

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

MARCH 15, 2018

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Colby Gamester; Jay Leduc; Jody Record;

ALSO PRESENT: Juliet T. H. Walker, Planning Director

MEMBERS ABSENT: Jeffrey Kisiel; Corey Clark, Alternate; and Jane Begala, Alternate;

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I. APPROVAL OF MINUTES

- 1. Approval of Minutes from the February 15, 2018 Planning Board Meeting;

The Planning Board voted to **postpone** the approval of the February 15, 2018 meeting minutes to the March 22, 2018 Planning Board Meeting.

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II. PUBLIC HEARINGS – OLD 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 **Goodman Family Real Estate Trust, Owner, and Aroma Joe’s Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk –up window, with 6,870 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 239 as Lot 9 and lies within the General Business (BD) District. (This application was postponed at the February 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Deputy City Manager Colbert-Puff moved to **postpone** the application to the April 19, 2018 Planning Board Meeting, seconded by Vice Chairman Moreau. The motion passed unanimously.

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B. The application of **Robert J. Fabbricatore Irrevocable Trust, Owner**, for property located at **177 State Street**, requesting Site Plan Approval for the construction of a 2-story addition to a mixed use building, with a footprint of 748 ± s.f., and gross floor area of 1,216 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 107 as Lot 44 and lies within the Character District 4 (CD4) and the Historic District. (This application was postponed at the February 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Deputy City Manager Colbert-Puff moved to review Old Business Item B and New Business Item A together and vote on them separately, seconded by Vice Chairman Moreau. The motion passed unanimously.

Attorney Jim Noucas, represented the trust and spoke to the application. This project has been in the works for some time. It has been through the Historic District Commission (HDC) three times and the Technical Advisory Committee (TAC) two times. This was the second time this project had been in front of the Planning Board. The plans for the project have changed to eliminate the parking spot. This building goes back to the early 1800s. It was most recently a restaurant with apartments above it. It is now being converted to retail space with apartments above it. It's in the downtown area, but not in the downtown overlay district. If the building were in the overlay district, then parking would not be a consideration at all. This property has never provided any onsite parking. As the project started there was discussion about parking with the City and the idea to preserve one parking spot came about. The original design had a driveway and a garage, but that was not approved in TAC. The area is not big enough to be a legal garage spot. The plan was revised to eliminate the garage and the parking was left as an open spot. The Planning Board did not like that because of safety concerns. This was not a safe thing to do. As a result they are back with revised plans that provide no parking as part of this project. The restaurant that was there was designed to hold 128 people. Now that it is retail and apartment there is even less need for parking. This is exactly why the City is building a second parking garage to help alleviate the parking demand downtown.

Alex Ross, engineer for the project, noted that the main concern was the driveway. Mr. Ross handed out an exhibit that outlined some important points around the parking. This is a high pedestrian traffic area. The project contractor and his team, who have been there almost a year now, have never had an issue finding parking close to the site. There were some alternative ideas to try to get parking there, but the concern was always safety. The previous use was a restaurant in 2010. It was a 128 occupant building. This project significantly reduces the need for parking. The plan set has not been altered much. It's essentially the same with a curb cut and driveway removed. The utility pole will remain in its existing condition.

Deputy City Manager Colbert-Puff questioned if there was a curb cut for the trash enclosure in front of the addition. Mr. Ross responded that it would be stored inside and rolled out.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Colbert-Puff commented that this project was high quality and an improvement from last time the Board saw it. It was appreciated.

Chairman Legg appreciated that the applicants listened to the concerns of the Board and made the project better.

Vice Chairman Moreau moved to **grant** the Site Plan approval, seconded by Deputy City Manager Colbert-Puff with the following stipulation:

- The Site Plan (Sheet 2) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

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C. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46-64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the February 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **postpone** the application to the April 19, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

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D. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint

and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-L2 (CD4-L2) and the Historic District. (This application was postponed at the February 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **postpone** the application to the April 19, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

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III. 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 **Robert J. Fabbriatore Irrevocable Trust, Owner**, for property located at **177 State Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow the construction of a 2-story addition to a mixed use building with the provision of 0 parking spaces where 8 are required by zoning and 1 was allowed by a previously granted variance, with a footprint of 748 ± s.f., and gross floor area of 1,216 ± s.f. Said property is shown on Assessor Map 107 as Lot 44 and lies within the Character District 4 (CD4) and the Historic District.

Chairman Legg read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** the Conditional Use Permit as presented, seconded by Mr. Gamester. The motion passed unanimously.

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B. Request of **Clipper Traders, LLC** for Zoning Change from Office Research (OR) and Transportation Corridor (TC) to Character District 4 West End (CD4-W), for property located at **105 Bartlett Street**, Tax Map 157, Lots 1 & 2; Tax Map 164, Lots 1, 2, 3 & 4 (also shown on Tax Maps 139 and 144).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Vice Chairman Moreau recused herself.

Ms. Walker provided context. The petition from the applicant went before City Council and was now referred to the Planning Board. The staff has discussed this request and is supportive that this would be appropriate for re-zoning. One of the big factors of this is the interest in having a publically accessible path from Bartlett Street to Maplewood Ave. Therefore, for any application that is rezoned in this area a public path should be considered as a requirement. There are other ways the City could construct a path, but this is a good opportunity to have a path.

Chairman Legg noted that this first item was focused on the zoning change. Later in the evening there will be a conceptual review. If the property were to be re-zoned the conceptual review will show how it could be developed. These items should be separate from a vote perspective. There will be plenty of opportunity for the public to weigh in on the zoning.

Attorney Tim Phoenix, Ed Hayes, the applicant, John Chagnon from Ambit Engineering, and Architect Brandon Holben were present to speak to the application. Mr. Phoenix noted that the February 13, 2018 letter outlined what they hoped to accomplish and why. Mr. Phoenix echoed that they feel the same about what the Chair just expressed, the project is separate from the zoning. This was just for the zoning. This was just a first hearing. They were fine to receive the initial review comments from the Board and the public. They will come back again. The parcel outlined in the exhibit is 10 acres. The parcel encompasses Bartlett Street past Great Rhythm Brewery. They have land under agreement down to the salt pile. Some property was under agreement and some was still under discussion. The request is to rezone the whole area. One area is already CD4W, so the request is to extend that to the salt pile and railroad tracks. Most of this property is zoned as office research today. It seems that it is a placeholder because it's been a railroad property for over 100 years. That's not what belongs in this zone. The intent of that zoning is to build campus style offices, but that use is not proper given the surrounding area. In that zone buildings can be as high as 60 feet. The project vision is in the preliminary stages. The plans showed the existing Ricci Lumber and Great Rhythm Brewery. The CD4W zoning is the best for this property because it is intended to allow this type of design. The area is a medium to high-density area and the proposal is primarily residential. The goal is to make sure that the development fits in with the characteristics of that zone. At end of January the applicants had a meeting at Great Rhythm Brewery with the City and the public. There was lot of good questions, and they walked away feeling positively. There are certainly issues and challenges, so time will be spent after this meeting to work through those. This district allows buildings up to 45 feet. One building will have underground parking. The incentives allow an extra 10 feet, so some buildings could be up to 55 feet. As Ms. Walker mentioned, the major component of this re-zone is an agreement with the City to develop a greenway from Bartlett Street to as far as they can obtain. The goal is to get from Bartlett Street all the way to Maplewood Ave. Currently there is not an opportunity to buy all the way to Maplewood, but that could be a future goal.

PUBLIC HEARING

Jonathan Sandberg of 160 Bartlett Street is an abutter and attended the neighborhood association meeting about this project. The neighborhood unanimously approve of the rezoning. There were some issues with traffic. They were also concerned about preserving some of the buildings and flooding potential. They were confident that those issues could be mitigated. Mr. Sandberg was personally aware of the density in the City and the demand for housing. Anything would be better than what is there now. The neighborhood is very excited about what is being proposed. The greenway and possible water access would be great additions.

Jim Hewitt 726 Middle Road spoke to the project. The property used to be the Mill Pond property and was much larger than what is there today. All of the land was used for industrial purposes, and may contain fill material. Mr. Hewitt was particularly concerned about coal, tar and gas in the land. Mr. Hewitt requested that the developers be conscious and not create any adverse impacts to health during construction, and for the people living on the fill material.

Joe Caldarola, 170 Dennett Street, believed that the speakers for the application should disclose personal involvement. Mr. Calderola has been a customer of Ricci Lumber and friend of the applicants for a long time. He had a bias and respect for the company and its culture. Mr. Calderola supported the application.

Second Time Speakers

Jonathan Sandberg, 160 Bartlett Street, remembered another point he wanted to make. Until now this site has not been on the market. If this doesn't get rezoned and these applicants don't buy it, then all developers know that the railroad will sell. It is currently zoned as office research. Speaking as a community member, he trusted these applicants to do it right. Who knows what else could be put there if someone else bought it. It could be a recipe to let something happen that the community doesn't want there.

Doug Roberts, 247 Richards Avenue, had some concerns about the height being 55 feet near the railroad. This is allowed with an incentive in the overlay district. The benefit the applicants are proposing is the bike/pedestrian path. It doesn't even go all the way to Maplewood Avenue. It is difficult to think of something else that would be more beneficial than that. Mr. Roberts was skeptical of giving extra density for something that would benefit the project, and was concerned about environment changing over time. Recently there was presentation on impact on historic properties. There are a lot of potential changes being proposed going forward, so that could impact the project. There have been issues in the past that developers get in for a large project and zoning was changed just after.

Joe Caldarola, 170 Dennett Street, noted that this application was limited to the rezoning. The rezoning does have implications for the future use. This would open the site up for a residential mixed-use development. The question is, is that a good thing? Mr. Caldarola thought it was. He is also a developer, so he told the Board to take that for what it was. The office campus style development on that site is pretty far fetched and was not conducive to that type of development. Whoever develops this will be facing daunting challenges with drainage, utilities and developing the roadway. Economically it would need to be something dense enough to make that work. Mr. Caldarola did not see an office campus working there.

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Colbert-Puff moved to keep the public hearing open and **postpone** this matter pending a report back from the Planning Department staff, to be provided at the April meeting, seconded by Mr. Gamester. The motion passed unanimously.

Deputy City Manager Colbert-Puff agreed that building height and community space should be analyzed. It should be brought back to be addressed.



C. The application of **Peter L. Evans, Owner**, for property located at **323 Jones Avenue**, requesting Conditional Use Permit approval to construct a one-bedroom, one-story attached accessory dwelling unit (32' x 32') over an existing garage, with a footprint of 1,024 ± s.f. and gross floor area of 964 ±, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 222 as Lot 72 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Peter Evans, the property owner, spoke to the application. The project was to create an ADU above the garage.

Ms. Walker requested that Mr. Evans explain the proposed floor plan for the Board. Mr. Evans explained that the footprint is an oversized garage that has a walkup living space and attic above it. The second floor is a 32 by 32 area, and is 960 square feet without counting the stairs. The third floor would house the heating and water and will be available for storage. There is a door up there that can be locked.

Chairman Legg questioned if the proposed storage was for the ADU. Mr. Evans responded that it would not be for the ADU.

Ms. Walker clarified that the only access to the third floor storage was from the stairs to the ADU. Mr. Evans confirmed that was correct.

Vice Chairman Moreau clarified that the 960 square feet was for all the living space already laid out. Mr. Evans confirmed that was correct, clarified that's why he was asking for the exception.

Chairman Legg asked if there was an opportunity to create a private access to the third floor storage area and add a door to separate the unit. Mr. Evans responded that the problem would be that one door way had to be shifted to the living room on the left where the half wall was. If it were not shifted then they would walk into a bedroom in the main house. It would have been easy if the door didn't need to be shifted. The house is pretty much already built, so it would be hard to rearrange.

Vice Chairman Moreau questioned if the only access to the unit was from the stairwell. Mr. Evans confirmed that was correct. It comes out from the garage. Ms. Walker noted that there was another exhibit in the packet that showed the floor plan of the garage. Chairman Legg clarified that the entryway was through the garage. Mr. Evans confirmed that was correct.

Deputy City Manager Colbert-Puff requested clarification on what existed now and what was being proposed and if it is currently half finished. Mr. Evans responded that the whole structure was finished. It has a sink but does not have cooking capabilities. Deputy City Manager Colbert-Puff clarified that the whole space was finished and portioned. Mr. Evans confirmed that was correct.

Ms. Walker requested that Mr. Evans explain the ADU access. Mr. Evans responded that going through the garage or through the side entrance could access the ADU.

Ms. Record noted that she was still confused about the slide that showed the stairs and two doors. Mr. Evans responded that one door was a closet and the other is a door that had to be moved. There are two egress windows.

Ms. Walker clarified that the stairs to the second floor were in the back part of garage. Mr. Evans confirmed that was correct.

Ms. Record questioned why the stairs that went to the half wall couldn't be walled off. Mr. Evans responded that then they would not be able to come into the ADU. Chairman Legg clarified that Mr. Evans could make that half wall a full partition wall with a doorway that would create an entrance to the ADU. Then that area would truly be an entryway space and the homeowner would have access to the storage area. Mr. Evans responded that he was the only occupant of the house and he did not plan on using the area for storage. Mr. Evans did not plan on this being an ADU forever. The only way to access the ADU was from the garage. Chairman Legg clarified that what he was asking was if there was an opportunity to build out an ADU that complied with the 750 square feet outlined in the Ordinance. One way to do that would be to make an extended wall and create a doorway that enters into the ADU from the extended wall. Mr. Evans responded that would be creating unusable space. Chairman Legg commented that it would make the area an entryway. Mr. Evans questioned how he would get to the third floor. Chairman Legg responded through the garage.

Ms. Record commented that the goal was to try to make this work within the limits of the ordinance. Mr. Evans responded that his goal was to make the space useable.

Ms. Walker questioned what the future vision of this space was. Mr. Evans responded that it would become part of the single-family home.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Chairman Legg clarified that two votes would be required as shown in the staff memo.

Assistant City Manager Moore asked Ms. Walker for guidance. What would be the most prudent way to proceed for first vote? Ms. Walker responded that the motion could be that application does not satisfy the ordinance without modification. Or the application as revised to the fit square footage satisfies the ordinance. Assistant City Manager Moore noted that there was a way for the floor plan to get to the right square footage, but that plan was not in front of the Board. There is opportunity to make it fit the Ordinance. Would it be cleaner to say that the application does not meet the requirements?

Chairman Legg advised that Assistant City Manager Moore should make the motion in the affirmative and then vote no if he did not want to grant the maximum gross floor area. Ms. Walker noted that the Board could separate out the votes if they wanted to consider the floor area separately. Or they could suggest a solution on how to satisfy the Ordinance. Chairman Legg noted that it was not clear to him

that the Board could give explicitly clear direction. Can the Board table this and ask the applicant to work with City Staff to come up with a revised plan to be seen at the next meeting?

Mr. Gamester moved to find that the application, excluding the modification to the maximum gross floor area for the accessory dwelling unit, satisfies the requirements of 10.814.60, seconded by Vice Chairman Moreau. The motion passed unanimously.

Mr. Gamester moved to **grant** the conditional use permit, seconded by Deputy City Manager Colbert-Puff with the following stipulations:

- The ADU shall be restricted to the second floor of the conditioned space above the garage addition only and shall match the proposed floor plan.
- The owner shall provide documentation from the NH Department of Environmental Services that the property has adequate septic capacity for the additional bedrooms.
- In accordance with Sec. 10.814.70 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.
- Refer this application to the Planning and Inspection Departments to confirm that the ADU living area (excluding the common entry area) is no more than 750 s.f.

Mr. Gamester noted that the Board has done this before and it gave Mr. Evans options on how he wants to work the ADU configuration. Ms. Walker clarified that living area would be 750 square feet. Mr. Gamester responded that was correct. The entryway would not count toward the 750 square feet.

Assistant City Manager Moore commented that the purpose of 750 square feet was to truly make the dwelling use an accessory to the main dwelling. That was the intent of the Planning Board. The Planning Board has done a lot of good work to be mindful of the intent and that was the reason for this discussion.

The motion passed unanimously.

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IV. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

Ms. Walker commented that this was part of the regulations adopted in September 2016. It was amended to have a concept presented to the Planning Board before an application was submitted to TAC and the Planning Board. There are regulations about what needs to come through here. This was not a public hearing today.

A. The application of **Clipper Traders, LLC, Owner**, for properly located at **105 Bartlett Street**, **Portsmouth Lumber and Hardware, LLC, Owner**, for properly located at **105 Bartlett Street**, and **Boston and Maine Corporation, Owner**, for railroad property located between **Bartlett Street and Maplewood Avenue**, requesting Preliminary Conceptual Consultation review for a subdivision application to consolidate and subdivide five lots and a portion of another into 5 lots, a right-of-way, and a remainder of one lot. Said properties are shown on Assessors Map 157 as Lots 1 & 2 and

Assessors Map 164 as Lots 1, 2, 3, and 4 and are located within the Character District 4-W (CD4-W), Office Research (OR) and Transportation Corridor (TC) Zoning Districts.

Chairman Legg read the notice into the record.

Vice Chairman Moreau recused herself.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. This was a preliminary conceptual presentation. Historically there were a number of different railroads that came into town. There was a station house on the property. Mr. Chagnon pointed out the site on the slide and showed a picture of the 1910 rail yard and engine house. There is industrial heritage. The plans outlined the existing conditions. Some buildings like the old engine house are in disrepair. There are some cleared areas as well. The developers are committed to providing a multi-use path and they would work with the City on the design. The railroad has sold off some parcels over the years. Part of the Ricci Lumber site is owned by Portsmouth hardware and lumber, but other parts are leased from the railroad. The railroad property extends back all the way to Maplewood Ave. Great Rhythm Brewery owns their property. Right now there are some parcels that are orphaned and don't have frontage to the street. There is also another business that occupies space in the back. The exhibit showed the future flood map. Part of the discussion and review is the potential for flooding. The plan will take into account the sea level change as things are developed. This site is outside the flood zone. Mr. Chagnon showed the entire area on the presentation. There were two drawings that had a table of dimensions that showed how the lot currently is and what it will be under the subdivision. There were also various dimensional particulars of that lot including the frontage area, setbacks, and coverage. The proposed lot 1 is at the corner of Bartlett Street to the west of the existing railroad and creates a rectangular lot with the remainder of the land to the south. The lot is comprised by some of two existing parcels that are map 1642 and 1643. It would have an area of 20647 square feet. Lot 2 is to the east, has frontage on Bartlett Street and a proposed right of way. A perpendicular line will wrap it around and bring it over by lot 1. It encompasses all of lot 1641 except for one area, which would be put into the proposed right of way and create frontage. Lot 3 is going to start at the end of lot 2 and travel along the right of way and out to the cul-de-sac portion along the right of way. It will then run along the remainder of the railroad land back to that point. An embankment slope defines the property line that the railroad is selling. The railroad is keeping everything they need to maintain the rails. There is 809 feet of proposed right of way. Lot 4 is on the left side adding some land to the already defined line to make it clearer. It would be 61,781 square feet with 481 feet of frontage along the proposed right of way. Lot 5 would be all of the land that the railroad is selling to the applicants with the extension of Cabot Street. The lot would have an area of 177,435 square feet and 300 feet of frontage along the cul-de-sac. The proposed right of way would be carved off and not part of the lot. It would have some frontage on Bartlett Street. The rest of the plan set shows the detail. The lot line from Bartlett Street encompasses the existing buildings, and they anticipate using curb cuts to create access to lot 1. The right of way on lot 2 has a width of 50 feet. Some existing parking would need to be rearranged to achieve that and that would be shown on next the round. On lot 3 there is a gate access for the lumber company in the cul-de-sac. This access will remain in the new design. Parking will need to be shuffled at that location. This was included in the plan set. The Great Rhythm Brewery lot would not change, but the circulation would need to be looked at. Lot 5 is open for residential development and the hope is to accomplish that with the change in zoning. Mr. Chagnon showed exhibits for the potential development of lot 5. He requested feedback and noted that next steps would be to go forward and iron out the issues.

Mr. Leduc wondered if there were any discussions or desire to connect dead end streets. Mr. Chagnon responded that the plans included the cul-de-sac. If they ever got permission from railroad to cross the track then that could happen. The cul-de-sac leaves the options open. Mr. Leduc noted that it depended on what is built there for pedestrians. A ramp over the railway could connect neighborhoods. Mr. Chagnon responded that they would have to acquire the air rights.

Chairman Legg questioned if they had an opportunity to explore the option for a potential easement for the property that was not for sale right now. That would allow the greenway to extend all the way to Maplewood Ave. This is potentially an exciting project, but there is a concern with this many units feeding in to Bartlett Street. Today this is a choke point. The City is considering extending Cate Street as well. It would be nice to think that this could be accessed via Maplewood Ave. Mr. Chagnon questioned if the Chairman was talking about a vehicle access. Chairman Legg confirmed that he was. Mr. Hayes responded that they were in negotiations with the railroad right now. There is willingness on their behalf to continue the access in addition to what is already under agreement. They were trying to figure out how they can all get what they need including the bike path. The goal would be to have vehicular traffic for some of the smaller units down the corridor. Chairman Legg understood the risk and did not want the public to use it as a cut through. There will be traffic studies, but this will have an impact to what is already a choke point. Any potential relief would only be a positive. Mr. Hayes responded that they did a preliminary traffic study and there are 18,000 cars going down Bartlett Street between the hours of 10 a.m. and 2 p.m. This project would contribute about 1 car per minute, so it's a small percentage addition.

City Council Representative Perkins passed along some thoughts she had heard from neighbors and residents. Overall there is excitement, and it seems to be a great use of the land. With that excitement comes some fear that it will result in a huge set of buildings. One comment was that some of the buildings toward the end start to feel more open as opposed to the other area that feels more congested. Is there any opportunity to slide units further down the lot to ensure open space would not be lost? Mr. Chagnon responded that this was a very early look at what could be done there. The existing sewer burdens the project area, so part of the layout considers that. There is also a pond setback to consider. That's why the initial layout looks this way. Site plans will be made for all of the lots. Ms. Walker clarified that usually the Board would see subdivision and site plans at the review time. Ms. Walker requested clarification on whether or not any variances were required with what was proposed. Mr. Chagnon responded that the only thing that comes up is the some of the parcel is in the CD4 west zone line and the remainder of that going toward the railroad is a transportation corridor zone. That would impact all of the lot frontages Ms. Walker noted that they would have to work that out from a zoning perspective. Mr. Chagnon agreed.

Ms. Walker questioned if there were any waivers needed based on the current layout, for example the distance of the cul-de-sac. Mr. Chagnon confirmed the cul-de-sac length would probably need a waiver. There is also a pinch point there that may trigger a waiver request.

Deputy City Manager Colbert-Puff noted that lot 4 was in the OR current zone. Mr. Chagnon responded that the zone should be 2 acres. That lot is a lot that exists now and all they were doing was adding to it. It is a preexisting non-conforming lot and they are making it more conforming. Ms. Walker noted that they would need to talk through it more.

Chairman Legg commented that he was looking forward to hearing more about the project in the future.

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B. The application of **Dorothy Kierstead and Theresa Sessions, Owners, and DECM Builders, Applicant**, for property located at **50 Lovell Street**, requesting Preliminary Conceptual Consultation review for a Site Review application to demolish an existing garage and construct two new residential buildings, for a total of four residential dwelling units, as follows: Single residence to remain as a single residence; “Building A” to consist of two residential units and “Building B” to consist of one residential unit, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 147 as Lot 2 and is located in the General Residence C (GRC) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. The property is at 50 Lovell Street. The property has a long rectangular lot. It is an existing single family home with garage and shed. A number of lots from Cass Street abutt the property. The lot fronts on Middle Street. The utility service is in the street. The proposal is to add two buildings. The garage and shed would be removed. The front building would remain as a single family home. Then a duplex and single family home would be added to the lot. The lot slopes from the back to the front. Drainage would be collected and infiltrate in the rear yard. It would continue to flow into the City system. The density is harmonious to the adjacent buildings. The old parish home has 11 units. The lot is just shy of the ordinance allowance for 5 units and was denied that. Now the proposal is for 4 units. The neighbors are concerned about drainage, and that will be addressed in the site review process.

Vice Chairman Moreau questioned if the proposed driveway was going to be private or it there would be a condo association. Mr. Chagnon responded that he believed there would be a condo association. Vice Chairman Moreau expressed concern about whether or not a fire truck would be able to get to the back building. The lot is long and the access for first responders looks tight. Can they get back there and have access for hydrants? Mr. Chagnon responded that the lot does not allow for a turn around and they anticipated working with the Fire Department on this.

Assistant City Manager Moore questioned what the strategy for parking on the site was. Had any consideration been given to the old parish way in terms of putting the building on top of parking? Mr. Chagnon pointed out two parking spaces and the garage units in the plan as well as visitor parking. Seven spaces are required; this plan provides 10 spaces. Assistant City Manager Moore noted that this was a relatively detailed plan for preliminary review. It is a relatively green site now in a dense neighborhood. The two adjacent parcels are in a dense residential zone. It would seem appropriate to keep in mind opportunities to minimize some impacts.

Deputy City Manager Colbert-Puff agreed with Assistant City Manager Moore’s comment about the impervious surface. In order for a fire truck to get back there the lot would need a larger paved surface. Deputy City Manager Colbert-Puff made an overall comment about connectivity of neighborhoods. This type of rear lot development is eliminating green space in the neighborhoods.

Residents won't be able to walk right out into the neighborhood. They have to go down the long driveway to get to the neighborhood. Deputy City Manager Colbert-Puff was interested in hearing the Board's views on this. They should look at the zoning to see if that's the type of development the Board wants to see.

Chairman Legg echoed Deputy City Manager Colbert-Puff's concerns. This is the second type of development that had been before the Board within the past six months. While it's important that the City needs to support infill, is that what the City means as far as building and being true to the master plan. It may be worthwhile to ask the City staff to look at this type of development going forward. The City needs more housing and Chairman Legg did not want to discourage that. However it needs to be in context of the Master Plan.

Deputy City Manager Colbert-Puff noted that one idea could be to incorporate what the Board asks commercial properties to do today, and ask them to coordinate access. Assistant City Manager Moore made the point that if access is not coordinated, then they will have dead end after dead end with no connectivity.

Assistant City Manager Moore commented they should be actively looking at this from a zoning perspective. It was not unusual to ask the Planning Staff to look at something to analyze and suggest revisions. It could be a great thing to look at this sooner than later. Where does this fall in the list of priorities of things the Planning Board has asked the Planning Staff to look at?

Chairman Legg noted that it was not a density issue. However, the extra paving and potential disconnect with frontage could create a different environment for the neighborhood. The City staff should evaluate this.

City Council Representative Perkins commented that it was good to defer to the wisdom of the Planning Staff, but it was good to see more housing. The Board needs to make sure they are consistent.

Chairman Legg noted that it may be worthwhile for the applicant to take the feedback and look at options. Are there other ways of creating the same number of units and reducing the pavement or consolidating the parking or moving the units closer to the street? It may not be possible, but it would be worth looking at.

Assistant City Manager Moore made another point about parking. It is a dense area of town near a lot of amenities. It may be beneficial to take an aggressive approach on conserving parking as much as possible.

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C. The application of the **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, requesting Preliminary Conceptual Consultation review for a subdivision application (Lot Line Revision) to resize existing lots to demolish the majority of the existing building and construct a a new mixed use building with workforce housing units and street level commercial space and a future commercial building.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Craig Welch, Executive Director for the Portsmouth Housing Authority, indicated that he lives at 77 South Street. He stated that for over 60 years the local non-profit Portsmouth Housing Authority (PHA) has been developing and managing housing in the City. They house about 1,000 people in 11 buildings around the City. PHA also provides housing assistance for another 150 residents. The City founded them in 1953. Between 1959 -1973 the PHA built 421 units of public housing. Since the 1986 Tax Reform Act, they have done some historic preservation projects including the reuse of Connors Cottage and the Lafayette school. The challenge here is that between 1973 and today the PHA has only added around 60 units. The PHA has not kept up and Portsmouth has changed a lot. The project that is being proposed tonight would be honoring the people who have been working downtown, but have been priced out of the downtown market. Mr. Welch was very satisfied that talking about workforce housing they have studied this enough. There is a scarcity in affordable housing for workers in Portsmouth. All of the housing in the PHA portfolio, about 600 units, is subsidized in some way or another. 95% of the PHA residents are under 30% of the area income median. For reference, that is a family of 4 making \$26,000 a year or lower. The PHA has done a good job of serving the needs of the low-income families. They have not done a good job for middle market people. The PHA wants to build for those people. The proposal fits within the context of the neighborhood. It has great principles for what they want and includes walkability to jobs in the downtown area. This opportunity in Portsmouth is very rare. The parcel is owned outright and PHA has a board and staff that is willing to undertake a project like this. Thank you for hearing the proposal.

John Chagnon from Ambit Engineering went through the application. The proposal is an urban site with Court Street to the west and the Fire Station to the east. It is zoned in the Character District 4. It is just outside the downtown overlay district. The plan shows the existing conditions. It is a lot that extends from Court Street down into a long narrow lot. The lot is predominantly the building. The front building is a little different from the rest. There are currently walkways on site and there are driveways and parking. There is some existing green space and the Fire Fighter Memorial is on the lot. The next plan showed the proposed lot line relocation. The PHA was able to secure a deal where they would be able to relocate the lot line. The project is proposing a new 11,000 square foot building with a front component on the sidewalk and in the back a wider building that allows for parking. There is a zoning development summary in the plans that show data for the various components. The building coverage on the larger lot would increase from 15% to 35%. The building coverage on the smaller lot would decrease from 80% to 46%. The driveway would service the top level of parking in the new building and there would be access to the lower level of parking as well. The goal was to contain the parking within the building. The proposed height of the building is just less than 60 feet. That is allowed if community space was provided. They are working to provide that percentage of community space. The plan shows the parking levels and contains some parking calculations. There are 25 spaces in each platform and 35 spaces outside scattered around the site. Building A will be a five-story building with 68 residential units that are mostly less than 500 square feet. There is no commercial space. Building B would be three stories with 4 residential units. The first floor would be commercial space. The existing Feaster Apartment building is 6 stories with 90 units. The Court Street house would remain a single family. The residential parking space calculations are based on those numbers. The ordinance change that came through says that any development over 5 units has to have 1 visitor space for every 5 units, so they have included a visitor parking calculation too. There are 173 units with 131 parking spaces required. Mr. Chagnon has worked on affordable housing projects before and

noted that typically this type of urban housing would need less parking than that. If they took out the visitor spaces then there may be room to adjust in the project. It is in the urban floor, so there is public parking access for visitors. Mr. Chagnon requested feedback on that. There was a landscape plan that showed the proposed community space. They would create additional space around the Fire Fighter Memorial. A pocket park would keep the existing tree and improve that area. They would make a corridor in the existing sidewalk, and create a public space between the buildings as well.

Vice Chairman Moreau commented that this was a great project and the applicants had brought forth great aspects. Vice Chairman Moreau liked the discussion about parking, and proposed an idea. Could you offer credits on certain units if they don't come with a car? Is that allowed in the zoning? It would encourage the people to not want to have a car. This was not an answer; it was just a thought. Mr. Chagnon responded that people would take advantage of walking to work. If they don't have to have a car, then they could reallocate funds to savings.

Assistant City Manager Moore requested clarification on the elevations and what the parking accommodation looked like on the street. Carla Goodnight from CJ Architects responded that they had their second work session with the HDC this month. The focus was on the massing and scale of the building as well as introductory style options. Three style options were discussed. They will be working with a hybrid of those styles based on the HDC's feedback. Assistant City Manager Moore appreciated the willingness to share additional information, and wondered about the aesthetic impacts of second floor parking. Ms. Goodnight responded that it was roughly a 9-foot grade change from the lower parking deck. A lot of it is below grade on Court Street. The next level up is elevated masonry with planters coming around to act as a buffer. There would be a different base treatment for the elevated space and windows. Mr. Welch mentioned that there were two levels of parking. The second level of parking was included to accommodate a regulatory constraint. It was not a good idea from an urban design. Ms. Walker clarified that the regulatory constraints were from a zoning perspective. Mr. Welch confirmed that was correct. Assistant City Manager Moore noted that they have a project similar to this already built. What is the experience for that of parking? What's the experience of cars for the 100 units? Mr. Welch responded that out of the 100 units in the Feaster Apartments there were 30 units that had cars. It is free for Feaster residents. If the cost changed at all Mr. Welch predicted that it would be even less.

Chairman Legg requested that Mr. Welch define workforce housing. Mr. Welch responded that there would no additional subsidy for the people that live there. The rest of the PHA portfolio are people that pay 1/3 of their income for rent. There would be income restrictions for 2/3 of the units. They would have to be below the median income. The new numbers are coming. For a single person it's below \$37,000.

City Council Representative Perkins stated that it's a great plan and very much needed in Portsmouth. The land is being used well and it meets the needs in the Master Plan. Portsmouth has not had an opportunity to explore younger residents not having cars in the City. This property could demonstrate changing patterns.

Mr. Gamester questioned how many parking spaces would be lost with the project. Mr. Welch responded that the building would be built on a parking lot that has 40 spaces with city meters. There is an additional 13 spaces where the Fire Chief and Deputy Chief park. Feaster residents and PHA staff park there as well. Mr. Gamester questioned if access from the Fire Station to the Courthouse would remain. Mr. Welch confirmed that it would and noted that was important to the Fire Department. Mr.

Gamester noted that in the landscape plan the community space seemed to be quite removed from the street. It was a little remote for the public. Mr. Gamester suggested making the entire entrance look like a public community space to make it more inviting.

Assistant City Manager Moore had made the same observation that Mr. Gamester made. Inviting a connection to the Parrott Ave lot would be helpful.

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V. ADJOURNMENT

Mr. Gamester moved to adjourn the meeting at 9:39 p.m., seconded by City Council Representative Perkins. The motion passed unanimously.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the April 19, 2018 Planning Board Meeting.