

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

APRIL 16, 2015

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Jack Thorsen, City Council Representative; David Allen, Deputy City Manager; Robert Marsilia, Building Inspector; William Gladhill, Colby Gamester, Michael Barker, and Justin Finn, Alternate

MEMBERS EXCUSED: Jay Leduc

ALSO PRESENT: Rick Taintor, Planning Director; Jessa Berna, Associate Planner; Peter Britz, Environmental Planner; Nicholas Cracknell, Principal Planner

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SPECIAL PRESENTATION

Chairman Ricci presented John Rice with a pewter mug and thanked him for his years of service. Mr. Rice had served 18 years on the Historic District Commission and 7 years on the Planning Board, most of that time as Vice Chair. Chairman Ricci stated that Mr. Rice has been a great steward for the City of Portsmouth. Ms. Moreau thanked Mr. Rice for his years of service and for being a mentor to look up to. Mr. Gladhill stated that he looked up to and admired Mr. Rice and that it was an honor and a privilege to follow in his footsteps on the Historic District Commission. He added that it has been a pleasure to serve with him on the Planning Board.

Mr. Rice thanked the Planning Board for honoring him and stated that it has been a distinct honor and pleasure to serve with the Committees/Commissions and the City. It has been a privilege to work with such a talented Board that serves the City of Portsmouth so well.

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the March 12, 2015 Planning Board Work Session - Unanimously Approved
 - B. Approval of Minutes from the March 19, 2015 Planning Board Meeting - Unanimously Approved
 - C. Approval of Minutes from the March 26, 2015 Planning Board Meeting - Unanimously Approved
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Chairman Ricci asked for a motion to take Item A, Other Business out of order for the purposes of considering it first and also to take Item A, Old Business and Item B, Other Business out of order to be considered together.

Ms. Moreau made a motion to take Item A, Other Business and Item A, Old Business and Item B, Other Business out of order. Mr. Gladhill seconded the motion.

The motion to take Item A, Other Business, Item A, Old Business and Item B, Other Business out of order passed unanimously.

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III. OTHER BUSINESS

A. Request from **William and Michelle Marconi** for property located at **501, 517, and 529 New Castle Avenue** for a second six-month extension of Preliminary and Final Subdivision approval (Lot Line Revisions) which was granted by the Planning Board on March 20, 2014.

Mr. Taintor stated that this is not a new subdivision and is not a public hearing. This is to ensure that subdivisions are recorded in a timely manner. He stated that the Planning Director may grant one six-month extension. The Planning Board must grant a second six-month extension. Mr. Taintor is working with the City attorney and attorneys for the applicant to resolve details around lot line revisions. It is the recommendation of Mr. Taintor that the Board grant the six-month extension.

Ms. Moreau made a motion to grant a six-month extension of Preliminary and Final Subdivision approval. Mr. Gladhill seconded the motion.

The motion to grant a six-month extension of Preliminary and Final Subdivision approval passed unanimously.

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II. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **North End Properties, LLC, Owner, and Deer Street Development Company, Inc., doing business in NH as Harborcorp of Portsmouth, Applicant**, for property located on **Russell Street, Deer Street and Maplewood Avenue**, requesting Site Plan Approval for a proposed 5-story mixed use development with a footprint of 72,600 ± s.f. and gross floor area of 352,736 ± s.f., including a hotel/event center with 24,000 s.f. of event center space and 97 hotel rooms, 23 residential condominiums, a 44,169 s.f. of retail, and 523 parking spaces (382 spaces in a garage structure and 141 below-grade spaces serving the retail use); with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 21, Assessor Map 118 as Lot 28 and Assessor Map 124 as Lot 12, Assessor Map 119 as Lot 1-1A, Assessor Map 119 as Lot 1-1C and Assessor Map 119 as Lot 4 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the March 26, 2015 Planning Board Meeting.)

B. The application of **North End Properties, LLC, owner, and Deer Street Development Company, Inc., doing business in NH as Harborcorp of Portsmouth, applicant**, for property located on **Russell Street, Deer Street, and Maplewood Avenue**, for a Conditional Use Permit under Section 10.535.12 of the Zoning Ordinance to allow an increase in building height above the maximum height specified in Section 10.531. Said property is shown on Assessor Plan 125 as Lot 21, Assessor Plan 118 as Lot 28, Assessor Plan 124 as Lot 12, Assessor Plan 119 as Lot 1-1A, and Assessor Plan 119 as Lot 1-1C, and lies within the Central Business B, Historic, and Downtown Overlay Districts. (This matter was referred to the Planning Board by the Historic District Commission at its meeting on April 1, 2015.)

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Cliff Greim with Harriman Architects and Engineers was present to speak to the application. It is the understanding of Mr. Greim that this evening, traffic, parking and the CUP application with regard to this project are the topics to be addressed. This application was approved by TAC and the Trees and Public Greenery Committee as well as the Parking and Traffic Safety Committee last month. The applicant is currently in process with the HDC and they continue to review the CUP and **the CUA** applications. They have met several times with City Planning Staff and the DPW. Engineers have reviewed the parking and traffic analysis. Tonight they will talk about traffic, traffic patterns and safety, peak hour capacities, entry points into the facility, delivery patterns, and show that traffic can be managed safely, effectively and efficiently for this project and the community. They will provide information on parking capacity that demonstrates the project can provide more than adequate parking and more than the City ordinance requires them to provide. They will provide information tonight on parking for garage capacity, and queuing. They are also here this evening to talk about the CUP application and scaling elements. The traffic and parking presentation will be given by Giles Ham of Vanasse and Associates as well as Travis Netto, designer for the parking structure. The CUP will be presented by Susan Duprey and Carla Goodknight. Giles Ham with Vanasse and Associates was present to present the traffic proposal and changes for the application. A very detailed and rigorous traffic study has been conducted as well as a detailed peer review. There have been a lot of enhancements and they have addressed comments and concerns. Pedestrian, bike and vehicular access have been looked at and reviewed a number of times in detail. They looked at 13 intersections in the area of the site. There are 4 signals within the study area. They looked at weekday morning and evening traffic periods as well as Saturday traffic periods. They also looked at the 2025 analysis. The project is broken up into several traffic components; supermarket, hotel, retail, residential and garage. On a daily basis, the site generates approximately 5,600 cars on a weekday. Half of that number is cars coming into the site. The other half is cars going out of the site. On a Saturday, there will be 9,000 trips generated (4,500 cars in and 4,500 cars out during the course of the day). Not all of this is new traffic. About 30% of the traffic to the supermarket will not be new to the area so the numbers described will drop down. For example, someone commuting into the area from I-95 would pass by the site anyway, stop in for some groceries, and then head home. This is not new traffic to the area. Approximately 65-70% of the traffic that goes to the supermarket will be private. What happens during the commuter hours is critical, more so than daily numbers. They estimate 249 trips in the morning, 516 trips in the evening, and 668 trips on Saturday. Regarding access to the site; on Maplewood Avenue, it is left and right in to the site only. There is no way to turn out from this spot. On Deer Street, it is a right turn in

to the site only. With multiple access points on multiple streets that service the area, traffic quickly disperses and reduces. Truck routing will come in from I-95 to Market Street, then down Russell Street to Deer Streets and then back out onto Green Street. It was circulated this way to minimize impacts of trucks going out to Maplewood Avenue. They looked at turning templates. Tractor Trailers can make the turns on site although they will be tight turns because they didn't want long pedestrian crossings and wide intersections. Whole Foods will have 2-3 tractor trailers and 5-10 box trucks coming in on a daily basis. The applicant has added pavement markings and they will be upgrading and analyzing signal timing pre and post construction to ensure efficient operation. They are realigning the Russell and Deer Street intersection. It will be a safer intersection as a result. There is a left turn lane going up Deer Street turning into Russell Street. There will be a left turn lane on Russell Street into the site. They are realigning Green Street. It will still accommodate truck traffic. They are dedicating land for the Roundabout. The City will be constructing the roundabout, but the applicant will be making a financial contribution towards this city improvement. Bicycle accommodations will be present onsite. They have added bike boxes at intersections for bicycles to be able to get in front of vehicles at intersections in order to make a turn. There are bike racks throughout the site and also some internal to the garage. On Deer Street, it will be a shared vehicular/bicycle route. On Russell Street, there is a 6' exclusive bike lane on either side of the street. In regards to pedestrian traffic, the applicant started with a narrower sidewalk (8') along the frontage. As they worked with City staff, there was a desire to widen that even more so modifications were made up to 14' in width for sidewalks. There are areas now of 8' and 5' width in the retail area. The crosswalks will be wider. In the plaza, there will be raised crossings. There is a pedestrian bridge between the Sheraton and the new project.

In terms of parking, there are 27 spaces on Deer Street and 21 spaces on Russell Street for a total of 48 on street parking spaces today. As they went through several iterations of the project, they lost on street parking to gain better pedestrian and bicycle access. There will now be 7 onstreet parking spaces and a loss of 41 street parking spaces. In terms of off street parking, the Sheraton has 160 spaces. The garage will have 523 parking spaces with a total of 683 parking spaces between the site and the Sheraton. There will be a total of 798 parking spaces (with valet parking). They have found that the peak demand on a Saturday at 6 am to be 612 occupied spaces (without anything happening at the Convention center). So with a supply of 683 and a demand of 612, all parking will be accommodated. Once a convention is added, the supply will go to 798. Depending on what is happening at the Sheraton, there may or may not need to be offsite parking during a convention. It is a plan that mitigates the impact and incorporates comments from the community and staff, DPW and consultants.

Chairman Ricci called for questions and comments for the applicant from the Board before moving onto the CUP presentation.

Mr. Taintor clarified a couple of points stating that the following really came about as a result of a push from TAC. Regarding the roundabout, the developers originally wanted to do a signalized intersection (at Russell and Market Streets) rather than a roundabout. TAC required the applicant to do the analysis of roundabout traffic and incorporate the roundabout into their site plans. This requires a dedication of land not only from the applicant but from the Sheraton as well. Secondly, there was discussion about bike lanes, which the City pushed for. At Deer and Russell Streets, there is now a patterned intersection and there are raised crossings of site driveways designed to slow traffic down throughout the site and improve pedestrian safety. Third, TAC wanted to balance pedestrian and vehicular safety accommodating both but with an emphasis on pedestrian safety. To this end, the City

pushed for shorter crossings which required a design where tractor trailers would cross the center on Maplewood and Green Streets. The City felt this would be better in terms of pedestrian safety.

Councilor Thorsen inquired whether this design requires the roundabout.

Mr. Taintor stated that it does not. The developers conducted their analysis using a signalized intersection. Years ago, when this proposal was first accepted, there was a signalized intersection at this point in the site, not a roundabout. This was prior to a time when roundabouts became accepted as a traffic pattern. Having a roundabout would slow traffic as it enters Market Street and improve the aspect entering the site (due to the landscaped island). The City has pushed to have the roundabout for these reasons.

Councilor Thorsen inquired whether the applicant would use remote private parking or use municipal parking for the site during an event.

Mr. Greim said that the plan was for remote private parking to be coordinated with the City. The maximum potential for a conference would be 750 spaces.

Councilor Thorsen wondered whether there was a way to stipulate this. There are currently two properties under one ownership. The ownership may not be the same in the future. He wondered how there can be assurances that the cooperative parking would continue.

Susan Duprey, attorney with Bernstein Shur, stated that the plan is to create cross easements between the two properties

Mr. Greim stated that with a special event above the capacity for parking onsite (750), offsite valet parking would go into effect.

Ms. Duprey stated that the plan is to determine after a short period of operation a managed parking plan. They will be able to determine what types of events will require valet parking in the future. In the beginning, they will use valet parking anytime there is a great demand for parking.

Mr. Thompson stated that there will be a valet presence all the time even with a smaller number of vehicles. So they will be in a position to know long before they reach capacity if valet parking is needed.

Mr. Barker inquired about how many cars drive by the undeveloped parking lot today.

Mr. Ham stated that they did not do daily counts as they looked more at peak hour traffic volumes, but currently Russell and Deer Streets are at approximately 7,000 -8,000 cars while Maplewood Avenue is at approximately 13,000 -15,000 cars.

Mr. Barker asked if they would see about a 30% increase in cars post-construction on the area streets.

Mr. Ham stated that a 30% increase in cars (at the highest) is correct, but it will be dispersed.

Mr. Barker inquired about how many visits there are during peak hours to the Sheraton.

Mr. Ham stated that between 60-90 cars/hour go in and out of the Sheraton during weekday peak hours. This drops off considerably during off hours.

Mr. Barker inquired about the number of spaces that now exist in the vacant lot.

Mr. Ham stated that there are 221 spaces.

Mr. Barker stated that these spaces are not accounted for on the current plan. When that goes into effect, those spaces will be lost as there will be a structure in its place. He stated that this should be shown on the plan. There is no net loss depicted on the plans, only an increase.

Mr. Ham stated that the net increase is 683 spaces (minus 221spaces).

Mr. Barker felt that while it is terrific that more parking is being created, the demand is going to increase as well. He inquired about how much of the space is being used currently by the public that is not included in today's numbers. There are 221 spaces and 160 in the Sheraton parking garage and 291 spaces. There are over 100 excess spaces at peak capacity currently.

Mr. Ham stated they did account for the loss of 221 spaces. They took the current demand for parking at the vacant lot and added increased demand post-construction to arrive at the total future demand.

Mr. Barker stated that we should be aware of the need for increased parking.

Mr. Ham stated that there will be public parking in this lot post-construction. With today's technology, they are going to know who is parking where. For example, receipts will show if people are parking at Whole Foods, at the hotel or residences etc. so from year to year, they will know what to expect. Parking will be actively managed.

Mr. Taintor stated that the Board has the latest review letter from the Parking and Traffic Safety Commission.

Ms. Moreau inquired as to whether buses would be allowed at the customer drop off on Deer Street.

Mr. Greim stated that small buses and local produce farmers will be able to access this area; it is open for deliveries but is not open to the public. There are 6 handicap parking spaces.

Ms. Moreau inquired how they would exit.

Mr. Greim stated that they would exit using the service drive.

Ms. Moreau inquired if someone wants to drop off and come back to this area to pick them up, would this be allowed in this area.

Mr. Greim stated that they would have to exit through the garage or use the service area/back of the site. This is not a restricted area.

Ms. Moreau inquired about parking spaces for buses on Russell Street.

Mr. Ham showed (by slide) that there are 3 bus spaces.

Ms. Moreau inquired about buses coming into the convention center and whether they would be expected to follow the truck route out. They need to be given some direction so they don't end up in downtown Portsmouth where they may be unable to make a turn.

Mr. Ham stated that they had not yet considered that, but that it would be addressed.

Mr. Gladhill stated that the truck route behind the building won't be closed off so that pedestrians and bicycles could potentially go back there at any time. He stated that the Lighting Plan shows that it will be very dark in that area so it doesn't seem safe for pedestrians. His concern was that a truck driver may not be able to see pedestrians walking in this area.

Mr. Greim stated that they did a complete photometric analysis of the site (submitted to TAC) and they are compliant with the minimum lighting (candle) level required for pedestrians.

Mr. Gladhill stated that the City is looking for a place for a second garage, but this is uncertain at this point and the applicant will be losing 41 spots in a City where there is currently a parking crunch.

Mr. Greim stated that there is typically a surplus of 50-150 parking spaces available to the public so there will be a gain not a loss of parking spaces.

Mr. Gladhill stated that if there is a convention or event, that surplus is lost.

Mr. Ham stated that the applicant has had many meetings with City staff regarding this issue. In the applicant's original proposal, there was more on street parking. The desire and the subsequent decision were to have wider sidewalks and pedestrian/bicycle paths. So this became a bit of a tradeoff. He stated that they had submitted several proposals for parking to the City and the general consensus was that this was the best plan. It is a multi-modal plan, but there is a small loss of on street parking spaces.

Mr. Taintor clarified a couple of items. He stated that there is no intention and no good reason for pedestrians and bicycles to be in the back on the service road. In addition, he stated, regarding the handicap drop-off from the Deer Street entrance, anyone dropping off must go through the garage and out to Russell Street to exit. He also emphasized that while there is indeed a loss of parking spaces, the trade-off to have wider sidewalk and bike lanes is preferred for pedestrian safety. He stated that there will be a net gain of parking overall by having the garage, but less on street parking. This is not optimal, but is the best trade-off for the situation.

Deputy City Manager Allen stated that it appears from the study that the intersection was analyzed using 3 different scenarios; the roundabout, a signalized intersection, and the current stop situation. It

seems that the intersection will work with the signal and the roundabout, but not as well as with the current stop sign situation. He asked that Mr. Ham clarify this.

Mr. Hamm stated that the intersection if signalized will work well. If there is a roundabout it will work well, but leaving the intersection as it is will cause back-ups. It was the original intent of the applicant to signalize the intersection. It was the decision of the City to proceed with the roundabout.

Chairman Ricci is concerned about parking during the construction phase and inquired about the plan to deal with this.

Mr. Ham stated there will be offsite parking during construction. A shuttle will be running during this phase.

Chairman Ricci applauds the bicycle amenities on site. He stated that if the parking demand exceeds 750 spaces, there should be a stipulation for private offsite parking. He felt that the City should not be burdened by giving up their parking to accommodate this demand when the City is already facing an unaccommodated parking demand. He is also concerned about turning movements for trucks from Deer Street to Maplewood Avenue to the Service road with a winter/snow removal such as the one we just had.

Mr. Ham stated that if there is snow piled up, the trucks will have to make a wider turn. It is a tight radius but it works and is a trade-off in order to have shorter pedestrian crossings.

Chairman Ricci stated that he doesn't mind tight, but practical is in order.

Mr. Thompson stated that with regard to snow removal, the applicant has proposed a snow dragon. They can use the machine to melt snow quickly on the service drive and around the parking garage.

Chairman Ricci wondered how the middle bridge (when it is up approximately every ½ hour) will impact traffic for the site.

Mr. Ham stated that he believes it will not impact traffic.

Chairman Ricci inquired about whether the public can park in the vacant lot currently.

Ms. Moreau stated that the public can park there.

Mr. Ham stated that it is gated, but the public can park there and pay on the way out.

Mr. Gladhill inquired about how quickly snow on top of the garage will be removed in order for parking spots to be freed up.

Mr. Netto, Parking Garage Architect for the project, stated that parking demand will be lower during snow periods and they designed the deck to carry a heavy load of snow. The Snow Dragon is very portable (similar in size to a Chevy Pick-up truck) and can move easily in the garage. It has a hopper for snow and contains heated water that turns the snow to water. The water is then filtered. This

removal of snow doesn't require staging of trucks and there will be a designated area in the garage to park this vehicle.

Councilor Thorsen inquired as to whether Whole Foods controls the timing on the arrival of trucks and whether the situation might arise where they all arrive at the same time.

Mr. Greim stated that all deliveries are scheduled.

Councilor Thorsen asked for clarification around whether there would be any parked delivery trucks on Maplewood Avenue at any time.

Mr. Greim stated that it is the plan to never have parked delivery trucks on Maplewood Avenue, although he cannot absolutely guarantee this.

Mr. Thompson stated that they would be willing to accept a stipulation to this affect.

Councilor Thorsen inquired if the applicant had given any consideration to convention set-up and tear downs. He stated there may need to be some agreement of designated parking times.

Mr. Thompson said that this will be coordinated at off-street locations.

Ms. Moreau inquired if all retail would be able to use the loading dock area or whether it is strictly for Whole Foods.

Mr. Greim stated that there are 2 full size loading docks and a loading ramp next to it. Everyone in the complex can use these docks.

Chairman Ricci asked the applicant to present the CUP.

Ms. Duprey was present to present the CUP. They feel the long intensive process has made for a better Site Plan. On page 2, there is a quick reference guide to show how they have met the standards for the CUP process. They believe it overwhelmingly meets the standards outlined. The Planning Board must review the application and provide advisory comments to the HDC (granting Commission) in order for the CUP to be approved. The final determination for heights will be decided upon by the HDC. The applicant is asking for permission to build up to a height of 60' for the entirety of the building. Not the entire project, however is this height; parts of the project for example are at 43' in height. The applicant notes that at the present time, everything surrounding the project site (at least the new construction), is approximately 60' including Portwalk 1 and the Hilton Garden Inn, Portwalk 2, Residence Inn and residences, Portwalk 3 and the Hampton Inn and Suites and residences and the Sheraton Hotel. This height is the dominant feature in the area and their project is in concert with that height. Ms. Duprey stated that the applicant cannot build without the CUP. In order to grant a CUP, the applicant must demonstrate that they contribute positively to the overall historic character of the neighboring properties and the district as a whole. She believes that all elements have been demonstrated to this end and felt that they have done everything that they can to lend to the historic character of the area. Ms. Duprey described (through a slide presentation) various elements of the site. The first element is civic space. The first civic space is the Russell Street pocket park. It is currently

overgrown and weedy. Their proposal is for landscaping and lighting in this area. It will be a combination of hardscape and plantings. There will also be a nice inviting path to walk from Market Street into the project area. The next civic space is the Green Street Plaza where they are proposing a restaurant, plantings and a brick plaza. This is on City land, but the developer will pay to develop this area. The next civic space is the North End Plaza, which is the heart of the project. This is where the conference center is located. This is similar in size to the Market Street plaza. They envision this area as a very active area. This is City land but the developer will pay for the development of this land. Continuing around onto Deer Street, there is the rooftop garden (the lowest part of project at 43'). The rooftop garden will have very nice views and will have food and beverage service. There is easy access to this area from Deer Street. The next civic space is the Vaughan Street pocket park. It is weedy now, but the applicant will landscape this area and will clean up the back of it. The second element is underground parking; 25% of the parking on the site will be underground. The third element is building design. This element specifies the use of high quality building materials. Suggested materials include such things as slate or copper roofing, copper gutters and downspouts, restoration brick, granite sills and wooden sills along the façade. They have incorporated many high quality building elements. The fourth element is building scale. They have brought the pedestrian scale of the project down responding to opponents concerns.

Carla Goodknight of CJ Architects was present to speak to the Building Scale Element. She stated that they have broken the development into 8 distinctive segments. The distinction is created by incorporating varied rooflines, breaks in the massing with breakthroughs at ground level, drop downs and setbacks. Ms. Goodknight described the separate elements of the building (through a slide presentation). The hotel has a conference center below and condos above. This area is a departure from the brick so as to vary the materials. There is a bridge structure across to the Sheraton and the hotel on Green Street with traditional but updated architectural elements. Varied elements include: building step backs and setbacks, horizontal banding, awnings, roof canopy, brick pilasters, pitched roof elements, varied roof elements, pitched awnings and varied window patterns. The hotel on Green Street has building step backs, brick pilasters, varied roof elements, pitched roof elements and varied window patterns, horizontal banding.

There are also significant restoration efforts. The applicant is proposing a contribution of \$20,000 to the City to preserve the historic cemetery. They will also conduct a full archeological study with Katherine Wheeler, an independent Archeologist. They will exhibit any significant elements found in the hotel and conference center and the exhibits would be open to the public. Element six is permanent protection of the significant view corridor. They have created a view of The Hill and the North Church steeple from the rooftop garden. They also have a view of the historic cemetery from the Vaughan Street Pocket Park. There is a view to the North End (with a break in the building massing) with the Deer Street passageway. This was something that members of the public requested. Ms. Duprey stated that opponents will make the point that the project should be broken into smaller elements and that the Master Plan does not support this type of massing. Further, they may cite a number of facts in the Master Plan that they feel support the argument against this sort of project. Ms. Duprey stated that they have done everything they can to create a pedestrian scale project. The Master Plan was adopted in 2005. Prior to and subsequent to the Master Plan, 60' heights were allowed. The Sheraton was granted a variance for a height of 76' in the 1980's. Harborcorp was granted a variance for 72' in 2006 for the Weston project. Approval for this project was granted which was 100,000 s.f. larger than what the applicant is proposing. The City approved buildings surrounding this project site at 60' in height for

Portwalk 1, 2 and 3 so the City has envisioned that there would be development in the North End and that it would involve buildings of this height. She stated that it is not enough to simply look at the exact wording of the Master Plan, although she feels that this project fits the wording of the plan by the actions they have taken and by what the applicant is proposing, but that we must also look through the lens of the actions of the City at a time when the Master Plan came about. The City has viewed this kind of height and development as compatible with what the Master Plan (adopted in 2005) states. She stated she has been in this business for 38 years; she sat on the Heritage Commission, she has been a City Councilor and also a Planning Board member and she has never seen the City do the developer a favor. That is not what cities do. They engage in civic activity and they adopt things such as a Master Plan to carry out a vision for the City. The City is working hard to do the right thing to develop this part of town. This is the lens that she thinks the City should be looking through. She felt that the City should be able to support what the applicant is proposing. Another concern raised is what the commitment of Whole Foods is to the City. She prepared a letter which she provided to the Board this evening. It is regarding an agreement between Whole Foods and the applicant that states that Whole Foods has the right to lease the property for 20 years. In addition, they have the right to lease it for an additional 5 years for each of 6 options for a total of 30 years. This is a total of a right to lease for 50 years. She hopes this satisfies everyone about the commitment that Whole Foods has to the City. She would like to point out that the developer and his family (Chris Thompson is the son of the family) have had a long and lasting relationship with the City through the Sheraton. They've owned the property under discussion for 30 years. They took a chance on the City and helped to lift Portsmouth out of a tough time. Mr. Thompson has a Ph.D. in art and cares what the project looks like. He wants it to be spectacular. He has driven the team hard in order to make the project better at every turn. He has listened to the City, City fathers, regulators, the public and opponents. He is here to stay and has a deep commitment and lasting commitment to the City. He will not "flip" the property. He is here for the City for the long haul and his actions demonstrate that. She stated that their application overwhelmingly meets what is required in the ordinance.

Chairman Ricci called for questions from the Board and stated that the City has a 3-D model which will be shown on screen. This model is also on the City website for the public to view.

Ms. Moreau inquired about access from the sidewalk to the rooftop garden.

Ms. Goodknight showed through her slide presentation exactly where the access is.

Ms. Moreau inquired as to whether the rooftop garden would be open to the public.

Ms. Duprey stated that it would be open to the public, but they would not be allowed to walk around at 3am.

Mr. Thompson stated that the rooftop garden would most likely be open to the public from 7am-10pm.

Councilor Thorsen stated that he wouldn't characterize the expression by members of the public as opposition but rather feedback/input. He stated that they rely on residents to provide good feedback and sees this as oversight and guidance, even though he doesn't always agree with everything said. He recommends that a topic of discussion for the HDC may be whether to approve the CUP after the approval of the plan for North End development. The heights for this project sit at 43-60' depending on

location. He inquired as to whether this includes such things such as elevators, roof air conditioning units, etc.

Mr. Greim stated that average building height is just over 56' and includes this type of equipment although there may be an elevator above 56', but they are compliant.

Mr. Taintor stated (for meeting attendees not as familiar with building height as the Planning Board) that there are 2 ways to look at building height. One is average height, which is what Mr. Greim is talking about (56'). This measurement is average height above average grade plane. This is where the difficulty with Portwalk Place arose. Secondly, there is now a regulation that states that within 25' of any street line, no part of any building shall exceed 60' above the street, at any point.

Mr. Greim stated that in no place does any element in the project exceed 60'.

Councilor Thorsen inquired if the Sheraton, sitting at 60', would be sitting lower or was it comparable to the height of this site.

Mr. Greim stated that the Sheraton is as high as 72', so it will sit higher.

Ms. Goodknight stated that the 3-D model will show these building heights relative to each other very well.

Councilor Thorsen inquired if both plazas will be public areas.

Ms. Duprey stated that both plaza areas are owned by the City, but there will be a request for licensing for a café at one, and a restaurant at the other.

Councilor Thorsen inquired what would happen if a major archeological element was discovered and wondered whether this should be a stipulation.

Chairman Ricci stated that the regulations dictate what will happen in regards to this. It is well regulated.

Jamie McCarty, GIS Manager for the City of Portsmouth demonstrated (on screen) the City's 3-D model. He stated that the model can be found on the City website at www.cityofportsmouth.com ; then navigate to the "Historic District Commission", "Current Land Use Applications" and then scroll down to "Harborcorps 3-D Model." There is a link that goes to an external website at this point where anyone can click to open the model. He also demonstrated how to rotate the model. He stated that it runs well on most browsers but is best used in Chrome. He showed how the proposed building looks in comparison to the Sheraton hotel.

Mr. Gamester inquired about how often trains will use the railroad tracks.

Mr. Taintor stated that the City did not look at the number of trains that may be going through or the increase in trains due to C3.

Mr. Greim stated that the applicant did not investigate how many times a day the train will go through.

Mr. Gamester inquired if the applicant looked at the combination of what the 111 Maplewood Avenue study trips would amount to in combination with this site.

Mr. Ham stated that they looked at everything (Portwalk 3, 111 Maplewood Avenue, 233 Vaughan Street, 319 Vaughan Street and the small parking lot) being built around the site.

Chairman Ricci opened the public hearing.

Chris Hackett of 47 Elwyn Avenue was present to speak to the application. He stated that there will be people on both sides saying the project is beautiful and others saying that it is not. This project, from what he understands, will bring in over \$700,000.00 in tax revenues to the City and there will be millions reinvested back into the economy. He felt that the City as a whole is getting overconfident in saying that it doesn't need all these people coming in to the City and that it doesn't want to grow. He felt that the City really does need to grow. The developer has gone to great lengths to do this right. He hasn't been in a city where there is a drop-off. In regards to lighting in the back of the building, other places in the city are dark, but this won't be. He has been to many places where there are dark alleys/backsidings of buildings. He felt that the City as a whole is giving the developer a hard time, but he felt that they are doing a great job.

Paul McEachern of Dennett Street, was present to speak to the application. He stated that he was on the City Council in 1968 when the Portsmouth Housing Authority started taking deeds to these properties. The site parking lot has been vacant for almost 50 years. The Sheraton lot was vacant for many years. The 1960's and 1970's were not a very good time for the downtown. He stated that this is a genuine improvement to the City. He has heard much about the continuous façade of this project, but Congress, Market and Bow Street are a continuous façade. Years ago, the City would've loved buildings built to the height being discussed if anyone would have been willing to do it. Sixty feet in height seems like it has become the Holy Grail in terms of height, but 60' is not very high. They are talking about 600' in Boston. The trailer on a tractor is 53', so let's keep this in perspective. Let us not freeze-frame Portsmouth. We should support the project.

Keith Eveland of 11 Bow Street was present to speak to the application. He handed out a letter to the Board. He spoke of commercial trucking access to river based businesses on Market and Bow Streets, and Maplewood Avenue. He felt the most important thing for people to understand is that the ships coming in to port are a tremendous attraction and are just as important as vehicular traffic. Therefore, adequate roadways must be built and maintained in order to support shipping.

Rick Beckstead of 1395 Islington Street was present to speak to the application. He used his time to speak about the CUP. He stated that the CUP is meant for the public. He spoke about issues around jobs and the open space including the rooftop garden and that public access will be more limited than is claimed due to functions at the hotel/conference. He also stated that this project is a 660' building and people will have to walk around the site to get to a number of places on the site. He is not necessarily against the project, he just wants to ensure that it is done correctly now because once construction begins, there is no going back. He wants a guarantee that the project will benefit the

people of Portsmouth. If things don't work out as the applicant claims, he wants a guarantee that it will be made right. Due diligence now is warranted rather than post-construction.

Ken Black of 82 Peeverly Hill Road was present to speak to the application. He didn't think his situation had much to do with the current applicant but the abutter notice he received in the mail stated that the date for the hearing was this evening. He hadn't received any other notice for a different date since then and he will not be able to be present on April 30th. The notice was in regards to a waiver to exceed 500' on a cul-del-sac. He inquired as to what the current situation was and when is this going to take place.

Mr. Taintor stated that this waiver was originally scheduled to be addressed tonight, but the hearing has been postponed until April 30th, 2015.

Mr. Taintor asked that Mr. Black contact Jessa Berna so that she can explain the project and what is happening with it.

Jerry Zelin of 70 Kensington Road was present to speak to the application. He thanked the Board for their public service and the time they have devoted to this application. He provided hard copies of the packet that he mailed to the Board on March 31th, 2015. Document number 3 in the packet is a Memorandum of Law that he filed and this is what he will focus on this evening. As the memo points out on page 4, there is one reason for the Planning Board to give advice to the HDC on the application for a CUP. It is to ensure coordination with the Master Plan. Later on, he will discuss how the mass of this project is inconsistent with the Master Plan. The 6 bulleted factors summarized in the memo of March 31st, 2015 are not an exhaustive list of factors to be considered, but the overarching standard is that the CUP should be granted only if the proposed building and site design positively contributes to the context quality and overall historic character of the neighboring properties and the district as a whole. He stated that when considering the CUP application, the net benefit should be considered including the disadvantages. He asked the Planning Board to consider parking and traffic not only for Site Plan Review but as part of the CUP application. The CUP application process is an essential tool to ensure that that the mass (building) that will support intensive uses will be accompanied by sufficient parking for those uses.

Peter Weeks of 677 Dennett Street was present to speak to the application. He was involved in City activities from 1979 – 1983 as Assistant Mayor and subsequently as Mayor of the City of Portsmouth. At that time, the Shelter Group came to Portsmouth and took a big risk in constructing the Sheraton. They did the City a favor during very difficult times. The project proposed tonight will most definitely be of benefit to the City.

Lilly Buyer of 218 Rockland Street was present to speak to the application. She stated that she is very excited about the project and felt that the site design looks good and that it will be a very positive change for the City. We want to encourage people to park their car and walk around downtown for the weekend. This project will encourage that. It will be sustainable and will improve the economic vitality of Portsmouth. There are a few issues though from her perspective. She felt that narrowing the lanes in order for tractor trailers to make turns was beneficial, but in general the lanes are too wide. She cited an example of this on the corner of Maplewood Avenue. To have a 15', a 12' turning lane and a 14' lane is inappropriate for the downtown. The City should have 12' as a maximum. Maplewood Avenue

is 15'. Deer and Russell Streets are a little better at 12' in width. Many on-street parking spaces are being sacrificed for a bike lane going nowhere. On-street parking makes everyone safer. Market Square works for a reason, it is because no one drives through this area faster than 15mph. This site is not Market Square.

Bill Stewart was present to speak to the application. He owns property on Hanover Street and residential property on State Street. He stated that he is in favor of the project and that it will do a lot for the community. The project provides a lot to the residents of Portsmouth and the scale and scope seems appropriate to the location. He is an abutter and does have concerns about traffic and parking, however.

Dixie Tarbel of 25 Driftwood Lane was present to speak to the application. She stated that she is excited about the project and the North End Preliminary Vision Plan. She felt that this project can get Portsmouth on a roll but if the CUP is not approved, it is welcoming stagnation to Portsmouth. She can think of no alternative that is better than this project. It will provide the City with vitality and great aesthetics.

Joe Calderola of 170 Dennett Street was present to speak to the application. He stated that he supports the project and felt that it will be of benefit to downtown. He supports the conference center. He felt that the City hasn't gotten enough in terms of mitigation and the CUP and stated that the developer could've done a better job with keeping the truck impact off Maplewood Avenue. He requests that the issues being discussed become conditions of approval.

Ned Reynolds of 110 Aldrich Road was present to speak to the application. He stated that he came out to voice support for the project this evening. He has lived in Portsmouth for 15 years. He served on the Council from 2004-2008 and was an HDC representative from 2006-2008. During this time, the Weston project went through the process and was approved, but did not happen. The Weston project was substantially larger than this project, yet didn't have the amenities that this project has. In short, he thinks this project has been something the City has waited for and will be an asset to the City. It will put the City on the map in a way that it has not been before. He stated that he hopes the CUP will be granted.

Diana Guilbert of 15 Thornton Street was present to speak to the application. Regarding parking, she stated that on page 2 of the document that Jerry Zelin presented, the summary of parking stated that once all the proposed parking spaces have been accounted for, there are only 54 parking spaces plus an additional 100 spaces through valet parking to accommodate the conference center (which can be as many as 1300 attendees and an additional 280 part-time and full-time staff). She stated that there are a lot of outstanding issues with this project that still seem unclear at this point.

Lawrence Cataldo of 133 Islington Street was present to speak to the application. He stated that the project in general looks very good. He spoke about the future traffic flow in and around the project. Later, he will show slides to depict the current and post-construction situation to review future traffic flow and some potential disturbing outcomes. He stated that the TEC report, while quite extensive with a wide scope, it focused only on changes in traffic. It did not address existing volumes on the street and the effects of traffic on Deer and Russell Streets. He added that the traffic planning engineers should perform more analysis to avoid traffic grid lock.

Greg Laakeva of Islington Street was present to speak to the application. He stated that he moved to Portsmouth 2 years ago and feels that it is an amazing town. The concessions the applicant is making for the City are extensive. Outside of parking for a few events/year, the City will gain 50-100 spots. He felt that we should leave parking to the experts and not to emotion. He is excited about the public space and the tax revenue and the open space. It will also bring a lot of jobs to the City.

Jeff Kissel of 21 Wallis Road was present to speak to the application. He reiterated that from his understanding, there will be 4,500 new vehicle trips on a weekday and 7,000 on a weekend. The cars are coming in at different times, in different places and traffic disperses. As a result, one specific place will not be impacted by the traffic. He agreed with Mr. Laakeva that parking should be left up to the experts.

John Guilbert of 15 Thornton Street was present to speak to the application. He stated that he was at the visioning group last night where the 2005 and 2015 Vision Plan was discussed. Mr. Taintor stated at that meeting that the City was a livable, walkable City that preserves its history, and is a City that lives in balance with its natural resources, protects its waterfront views, and provides a good atmosphere for entrepreneurial opportunities. He sees a disconnect between what Mr. Taintor said and this project. This project is a major barrier between where he lives and getting into town. He doesn't see in the Master Plan that people wanted a conference center. This project will bring jobs to the City, but they will be low paying service jobs. Furthermore, those people won't be living in town. This project and Portwalk are turning the City into a tourist city, not a city for the residents. Mr. Guilbert distributed copies of the slide show that he will be showing later.

Arthur Clough of 431 Pleasant Street was present to speak to the application. He stated that to have a building this long is ignoring what it will cost the people that live here. He stated that there are already a number of parking and traffic problems in the City. There is a nuclear power plant nearby. There are problems of egress in case of an emergency (Seabrook nuclear power plant). In addition, we are talking about funneling more people into Portsmouth when we have an already strained human waste problem. This will put a strain on resources and waste systems. The project will require more police and fire resources. It is incumbent upon us to preserve the City as a historic City, not as a venue. This project doesn't improve the general character nor the historic character of Portsmouth. It turns the North End into "PortsVegas". If you look at the people in favor of the project they are photographers, artists, entertainers. The project is not conducive to the lifestyle of Portsmouth. It will create minimum wage jobs for people who can't afford to live in the City. It will alter that corridor of the City negatively.

George Carlisle of 18 Congress Street was present to speak to the application. He stated that he could not be more diametrically opposed to what the last two speakers stated. He owns a business at 26 Congress Street. He strongly recommended that the Planning Board approve the application this evening and that the Board recommend approval of the CUP to the HDC. There are 3 compelling reasons to approve this project 1) Technically the project will work 2) aesthetically, the project is fantastic 3) From a taxpayers and resident standpoint, the City needs this project. He stated that at times, we act like we don't, but we do. The City has been talking about something like this for 10 years. We need it more now than we did 10 years ago. He stated that he knows and understands that we want to get this right, all the work and analysis and review that have gone into this demonstrates this, but it all has been done. TAC approved this unanimously. The vacant lot now is not attractive. He lives

2 blocks away and does not go to the site now, but after this project is built, he will walk the site every week. The public benefit is compelling and he asks that the project be approved this evening.

Todd O'Dowd of North Mill Pond off Dennett Street was present to speak to the application. He has a business off Islington Street. He is in favor of the project. It is the right project at the right time with the right developer. The current vacant lot is ugly and now has the opportunity to be something really special. To address the comment this evening only low wage jobs will be generated from this project, he stated that he has a 16 year old daughter for which this type of job would be great. It will get her into the workforce and to learn what it means to work. Any job to get into this City is a good job.

Patricia Bagley of 213 Pleasant Street was present to speak to the application. She distributed a handout and asked some questions. She stated that regarding the parking numbers, there are 683 parking spaces, but no deductions for the 93 condo parking spaces that are permanently reserved. It is 93 spaces that will not be available to the public. The convention will hold 750 people, but the Sheraton can hold 350. So there will be a much greater demand than 750 spaces when there is an event and there could be simultaneous events between this project and the Sheraton. The last meeting minutes from March 19th, 2015 included a stipulation that the applicant provide further detail for offsite parking provisions including shuttling. She wanted clarification that this will be completed before approval. She asked that the handout be admitted to the record.

Jim Jalbert, owner of C&J Buslines located at Pease International Tradeport, was present to speak to the application. His company has been providing service to the City of Portsmouth for 47 years. He was also past chairman of the American Bus Association in Washington D.C. and has been actively involved in the convention business since 1998. He felt there are some misunderstandings and misnomers about parking so he wanted to clarify that. First, conventions in smaller and larger cities are (more and more) using alternative methods of transportation to get to the convention. For example, his Association holds a conference where there may be 3,800 attendees (in a city where the population is just over 3,000); 85% of the attendees use alternative methods of transportation to get to the convention. He stated that more people applied for a driver's license in 1964 at 16 years of age than in 2014. More people, in spite of the population explosion, are not seeking driver's licenses. There is a decline in the people who drive and at the same time, an increase in alternative (public) modes of transportation into cities (conferences). He stated that every night someone stays in a hotel in Portsmouth, \$256.00 - \$363.00 is brought into the City. He stated that this project should be approved and it will work.

Ken Rogers of 579 Sagamore Avenue was present to speak to the application. He also represents Deer Street Associates. He is an abutter to the project. The Association wholeheartedly supports the project and they feel the applicant has met the criteria of the CUP. The project design greatly enhances the site and their uses and tenants will improve the area. He hopes the Planning Board will consider approving the Site Plan and CUP this evening so the applicant can move forward.

Barbara DeStefano of 99 Hanover Street was present to speak to the application. She stated that she probably lives closer than anyone speaking about the application this evening. She can look out her slider right to the site. She stated that she is anxious for the project to be developed. Portwalk with 2 active restaurants adds a lot to the town. This project will add even more to the City. She also stated that the parking is not a huge concern. Not everyone goes to a convention in their own car. They also

will not all park at the site. They will park at other hotels or use parking through a valet. There will be plenty of space. It will not block off that end of town. She urged the Planning Board to approve the project tonight.

Mary McElwain of 259 South Street was present to speak to the application. She is an alternate to the Parking and Traffic Safety Commission. She stated that this is a complex process and thinks that all the time and effort that the Planning Board, as well as other Boards/Commissions, has put into this process is very important for the citizens of Portsmouth. She felt that the project should be approved, but she wanted to ensure that the Planning Board is really taking a good look at the recommendations from TAC such as certain requirements with regard to snow removal. She is concerned about fire trucks having adequate space to move behind the building. The railroad crossing, particularly as more traffic (carrying gas) moves through, is a concern she has. She stated that very few people carpool. She can see 500 cars coming into the City in the morning all leaving at 5pm. This could present a problem. There are many more questions on parking and traffic that still need to be reviewed and addressed.

Dick Bagley 213 Pleasant Street was present to speak to the application. He stated that the City is losing 41 on-street parking spaces that would bring in over \$120,000.00/year in revenue. Over the course of the lease of Whole Foods, that is a great loss of revenue to the City. He felt that there is too much going on in terms of parking. He asked, why not create a walkway and bike path down the back so that it looks like a front and safety of the site would be improved. Also he asked, why not divide the building, take section lengths down in size and improve traffic flow.

Mark Countslot of Lafayette Road was present to speak to the application. He is concerned about exclusivity. He sees areas of the City where a wall is put up excluding people from a view of the Piscataqua, for example. The thing that excited him about this project was the rooftop garden and that it will be open to the public, but he is now hearing about the public functions and that the rooftop garden will be closed during those functions. He asked that the Planning Board obtain assurances of guaranteed public access.

Paul Mannle of 1490 Islington Street was present to speak to the application. He wanted to clarify that there will be no vote tonight on Site Review.

Mr. Taintor stated that The Planning Board cannot vote until the HDC votes on a CUP.

Mr. Mannle asked for clarification that the purpose of the Planning Board in the CUP is to provide review only.

Mr. Taintor stated that the Planning Board must make a recommendation to the HDC, but it is advisory only.

Chris Thompson with Harborcorp shared a posting regarding this project (from today) for the record from Assistant Mayor Jim Splaine. The posting stated, "I think we are moving towards something increasingly better, thanks to dialogue and a cooperative spirit."

Chairman Ricci called a 5-minute recess and stated that after the break, second time speakers would be heard.

Jerry Zelin of 70 Kensington Avenue was present to speak to the application. He stated that this project is a structure that spans 3 lots. He prefers to see the project broken up into 2-3 structures with variability in heights. He asked Harborcorp to keep the promise they made previously. He further stated that Chris Thompson had told the City Council during a public hearing that most of the building could be at a height of 45'; that part of it needs to be at 60', but certainly not all of it. The application for a CUP filed in March of 2015 is very different from Mr. Thompson's current representation. The application for a CUP now states that all of the project may exceed 45' and may extend to 60'. Generally speaking, this building is 60' tall plus or minus a few feet. There is one portion of the building (the bump out where the Rooftop Garden will be) that is 43', behind it is the spine of the building, which is much higher. Overall, the average of the building is 56'. This average is lower due to the low rooftop garden. The whole building though is (or approaches) 60' along the perimeter. This is not what Chris Thompson promised the City Council. If this promise is not enough, the Zoning Ordinance sets the default standard at 3.5 stories or 45', whichever is less. The criteria for deviating from that default height limit are: the project must positively contribute to the character of the Historic District as a whole. The job of the Planning Board is to determine whether this project is consistent with the Master Plan. The project is 360' long along Deer Street. It is 420' along Russell and 660' along the railroad tracks. Item 4 in the Board packet compares the height of Harborcorp with other buildings in the North End. He stated that this building is far larger in its footprint than anything in downtown and in the North End. The next largest building in its length is the City parking garage at 451' long. He conducted a 660' stroll along Congress Street and took measurements starting at the entrance to Popover's and ending at Radici Restaurant. He passed 11 buildings of varying heights and 21 stores. He crossed two Streets and two alleys. There are many different/separate buildings in this course. This proposed structure does not extend the human scale to the North End as the Master Plan demands. Nor does it integrate the North End with the rest of downtown as the Master Plan demands. This mass of a building will create a structural wall and the back is a monolith. It is far larger than anything in the North End now and far larger than anything that will be built in the North End.

Joe Calderola of 170 Dennett Street was present to speak to the application. He spoke of the 41 street parking spaces that would be lost with this project and in turn, there would be lost revenue to the town. The numbers imply that at peak periods on Saturday afternoon with the spaces that will go to condo owners, the garage will be closed to the public. Street spaces contribute more to the City economy than garage spaces. He showed a video of a tractor trailer making a wide turn in an area with a similar geometry to the site intersection. The video depicts the tight turn. He has asked the applicant about this for months. He felt that the real answer is that there has to be a better route for trucks. If the applicant had worked more on this issue prior to a million dollars being spent on design, perhaps the trucks could've been brought in through the cut-through making traffic flow safer. The City has an obligation to pursue a safer traffic alternative when available. Just because it was not considered early on is not a reason to avoid consideration or inclusion of this factor now. If the trucks cannot be moved off Maplewood Avenue, perhaps there could be a time limit on when they can come through. No trucks coming through during rush hour for example; something that would mitigate the safety hazard.

Patricia Bagley 213 Pleasant Street was present to speak to the application. She had a few comments on the handout she provided earlier. She stated that she has been researching traffic safety, specifically with regards to tractor trailers. She has become more familiar with cyclists involved in accidents with tractor trailers; many of which are deadly. In December of 2012, a 23-year old Boston University

student was killed in an accident with a tractor trailer. Last July in New Orleans, a bicyclist was killed in a right hook accident with a tractor trailer (which made a turn and cut-off the bicyclist). The plan in this project is to create shared car and bike lanes. The projected 5,000-9,000 additional vehicles/day will converge at this site. This does not create a bicycle/pedestrian friendly area. On any given day, there will be 2-3 tractor trailers/day at the site. At peak times, there could be 5-6 tractor trailers. In general, there are more driving distractions now in addition to heavier traffic. She is suggesting to the City that the bike lanes (even though she is a fan of cycling) be eliminated in order to avoid hazards of travel with so many tractor trailers.

Lawrence Cataldo of 133 Islington Street was present to speak to the application. He showed slides of weekday average daily traffic counts for 3 major streets around the site. For Deer Street, there will be 8,000 vehicles travelling down the street. For Maplewood, the number is 12-14,000 cars. For Market Street, the number is 7,600 vehicles. This rate is growing at approximately 20%/year. The traffic flows through Harborcorp on a weekday is 5,500 vehicles. With numbers like this, there will be substantial traffic. Deer Street will probably take the brunt of traffic. Weekend traffic numbers are a little lower. This traffic will be compounded with seasonal traffic during summer months. These numbers do not include things such as bus traffic. Traffic flow on Deer Street could be 1,800/hour from 2-8pm. There is a potential for grid lock, but also for disaster. Any type of slowdown, truck breakdown, or the bridge going up and down multiple times/day will create substantial problems. He inquired as to whether there are mitigated measures to avert disaster and grid lock. He wouldn't want to see a fire truck or ambulance going down the sidewalks. He urged another look at traffic volumes so that Harborcorp could be enjoyed.

John Guilbert of Thornton Street was present to speak to the application. He showed slides of the City that "sell" Portsmouth. He stated that even Harborcorp has used pictures such as these to promote/sell Portsmouth. Then he showed a picture of Portwalk stating that pictures like this are not used to "sell" Portsmouth. He walks down Maplewood Avenue nearly every day. A cut-through has been generated, which is terrific, but it will be intimidating to a pedestrian to walk in this area. The back road could be changed. The back of the building is unmistakably the back of a building. A sidewalk at certain points could transform this part of the site. He would prefer to see trucks have access to the back through the Market Street Extension.

Paul Mannle of 1490 Islington Street was present to speak to the application. He stated that regarding traffic numbers from the traffic study, there would be 5,000/cars/day and over 400/hour, 7 cars/minute (for a 12-hour period). On the weekend, there would be over 8,000 more cars, 11 cars/minute every weekend. He wondered what happens with these numbers during a conference. The numbers may double or triple, but no one really knows the answers to this. He wondered whether the streets can handle this volume of traffic but no one really knows the answer to this. All we have is informed speculation. His specific concern is Maplewood Avenue particularly as it is a gateway and this is where the traffic impact will be. If he were driving a truck making a delivery to this location, it would not make several 90-degree turns and negotiate a roundabout in congested streets when he could just take the bypass, go down Maplewood Avenue and make one turn. Regardless of whatever signs are put in place, tractor-trailers will be doing this. The project will encourage more traffic on Maplewood Avenue and discourage it on Market Street through to Russell Street. Harborcorp wants a pedestrian experience on Deer and Russell Streets. It would make more sense to activate Maplewood Avenue. This site will have 523 parking spaces (141 underground and 382 above ground). He wondered

whether this project has the required parking for all the stated uses. He wondered about the events and the promised public parking and whether this project will help, or hurt, the downtown parking garage. He requested that the second garage down the road not be counted as this is in the future. He stated that we must not forget the loss of 41 public on street parking spaces. In addition, what must be considered is the loss of approximately \$150,000.00 annually for those on street parking spaces. Garage parking revenue goes to the City. He urged further review and taking more time to evaluate this project in order to do it right. There should be no rush to make a decision.

Diana Guilbert of Thornton Street was present to speak to the application. She spoke of more intangible qualities. She stated that she is not against Harborcorp; she is glad that someone is building a classy parking lot and building, but she inquired about why it has to be so big. Proportion and perspective are important characteristics to consider. It is pleasing to walk down Maplewood Avenue now and see the church steeple. There's a sense of connectivity. This project will block that view and therefore the connectivity. She inquired about breaking up the project into a couple of buildings.

Rick Beckstead of 1395 Islington Street was present to speak to the application. He stated that we had a dream, we had a vision. This project goes against what we all dreamed. At 111 Maplewood, the developer made certain it was user friendly and vibrant from all angles. This project is not user friendly. Many people are frustrated because we are now working around the dream. Safety is paramount. The Hilton Garden Inn took over 2 years to develop, and then Portwalk came. The HDC has the ultimate control. His father served on the HDC. The Planning Board has gotten much information from residents. We keep repeating things and no one is taking any action. The Traffic and Parking Safety Commission met once, and then they voted. He hopes that it will be more than one or two meetings for the CUP. It is time for the Planning Board to step up. He asked that the Planning Board demonstrate to the community that they are listening. He urges the Planning Board to do the right thing.

Dick Bagley 213 Pleasant Street was present to speak to the application. The speed on the railways will be increasing from 10 to 20 mph. If railroad crossings are required, there will be one at the major entrance to the garage off Maplewood Avenue. The Planning Board has the right to suggest that the bike lanes be off the road. The inclusion of the bike paths have caused the loss of 41 on-street parking spaces. In addition, there will need to be more room for bus traffic. He suggested bringing the bike path down the back, put a walkway there and make it look more like the front. He thinks Ms. Walker is doing the right thing, but putting the bike lanes in the midst of tractor-trailer traffic is not acceptable. The restriction for attendance to a convention is listed at 750. There is also the Marriott across the Street, as well as other conference centers in the area. All of the parking in the area must be considered. He is not against the project, but if the building were broken up into several units, a true bicycle plan could be facilitated and several traffic loops created. It is really an unknown at this point just how many 18 wheelers will be coming through. In addition, he stated that Whole Foods entered into a relationship with Instacart recently, which means that food can be delivered directly to homes. It is being tested in Boston and Whole Foods plans to bring this option to Portsmouth. Roughly 10% of Whole Food customers will use this option. This will increase box truck traffic. It doesn't seem that this has been taken into account.

Lawrence Cataldo of 133 Islington Street was present to speak to the application. He spoke about backed up traffic. He stated that there is quite a bit of discretion available to the Planning Board with

regard to this project. There is a \$20-25,000.00 donation towards mitigation on Maplewood Avenue. This dollar amount is insulting. The railroad crossing is there and will be impacted. The Planning Board put a required amount 10 times this on Portwalk and he requested that the Planning Board put the same requirement on Harborcorp stating that the impact will be even greater with this project. Harborcorp has been telling us that the rooftop garden would be closed during events. He would like to ask that the Planning Board make a stipulation that it be open at all times to the public. It has been stated that it would be open, but that doesn't mean it is binding. He hasn't seen anybody address and reinforce that what makes Portsmouth special which is the cadence, the rhythm and the eclectic nature of the City. This project goes against these things and this is why people are so upset. We are becoming Portland. He read the entire quote from Jim Splaine, which he stated was not read in its entirety tonight and that made him angry. Jim Splaine stated that "he thinks a little more work is possible to improve the rear of the building, and the "mass" as well as resolve some of the Maplewood Avenue traffic congestion impacts and finding firmer alternative satellite parking for large events. Further, he commends owner/developer Chris Thompson and his team, and the citizens who have worked to make the project better as it has evolved through the process of Boards and Commissions. Together, they have worked to make this project much improved from its inception over a year ago. This can become a good win-win for our downtown, and our city as a whole. If it isn't Harborcorp, there will be something else eventually located on that site that may have more negative impact, without the benefit."

Jerry Zelin of 70 Kensington Road was present to speak to the application. He stated that an earlier speaker said that at the North End Charrette, 70' buildings were discussed and favored by the majority of people. He stated that this is a false statement and in reality, a majority favored a height that was less than that of Harborcorp. The only case where people were in favor of this type of height was when they asked for something in return, specifically, Workforce housing. Harborcorp has not provided workforce housing, only luxury condos.

Paul Mannle of 1490 Islington Street was present to speak to the application. He stated that with regard to the CUP, the discussion should include both pros and cons. He stated that the Planning Board should consider all of the cons. Since there is no formal process, the applicant can choose the Boards/Commissions to go to; the approval process for the CUP means nothing. The parcels on tonight's agenda represent \$850,000.00 in taxes. He urged the Planning Board to look at those numbers. In reality it is only \$450,000.00 of new revenue because the current properties pay over \$400,000.00 in taxes. He wondered whether that new revenue of \$300,000.00 would be enough to cover the increase in municipal services needed for a project of this size. Criteria from the HDC include such things as publicly accessible open space; high quality building materials. These types of things should not be incentives, but rather requirements on all buildings. He wondered whether the HDC was approving buildings of low quality building materials.

Dick Bagley of 213 Pleasant Street was present to speak to the application. He stated that at the Master Plan meeting last night, 3 reasons were cited as to why people come to cities: 1) Protection 2) Jobs 3) Quality of life. He posed the question of whether high end condos, Whole Foods, a convention center really is of benefit to the residents. He felt that the answer to this question is "no". This project will bring business into town, but it doesn't help the people of Portsmouth. The CEO of Whole Foods stated that they have to draw from a population of 200,000. The population in Portsmouth is only 20,000. He urged the Planning Board to think of what the convention center will do for the City and

what having a Whole Foods (which will really be a regional market drawing from MA) will do for the City.

The Chair asked if anyone else was present from the public wishing to speak to, for, or against the petition. There were no further speakers. The Chair did not close the public hearing.

DISCUSSION AND DECISION OF THE BOARD

The Chair asked the Board to make a motion to continue the public hearing to the May 21st. Ms. Moreau made a motion to continue the Site Plan Review public hearing to the May 21st Planning Board meeting. Mr. Gladhill seconded the motion.

The motion to postpone the Site Plan Review application to the May 21st, 2015 Planning Board meeting passed unanimously.

Ms. Moreau made a motion to postpone the Conditional Use Permit application to the May 21st, 2015 Planning Board meeting. Mr. Gladhill seconded the motion.

Mr. Gladhill stated that a review of the HDC memo would be in order. The members of the Historic District Commission would like a response from the Planning Board to the questions in the memo.

The motion to postpone the Conditional Use Permit application to the May 21st, 2015 Planning Board meeting passed unanimously.

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IV. PLANNING DIRECTOR’S REPORT

No Report

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V. ADJOURNMENT

A motion to adjourn at 11:51 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Toni McLellan
Acting Secretary for the Planning Board

These Minutes were approved at the May 21, 2015 Planning Board meeting.