

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MARCH 17, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; David Allen, Deputy City Manager; David Moore, Assistant City Manager; William Gladhill; Colby Gamester; Dexter Legg and Jody Record, Alternate

ALSO PRESENT: Rick Taintor, Planning Director; Jessa Berna, Associate Planner

MEMBERS ABSENT: Jay Leduc

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the February 18, 2016 Planning Board Meeting.

Vice Chairman Moreau moved to approve the minutes from the February 18, 2016 meeting. Mr. Legg seconded. The motion passed unanimously.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1. The application of **Bruce E. Osborn, Owner**, for properties located at **187 Woodbury Avenue and 377 Thornton Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Gamester seconded. The motion passed unanimously.

B. Site Plan Review

1. The application of **Paul E. Berton Living Trust and Jane A. Ewell Living Trust, Owners**, for property located at **482 Broad Street**, requesting Site Plan Approval.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Site Plan Regulations and to accept it for consideration. Mr. Gamester seconded. The motion passed unanimously.

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III. PUBLIC HEARINGS – OLD BUSINESS

Vice Chairman Moreau moved to take Item B under Public Hearings New Business out of order for the purpose of postponement until next month, and Mr. Gladhill seconded. The motion passed unanimously.

*The Board’s action in this matter has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A. The proposal to amend the Zoning Ordinance to implement Character-Based Zoning in the West End and Islington Street corridor, and to make various related amendments to the Zoning Ordinance and Zoning Map, as follows:
- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 1/11/2016.
 - (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 1/11/2016.
 - (3) Amend the Zoning Map as set forth in the following maps dated 1/11/2016:
 - (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards;
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses.
 - (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 1/11/2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”.

(This item was continued from the February 18, 2016 Planning Board Meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Taintor gave a brief overview and said this was brought to the Planning Board to allow for further input. He added that there had been a work session on February 23rd, and he expected that the

Planning Board may wish to continue the public hearing for another month. They would have a presentation from Portsmouth Listens. He said that a motion to continue in April would be appropriate

Nick Cracknell presented an update on the zoning revisions and amendments, giving an overview of the amendments from draft, CB zoning and building footprint assessment. He displayed a Regulating Plan slide and said there had been a concern about CD4 L1 being too limiting versus the CD4 L2 standard, but they had worked out a compromise to address commercial buildings. The next set of amendments would speak to the facades. He identified the different areas that would be required to have certain front steps and facades. They removed the requirement to have a step front based on previous comments.

Mr. Cracknell said the third set of revisions spoke to the building footprint. He displayed existing verses proposed maximum building block lengths for the CD4-L1/2; CD4-W, CD4 and CD5 standards. He also displayed the existing versus proposed maximum pedestrian entrance spacing, with a reduction from 60 to 50 feet in CD4 and CD5 being proposed.

He said the proposed limit for floor area maximums for large commercial uses was to be no greater than 10,000 square feet, which could apply to retail as well.

He spoke about incentives for screened ground floor parking, and displayed a vision plan and overlays. At least 60% of the ground floor would be used for parking. A developer can have options for reducing parking, if they include other features.

He said that incentives for development of large parcels should be revised so as to be voluntary or incentive based, and he used the McIntyre building as an example where a developer could get an extra story in height, but they would give the City 20% of the property.

Mr. Cracknell displayed an Incentives for Overlay Districts slide, which showed what developers would need to provide in different districts of the City. They added an additional requirement for developers to have at least a 10 foot sidewalk, with two feet to be added to the width to compensate for additional building heights.

He discussed Conforming Amendments and said they added the Mansard roof as an allowed style. He said if they made façade modulation easier to understand and apply, park uses would include more passive uses, like walking, and fences and walls would be allowed for street screens.

Jim Noucas and John Tabor, co-chairs of Portsmouth Listens, (PL) thanked those that helped to plan the West End Zoning Ordinance dialogues. The goal was to get citizens to look at the proposed zoning. They recruited 97 people, and 60 people started the study circles. Mr. Noucas said the Planning Board had the full reports, and the Portsmouth Listens Study Circle Groups A – F would present in Group order.

Larry Lariviere, representing PL Group A stated the group did not believe the CD4 worked well for the City. They didn't see this as a second downtown district, but instead they wanted the West End to retain its own character. He displayed a picture of a house on Islington Street. He requested that on new construction there be universal design and ADA Compliance. He said when the Bartlett/Islington

Street redesign happens, the group recommends another underpass be created, and asked that the Board keep in mind when the Gateway District gets developed, more bicycles would use this too. He showed an area that would be suitable for parking alongside a set of RR tracks, in case light rail was ever used to get to downtown. He also identified potential areas where parking could be added, showing an area north of the tracks, which was part of CD4-W. He said the area was used for construction storage and auto salvage, and he didn't know if Precision Motors had permits to keep those cars there, but a proactive plan should be implemented to address these issues. Opposite that there was a storm runoff drain that flowed directly into a brook. In that area was a building that would need to come down, a former dry cleaner used to dump his waste there and that should be addressed. He said their group looked for ways to beautify the City, so piles of dirt should be removed. On Jewel Court there was a huge parking area, which would make a great outdoor performance area. He showed a parking lot that had 200 spaces, and suggested a public/private partnership, maybe by putting in another level. He thanked the people in Group A for their support.

Ellen Fineberg, representing Group B of PL said their priority was to maintain diversity, mixed use and character. She said they wanted to change the minimum dwelling size to 1,000 sf, and they asked that the Board consider extending workforce housing incentives into the West End. It was important to keep buildings that face Islington Street stepped back on the upper levels, and stressed that no large hotels be permitted, but boarding houses should be acceptable to address diversity. The group concern was about safe accessibility for all residents. They stated that a trolley route, the creation of a walkable area from the traffic circle to allow access to services, and connected greenspaces would all be desirable.

They recommend rethinking zoning regarding businesses, and they would like to see more building densities. On community value, they would like an Arts Overlay District, with a push to attract more arts to the area.

Martin Ryan, representing Group C of PL stated that most of the group lived in the Christian Shore area. The theme they discussed was maintaining a uniqueness in the West End, and they would like to see mixed use, promotion of multi story buildings, public spaces, walkability, better lighting, sidewalks, roads and bicycle lanes. They were concerned that the 10% requirement of new developers donating land might not achieve the intended purpose as this would create smaller pieces of each property. He added they would like light commercial zoning used for the Islington Street corridor.

Paul Mannle, representing Group D of PL summarized that the focus should be on the residents and not on visitors in CD-4W. Faux design should not be permitted, but a diversity of building styles to keep it interesting would be preferable. Apartment buildings should be allowed to give living options like multi-generational families. They recommended no large uniform development projects, and they wanted to keep the West End vibrant with a diversity of uses and services.

Jon Sandberg representing Group E of PL, said they wanted the West End to serve the people that lived there. They were not interested in large hotels and conference centers. Their second priority was to strengthen tradeoffs regarding developer incentives. Walkability and bikeways should be improved, and green construction encouraged. There should be more micro and affordable housing overall, as many social services list housing as a top challenge. Large parking lots should be avoided, and they suggested more innovative solutions to parking, such as fewer parking requirements for new

construction. They were concerned that a traffic and parking study had not been done for this zoning change. Preservation and encouragement of the arts in the neighborhood was stated as being important. Specifically, they wanted a limit of 500 spaces for indoor performance venues. Veterinary care should be changed to “S” (Special Exemption), family day care facilities should change to ‘P’ (Permitted), and shopping centers should be disallowed or changed to “S” so as to prevent a big box store. He talked about restaurant capacity recommendations.

Karen Jacoby representing Group F said there was a need for affordable housing. They loved the diversity of the West End, and they enjoy that it was for residents and the amenities met every day needs. They wanted to support what they already had and would like to preserve the historic nature of the area, with no large scale businesses, and no hotels. They wanted to make sure businesses did not require large truck delivery. Their second priority was to keep the buildings smaller, and Ms. Jacoby displayed recommended sizes for building height and footprint. Parking lots, they said, reduced the walkability of an area, so creativity would be required in meeting parking needs. An option would be to allow shared parking in existing lots, which could work if businesses that shared were on different business schedules. They recommended unbundling parking requirements from building units, since not everyone that had a unit needed the parking that went with it. She asked the Board make sure that hearings were advertised.

Jim Nocas said In Phase 1 they focused on the neighborhoods. He thanked the participants.

Chairman Ricci thanked all for their comments.

COMMENTS FROM THE BOARD:

Mr. Gladhill asked if there was anything presented that should still be incorporated into the proposed zoning change that was not already there. Mr. Taintor said they needed to look at comments regarding building sizes and not allowing the larger scale businesses. He added that maintaining the diversity of the West End was something to think about more. Mr. Gladhill said moving forward, the HDC was going to have a different feel versus the part of the West End that was not part of the HDC.

Mr. Legg said the Planning Department has been very responsive. Parking was a driver on this, and the Board needed to sort out the parking earlier rather than later.

Vice Chairman Moreau said there were comments that should be incorporated. She agreed with the request for higher density, and that might be the only way to get more affordable housing.

Mr. Gamester liked the idea of the City benefiting when a building was constructed higher.

Chairman Ricci said it was important that the West End be connected to downtown. Islington Street could be used for people to get downtown via bicycles and walking. Mr. Gladhill commented that the on-street parking would make a good bike path.

Ms. Perkins agreed with all comments presented and said she thought the proposed zoning changes presented were part of Best Practice.

Mr. Moore asked if there was a cohesive vision for the West End. Mr. Taintor answered they looked at the long term vision, and based on what they heard from the current study circles, they should temper change so there would be no dramatic and sudden changes. He urged caution on how to protect the West End, while still encouraging growth.

Chairman Ricci said having the diversity of HDC, but with having something behind it would be beneficial. They should be two different districts with different character. Mr. Gladhill said there was a possibility there could be two, but he wasn't recommending expanding the HD further down Islington Street. Two distinct character feels would be nice.

The Chair opened the public hearing and called for speakers.

Diane Stradling of 351 Union Street stated that it was important to make sure there would be no restrictions on people getting in or out of buildings easily, and that this was needed for all people. The requirements for steps make it difficult for people with mobility challenges.

Jim Nocas of 64 Baxter Road highlighted three important issues: 1. The West End was a village, and suggested they name it and brand it as the West End Village. 2. There was a high density of arts through zoning and public/private partnerships, and it would be important to be able to raise funds to protect the area. 3. Transportation was an issue. With increased development bringing in additional residents, he said they didn't want that traffic going through the neighborhoods, so he suggested they put together a West End Village ordinance

Margaret O'Rourke of 56 Sheffield Road said her top issue was transportation. She stated there was a need for public transit, as opposed to an additional parking garage. She would go downtown more if she could hop on a bus. Public transit would have the additional benefit of bringing fewer cars in to the downtown area.

Sharon Finley of Cass Street said she was glad to hear that they would look at where the Downtown ordinance does not apply to the West End. She said the West End consisted of three sections. To preserve the Arts/Theatre section, she suggested they provide an incentive overlay for the art district. For the other piece of CD4W, on the other side of the tracks, they proposed a different kind of incentive overlay for that district might be an environmental overlay. They thought building height might be modulated along the streets, maybe imposing lower height limits up against the sidewalks.

Kim Rodgers of 579 Sagamore Avenue said he represented Deer Street Associates. He said the proposed changes presented challenges to development. He said he was concerned about below grade parking and the maximum building footprint, but was happy to see that would increase in CD5. For buildings on corner lots, parking might be a challenge. He was concerned about the 10,000 sf maximum, as he said that a pharmacy could be 12,000 sf, so he hoped they would look at that carefully. He thanked the Planning Board for providing a voice to them.

Jeff Cooper of 227 Park Street referred to previous transportation studies where there was a loop shuttle. He mentioned Burlington where that was successful. The bicycle study, he said, was a good suggestion.

Jerry Zelin of 70 Kensington Road commented that the proposed amendments were not yet available on the City website. He urged the PB to unbundle two sets of zoning amendments for the North End from the Downtown, versus the zoning amendments of the West End, which was the focus of the Portsmouth Listens. He said each of these districts had different interest groups, and they should at least be given different hearings. He hoped the Planning Department would give out a redline version showing existing versus proposed zoning, so residents could easily see changes in context. He said he would like to see how proposed footprints compared to footprints of existing architecture. He thought the best site for workforce housing was in the West End, based on having spoken to developers.

Mr. Taintor clarified that the zoning changes were on the website because they were on the meeting’s agenda.

Bill Lyons encouraged the City to never think of land use separately from transportation. He suggested they think of parking as not just land use, but as transportation. This was especially valuable when planning affordable housing, and he requested they think about both together.

Jerry Zelin of 70 Kensington Road said he didn’t see the zoning changes on the agenda. Ms. Berna pointed out where on the website the changes were located, and said that was where all the information for public hearings was posted.

Nancy Brown from Bartlett Street wanted to thank everyone for their participation in all the different PL groups and said the City had been working on these issues for many years, and she wanted to express her appreciation.

Chairman Ricci asked if anyone else was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau made a motion to continue the public hearing next month, and it was seconded by Mr. Legg. The motion passed unanimously.

Chairman Ricci said they will reopen the public hearing at the April 21, 2016 meeting, and encouraged people to attend. He thanked all those involved.

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IV. PUBLIC HEARINGS – NEW BUSINESS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The application of **Bruce E. Osborn, Owner**, for properties located at **187 Woodbury Avenue and 377 Thornton Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Map 162, Lot 55 increasing in area from 18,032 ± s.f. to 23,652 ± s.f. with 148.97’ of continuous street frontage along Thornton Street.

- b. Map 162, Lot 56 decreasing in area from 16,866 ± s.f. to 11,246 ± s.f. with 113.29' of continuous street frontage along Woodbury Avenue.

Said lots lie within a General Residence A (GRA) District which requires a minimum lot size of 7,500 s.f. and 100' of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

James Verra, from James Verra and Associates, was present along with Bruce Osborne. He stated they have proposed a lot line revision.

Mr. Taintor said there was an additional requirement of 10% width for corner lots which could be waived, and he was recommending that. He added there was not going to be any change to the character of the structures or the lots.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau made a motion to vote to waive the provisions of the Subdivision Rules and Regulations, Section VI-2b requiring 10% additional width for corners, and this was seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau made a motion to grant preliminary and final subdivision approval for this lot line revision with the included stipulations in the memorandum. Mr. Gladhill seconded the motion. .

The motion to grant Preliminary and Final Subdivision Approval (Lot Line Revision) with the following stipulations passed unanimously:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3. The final plat and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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B. The application of the **Scott Mitchell, Owner, and Meredith Village Savings Bank, Applicant**, for property located at **2839 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the demolition of two existing buildings and the construction of a proposed 70' x 46' bank building with drive-thru, with 4,010 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 286 as Lots 18 & 19 and lie within the Gateway (G) District.

Vice Chairman Moreau made a motion to postpone this matter. Mr. Gladhill seconded the motion.

The motion to postpone Conditional Use Permit approval to the April 21, 2016 Planning Board Meeting passed unanimously.

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C. The application of **Paul E. Berton Living Trust and Jane A. Ewell Living Trust, Owners**, for property located at **482 Broad Street**, requesting Site Plan Approval for the demolition of a single family home and the construction of three proposed 2-story townhouses, with a footprint of 4,996 ± s.f. and gross floor area of 8,364 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 221 as Lot 63 and lies within the General Residence A (GRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Mike Sievert from MJS Engineering and Paul Berton were present. Mr. Sievert gave a brief presentation of the plan. The property was a single family home with two stories, two access points and a large yard area. He said the proposal was to remove the existing house and build a three-unit structure. One unit would be in the same spot as the existing building, and each unit would also be two stories high. He identified where a rain garden would go, and he showed the landscape plan, the basic footprint of the units and the renditions.

Vice Chairman Moreau asked if they were planning to have a condominium association and if that association would maintain the rain garden and the infiltration area. Mr. Sievert said there was a maintenance plan and it would be in the recorded condominium documents. Vice Chairman Moreau asked who would be holding them to that standard. Mr. Sievert said it would be performed as annual maintenance, it would not be difficult maintenance, and it could be handled by a landscaper.

Mr. Allen said that the maintenance plan should be submitted to DPW, and they would put it into their database for tracking purposes.

Chairman Ricci asked about the abutters, and if anything had transpired to address their concerns. Mr. Sever answered they had a lot of meetings and incorporated the agreements into the plan, regarding fencing, snow storage, landscaping, etc. Chairman Ricci said the front view of the proposed structures made it look like a residence and this would help to preserve the character of the area.

Mr. Gladhill said the design was wonderful and that it had great character, even though it was not in the HDC.

Paul Berton of 482 Broad Street said Mr. Cracknell and Rodger Brown should get a lot of credit for the design concept.

Mr. Allen asked if the transformer in the front yard could be moved, and Mr. Sievert presented some options on relocating it or landscaping around it.

PUBLIC HEARING

Peter Weeks of PG Real Estate Consulting referred to the Memorandum of Understanding that had been signed by the attorney of the owner of the property and by himself as representative of the residents of Broad Street and Pinehurst Street who agreed that as long as all the items in that Memorandum were included in the plans presented to the Planning Board, the TAC and the Board of Adjustment, the residents would not oppose this development plan. He asked that this Memorandum of Understanding be included as one of the stipulations.

Chairman Ricci asked if anyone else was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to grant site plan approval with the stipulations and the inclusion of the Memorandum of Understanding, and this was seconded by Mr. Gladhill.

The motion to grant Site Plan approval passed unanimously with the following stipulations:

1. The Stormwater Management Plan and maintenance requirements for the rain garden and infiltration basin shall be included in the condominium documents filed with the Rockingham County Registry of Deeds.
2. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.

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D. The application of **Margaret Coate, Owner**, for property located at **110 Clinton Street**, requesting an Amended Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the addition of a landing and granite stairs to the newly constructed breezeway between the house and the garage, for a new impact of 50.68 ± s.f. in the wetland buffer. Said property is shown on Assessor Map 158 as Lot 4 and lies within the General Residence A (GRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Margaret Coate said when she received her previous approval in October for the garage and the breezeway, unfortunately, the landing was not on the plans, so it did not go through the approval process.

Mr. Taintor noted this was a minor adjustment to a previous permit.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gladhill moved to approve the Amended Conditional Use Permit as presented, and it was seconded by Mr. Gamester.

The motion to grant Amended Conditional Use Permit Approval passed unanimously.

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V. CITY COUNCIL REFERRALS

*The Board's action in these matters has been deemed to be legislative in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The request of Maplewood Ridge, LLC, to re-zone 678 Maplewood Avenue and the adjacent vacant parcel from the Single Residence B (SRB) District to the Business (B) District.

Mr. Taintor said the City Council referred this earlier in the week, and since there was not enough notice to have a public hearing, he proposed a public hearing be held on this item at the April 21st Planning Board meeting.

Mr. Gladhill moved that the Planning Board schedule a public hearing at the April 21, 2016 Planning Board meeting, and this was seconded by Mr. Gamester. The motion passed unanimously.

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VI. OTHER BUSINESS

A. Request of Joseph R. Moore, Owner, for property located at 6 Vine Street, for a one year extension of Conditional Use Permit approval which was granted by the Planning Board on March 18, 2015.

The Chair read the notice into the record.

Mr. Gamester moved that the Planning Board grant an extension of the Conditional Use Permit approval for one year, and it was seconded Mr. Gladhill. The motion passed unanimously.

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B. Proposed Transportation Corridor District

Mr. Taintor indicated that they have been working towards the conversion of the former Hampton branch to a multi-use trail, and they recently learned of a zoning change in the Town of Hampton. They created a Transportation Corridor Overlay District to limit the uses along the line to transportation uses and recreational trails. He said they have submitted maps showing where they were proposing the corridor. If the Board approved, they would bring a proposal to the April meeting

for a zoning change. Their primary purpose was to make sure they didn't lose the continuity of it for a rail trail. Mr. Taintor recommended they schedule a public hearing.

Chairman Ricci said they only needed a general consensus on this and not a formal vote.

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VII. ADJOURNMENT

A motion to adjourn at 9:15 was made and seconded and passed unanimously.

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Respectfully Submitted,

Marian Steimke
Acting Secretary for the Planning Board

These minutes were approved at the April 21, 2016 Planning Board Meeting.