open space restrictions. [from sec. 10.723.11]
	Mobile Medical Equipment	Mr. Coviello indicated that this had come before the Board and there were issues with MRI’s and electromagnetic waves and noise.	This will be placed on their list of items to review after the adoption of the Z.O.

Discussion on Continuing Care Retirement Community Section:

Mr. Taintor felt this was a big topic and they should open it up to discussion. Mr. Coviello felt that this was probably applicable to other areas to the City and he did not know why they did 35 acres, other than because that was the original proposal. He was fine with a 5 acre parcel. He felt the OR district on Route One across from Elwyn Park would also work for a retirement community. Also, if they are going to open it up to other parcels, he would remove the double access requirement as that would come through with Site Review.

Councilor Dwyer always agreed with the 5 acres. She thought that the Board consistently raised questions about why they needed two exits. Mr. Taintor indicated, as background, that they added that in May of 2008 at staff level in response to the unintended consequence concern. They did the same type of thing with the Residential Density Incentive PUD so that it would not be widely used initially to make sure that it worked. If they did a lot of relaxing with this, they would be close to the original proposal. Deputy City Manager Hayden remembered that when they talked about the 35 acres being important, it was a different proposal and more of a high-end, independent apartment proposal. Now it is something completely different. Mr. Taintor confirmed that it now includes the assisted living and the nursing care. Councilor Dwyer felt it would be very difficult to do that when there wasn't a certain level of scale just by definition. Mr. Coviello stated this was by Conditional Use Permit so it's not by right.

Councilor Dwyer thought it was interesting because if they were held in violation for everything in the Master Plan they did not do, they would be in big trouble. It did seem that they have had a lot of information from different sources, staff discussion, studies that were done and information that was received independently; and the difference between having information and a study may not be clear to the public. They have the kind of information, although not codified in that way, that the Master Plan envisioned they would have about this parcel. Otherwise, they would just redundantly be doing studies of different things when they actually have information. Was it the role of the Department to summarize the information that they have learned about this property? Mr. Taintor was not sure they have a lot of information about this parcel. Councilor Dwyer felt they know wetlands, dimensions, a better understanding of access and setbacks, what the OR demand is and why it is not an optimal use, but they do not have any mechanism for pulling all of that together. She would not want to think that the City always has to spend extra money to have that information told back to them. Mr. Taintor noted that they have not looked at alternative uses, other than residential or office. Councilor Dwyer stated that they did go through the zoning options to see if any others would fit.

Mr. Coviello indicated that he would recommend deleting 733.10, regarding ½ mile from a hospital. Mr. Taintor felt these changes would take away the argument of spot zoning or focusing on a particular parcel, but it doesn't take away the underlying concerns of those who feel that this is not a favorable development for Portsmouth. However, they can relax the standards and then decide how to move forward with it.

Mr. Blenkinsop felt that was a really good point as the original proposed development would not go away and they would open the door to the type of development in the City that they are not sure how it would fit. Maybe it would be better to stick with the parameters they talked about, however, he would like to talk about the requirement for two access points. If this project were to go forward and be

successful, then in a year or two they could have a discussion to see if other areas in the City would also work for this. Mr. Taintor suggested that they may have gone too far in the other direction with this proposal. Deputy City Manager Hayden felt there were a lot of things affected by the reduced acreage requirement, which would make her want to go back and look at the ordinance as written to see if they want to change other things. She asked, if they were going to move the rest of the Zoning Ordinance forward, were they prepared to make whatever changes are needed to the CCRC to move it forward as well? She didn't want to rush into reducing the acreage requirement without considering the impact on the other sections of the ordinance, including the access issue as she felt it would be much harder to address that at the Site Review level. Mr. Taintor felt they could review the entire section, which was only 6 pages long, to see if there are other issues that are problematic.

10.733 Site Requirements: ½ mile from a hospital. Deputy City Manager Hayden felt that was there to avoid unintended consequences of having numerous developments of this type, which was originally proposed as primarily independent living units but is now continuum of care. Mr. Taintor indicated this would open it up to the Commerce Way area behind K-Mart, a couple of small parcels on Lafayette Road across from Elwyn Park, a few parcels on both sides of Bartlett Street by the bridge and where the Marriott is. Councilor Dwyer felt that the location seemed easier to remove than the acreage as it would be incredibly restrictive. Mr. Taintor felt they would be more likely to have it closer to a hospital as that is something that communities do. He pointed out that if the Zoning Ordinance is adopted, the parcels on Lafayette Road will be Gateway rather than OR and no longer eligible. The Board agreed that this section should be removed.

Regarding the 35-acre requirement, Mr. Taintor indicated that the original proposal was for 5 acres. Deputy City Manager Hayden asked about the possibility of a minimum and a maximum. Mr. Taintor felt they might want to consider a maximum number of units instead. Councilor Dwyer didn't think they should be so arbitrary and that should be left to another board.

The general consensus was that they change the 35 acres to 5 acres. That would open it up to more parcels. Mr. Taintor agreed it would work with 5 acres and according to his quick calculations a lot of this size would support approximately 100 units. The density will be the same no matter what size the site is.

Mr. Taintor felt they would not want any reduction in frontage. Section 10-734-53 is just basically saying that they need two accessways. Mr. Coviello asked if they could be gated and Mr. Taintor indicated that would be a site review issue. Setbacks and buildings heights would all be consistent. It was felt they would be making a mistake if they arbitrarily set a height limit but they could increase the setback for the higher buildings. Without a visual it is hard to make that determination.

Section 10.734.15: 50% of frontage of each building shall consist of habitable area with direct access to the outside at grade. The purpose of this provision was to make sure the buildings weren't all sitting on top of parking and this still works.

Section 10.734.22 deals with density and they would not be changing that.

He asked if the Board still felt comfortable with no more than any one type of independent unit having more than 40% of the total units and they were. Regarding the 100' vegetative buffer from residential

district and 40% of developable area to be used for open space, it was asked whether they want to be clearer about the vegetative buffer. They could say a vegetative buffer that provides an adequate screen from a parking area and lights and the natural vegetative buffer shall not be removed to preserve the tree line. They would like to give preference to existing growth but that would be part of Site Review which they would do anyways. They could add a sentence indicating that every effort should be made to retain existing vegetation.

It was asked whether the requirement that 40% of developable area shall be reserved for open space and recreation would be tight on 5 acres. Mr. Taintor felt they could put about 40 units on a five-acre site.

Off-street parking was fine. At least 40% of the required off-street parking spaces shall be provided in garages below the building was specific to this site. Mr. Coviello suggested maybe if they have over a certain number of vehicles. Ms. Roberts wondered how feasible this would be at other sites. Chairman Ricci suggested removing “below the buildings” and just have it be covered parking. Deputy City Manager Hayden referred back to the section that required that 50% of the frontage of each building will be habitable area. Mr. Taintor suggested that they say each building with dwelling units, and Mr. Coviello suggested excluding garages. Mr. Taintor felt that the regulations work together and the 40% open space would force them into garages cost-wise.

The next section deals with two separate paths of travel between the development and public streets. The issue with this site is the railroad tracks and the size of the site and the length of the private way. Deputy City Manager Hayden suggested tying it into a length of a private way. Chairman Ricci asked why they need it at all. Mr. Taintor confirmed that it was highly recommended by fire and police. Mr. Taintor pointed out that the proposed Conditional Use Permit standards require compliance with the City’s Site Review and Subdivision Regulations, and the Subdivision Regulations specify a 500’ maximum length for a cul-de-sac; therefore, the Planning Board would have to grant a waiver in site review to allow access on a single way. This site works with the Subdivision Regulations if the primary access is provided from Islington Street but they are trying to avoid that.

Mr. Taintor asked if they should revise the requirement to provide private bus transportation services for a smaller site. It was felt they should leave it in.

Mr. Coviello asked why they have the phasing section. It was suggested that they say it “may” be phased rather than “shall.”

Mr. Coviello asked if they would still have the Conservation Commission review if there weren’t any wetlands nearby. This is actually covered by the wetland regulations so it wasn’t needed at all as it will happen automatically. Deputy City Manager Hayden felt it dealt with more than just the wetlands and dealt with the natural features. She liked having a review by the Conservation Commission. It was suggested changing the wording to say “at the discretion of the Board.”

The Board was unanimous in its decision to keep the revised section in the Zoning Ordinance at this time.

B. Revised Zoning Map – Historic District

Mr. Taintor confirmed that there were four areas under consideration. Two were extensions down Islington Street and Lafayette Road, one is the small section on the corner of Maplewood and Hanover Street and the last is to adjust the district boundaries on Middle Street to make it the depth of a lot rather than a flat 100' back from the street. Mr. Taintor believed that there was consensus on the last two items but there was discussion back and forth on the first two. He spoke to the Chairman of the HDC today and she was concerned that nothing had been brought up to the HDC and suddenly the Planning Board was discussing it without them. She would like to be involved with the Planning Board if they felt they wanted to hold off on including this as she would like to move it forward. She was also unable to speak to the other HDC members due to the short notice.

Mr. Blenkinsop felt this is all about planning, and one of their big issues is a gateway to the City and encouraging development. He felt these are important gateways as well and including them in the HDC to keep the look of the City is also important. He feels it is a good idea to include them. Mr. Rice agreed entirely. A function of the HDC is design review and Mr. Rice always talked about creating a "sense of place." It's not just that they are historic buildings, and many are not historic, but you get the feeling that you have a sense of place, you feel good and you feel connected to your roots. These proposed additions complete the corridors.

Councilor Dwyer agreed with both comments. This is not about a building, per se, or where the windows are but about a larger set of issues about how those buildings fit together and the design review aspect. Her concern is that the written definitions need to coincide with that they want it to be. She would feel better if they had it in writing that the Board had a consensus on this.

Ms. Roberts felt very strongly about supporting these additions. She agreed with Councilor Dwyer's feeling about the conceptual confusion of the HDC. When the ordinance was first written, of course there was incredible controversy. They may be at a point again where they need to have some discussion with the broader community about what this means to them as a community, being a preservation-minded place. This means more than design review to her. She agrees with Mr. Rice that they are not dealing with individual historic structures but rather with the integrity of the district. The challenges that they see with expanding along Islington and Middle Street raise the philosophical role of what do they mean by Historic District.

Mr. Coviello referred to the first footnote in the existing HDC section which deals with the "sense of place" that Mr. Rice spoke of. Last time, the people questioning this did not want to see a continuation of red brick Portsmouth marching down Islington Street so having more public discussion on what the HDC is looking for would serve the public.

Mr. Taintor noted that his struggle with the Historic District section was that the words on the page do not describe what they are talking about. The "sense of place" is not mentioned at all. He felt there are a lot of places where they can add things to help with the feeling they are trying to create. The regulations are what govern and the footnotes have no legal standing. The HDC is supposed to make sure the property is contributing and enhancing the neighborhood and the adjacent properties. Councilor Dwyer agreed that this should be a planning tool and that planning preservation and where the two come together is another discussion. Many more people understand the planning aspect of the

HDC now as this is what Portsmouth is building its future on. They need a preamble purpose before they start fixing pieces of it. She agrees with making these changes now and they need to work collaboratively with the HDC to make it their top priority.

Councilor Dwyer felt they should go forward with these changes and put on their priority list the codification of a purpose of the Historic District that brings together the multiple good intents that are driving different pieces of the Historic District.

Chairman Ricci was not really in support of this at this point and he is concerned about hamstringing this down the road. He would like a clear understanding of what the new properties will be required to do. He doesn't see a lot of changes on the end of Middle Street.

The Board consensus was to move all four changes forward.

Mr. Taintor pointed out that they also need to finalize the MRB section on Islington Street by the Verizon building and also a section behind the library. He will tweak those and make a recommendation to the Board.

Mr. Coviello asked what happens if someone puts an application in for a building between now and the first reading. Deputy City Manager Hayden indicated that they have proposed a schedule to the City Council from the Planning Board and the intent it that the current City Council will act on it before the end of the calendar year.

Mr. Taintor indicated that the target date for the notice of second reading is November 17th, however, that is completely up to the City Council. In light of the four public hearings before the Planning Board, they are recommending one public hearing with the City Council. This Board will meet on October 8th to vote to recommend the final draft to the City Council. The Board will also vote to adopt the Site Plan Review Regulations to take effect on the date of the Zoning Ordinance adoption.

Deputy City Manager Hayden hopes that the City Council will understand the work that has gone into this and move it along.

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II. ADJOURNMENT

A motion to adjourn at 9:50 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 November 19, 2009