

**RE: Ordinance Changes Proposed**  
**Meeting: Planning Board**  
**Packet pages: 38 - 45**

Dear Members of the Planning Board,

August 13, 2022

Please approve and move forward to the City Council the proposed amendments to the zoning ordinances, *outside of the Building Height Standards Map 10.5A21B, BUT including the note correction on said map*. All of the proposed ordinances are well written and include closing a lot of loopholes and questions which were often open for discussion and manipulation.

There may still be some discussion and thoughts regarding the proposed Building Heights Standards Map. Please consider separating items as needed or adding stipulations or proposed changes the board can agree on. **No matter what happens at the 08/18/22 Meeting regarding the physical heights please move the proposed ordinances and the note forward.** The actual zoning ordinances and the note could carry forward to the City Council as one item, the physical heights could be carried forward differently.

The heights themselves could be divided into agreeable changes and those which have issues or concerns. These could be done by each height proposal OR by listing the ones which board members would like to address separately.

Once the separation is agreed upon desired changes to those not agreed upon could be discussed *such as*: leaving some of the proposed heights off the list to move forward to City Council or providing stipulations on those that are not agreed upon or making actual changes to the proposed heights which the Planning Board would like to see. This could allow all the height changes to move forward in some way, some as proposed and some with Planning Board discussions, recommendations, changes, or elimination from being moved forward at this time.

The question that looms is: are these suggestions allowed per Planning Board rules and regulations.

Please do NOT feel rushed, when looking at the rezoning and the building height and zoning which currently exists on Deer, Bridge, Hill St and the entire area west of Maplewood Ave it seems it was rushed and the Islington Creek Neighborhood was run over in the process. Take your time, move forward the proposals which can be agreed upon and review the ones that can't. Thank you for taking your time with this process.

Sincerely,

Elizabeth Bratter  
159 McDonough St  
Property Owner

**RE: Building Heights Standard Map (10.5A21B) Changes (packet pages 37- 38)**  
**Meeting: Planning Board 08/18/22**

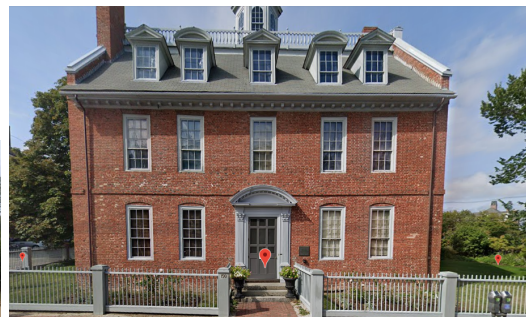
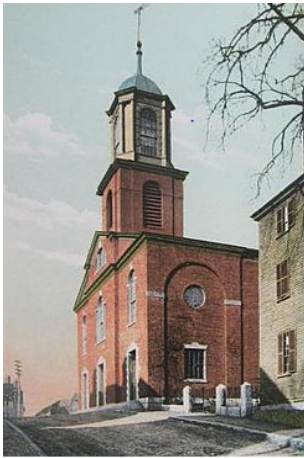
Dear Members of the Planning Board,

August 13, 2021

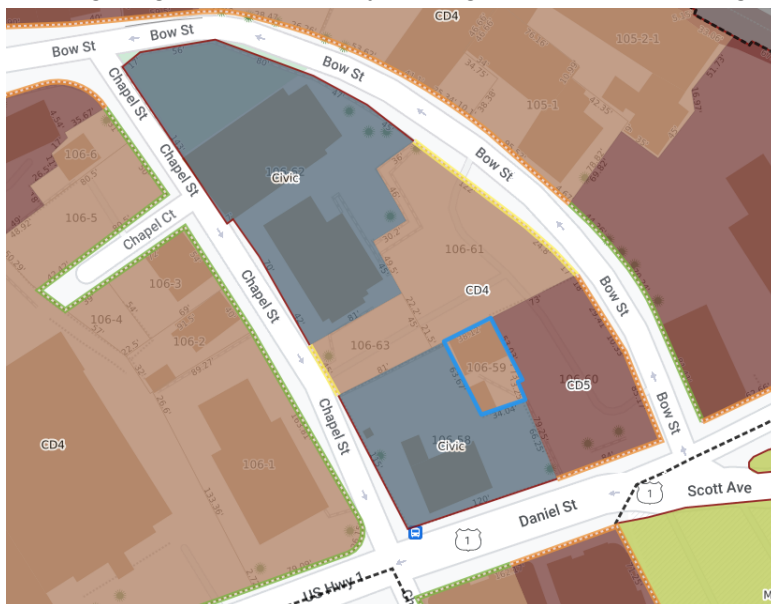
A good way to assess the height changes could be to review the trouble spots. They have been separated by areas **with many pictures. It reads quickly due to the pictures!** It could be helpful to *open the Phase 1 Zoning Amendments Map to pg 37* of the packet and enlarge to 300% to best compare the information.

The two civic sites on Chapel and Bow St are **St John's Church and the Warner House**. Proposed is to turn the **Chapel St side of both properties green** (cemetery aquamarine). **The rear of St John's Church is proposed as orange**. St John's Church is a 2 story building with a roof and steeple. The building next to it is currently a one story with a basement entrance. This property sits on a very large grade on both Chapel and Bow St. **It would make sense to make both sides of St John's property green or blue**. With a maximum 40' a new building could be much higher (possibly 50'+) with the existing grade being so much.

1. St John's Episcopal Church
2. Church Hall
3. Warner House



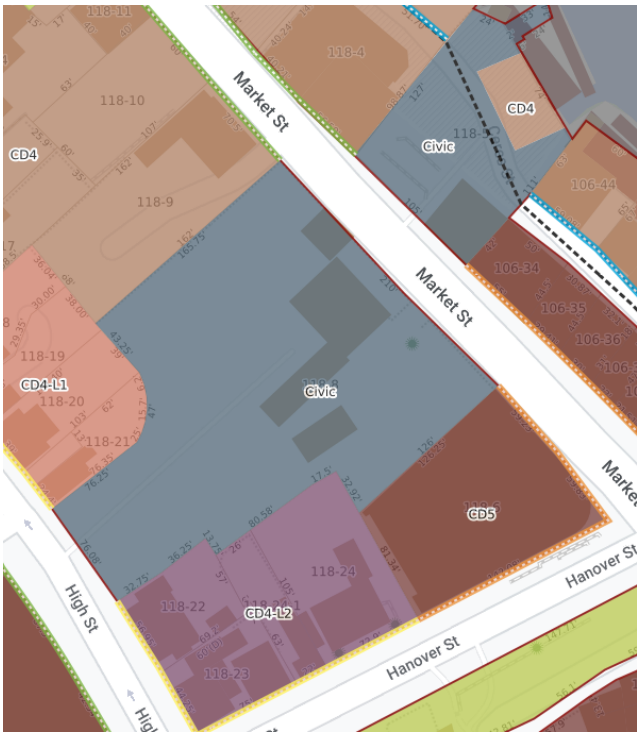
Existing heights on Chapel (yellow, green), Bow St (orange, green, yellow)



Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

\*Penthouse Levels may exceed the building height by 2 feet.

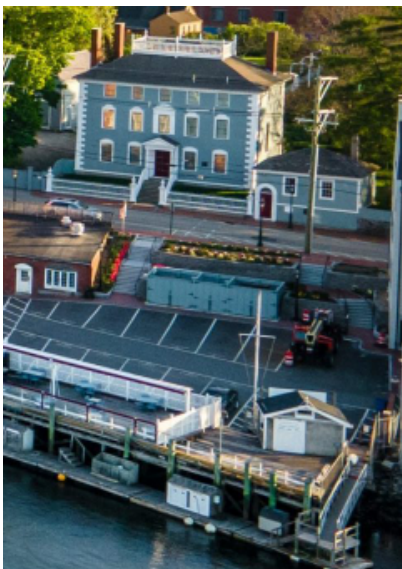
Although it is believed that **Moffatt-Ladd House and Garden** would never be sold it would make sense to provide the city with protections if something did happen. Maintenance on old structures or fires often change the story of preservation. Many historical sites have sold portions of their property to be able to maintain what are the most important structures. Often structures for maintenance equipment or storage are added to such historical sites. Proposed is **yellow**, next to the existing yellow on **High St.** **Green** next to the existing green on **Market St.** **Blue** is proposed next to the existing blue on **Ceres St.** By adding heights to any area it provides protections for the citizens who live next to such properties to protect them from over development. The proposals for this civic lot seem to be conservative based on the size of this property.



Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

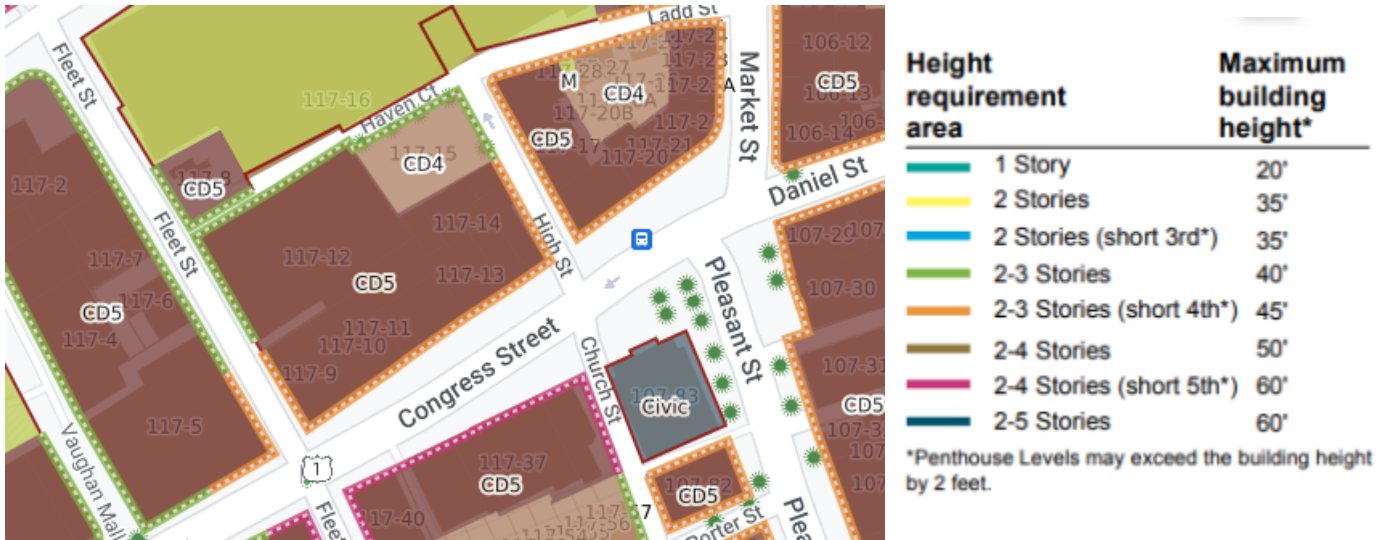
\*Penthouse Levels may exceed the building height by 2 feet.

Moffat-Ladd House and Garden 1. Market and Ceres St 2. High St

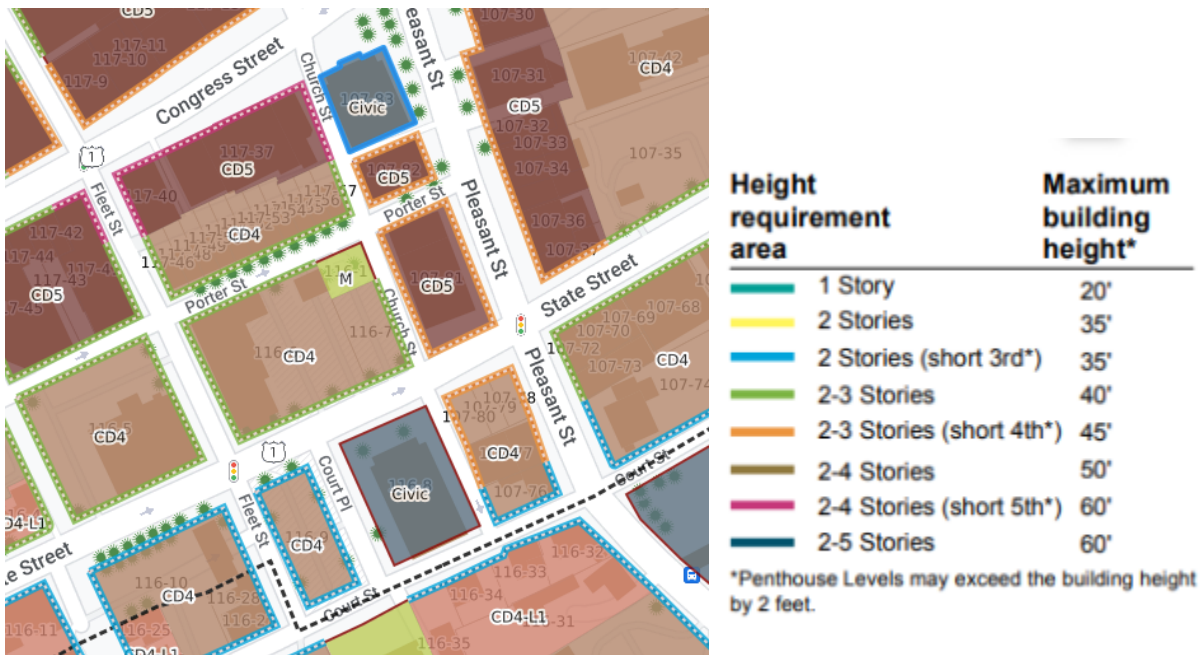




Another controversial area is the back of the **Hanover Garage**. It is proposed exactly as 1 Congress St had requested a variance from the Zoning Board of Adjustments for and *was denied*. It has been presented as an error during the initial rezoning, which could have easily been made. In light of the controversy **one of three approaches could be taken**. 1. Just parallel the existing heights on Haven Ct and Ladd St for the back of the garage side of the street. (orange by Ladd, green by Haven Ct.) 2. Use the proposed heights for the rear of the garage and consider it a correction for only the garage side of the street, leave the other side as shown. 3. Do nothing to the rear of the garage at this time and revisit it next year. There are heights already on Haven Ct, High and Ladd St and it is not likely the parking garage will be sold at this time.



Both the **North Church** and the **South Church** are proposed as orange.





These two structures are surrounded by different heights. The **North Church** has red and orange heights next to it. It is a 2 story with a roof and steeple. Next to a 3 story with a short 4th.



The **South Church** is technically a one story with a roof and steeple. Next to a 4 story building on one side and parking lot on the other.



The proposed orange 2 to 3 story (short 4th) 45' seems like a logical conclusion for both civic lots.

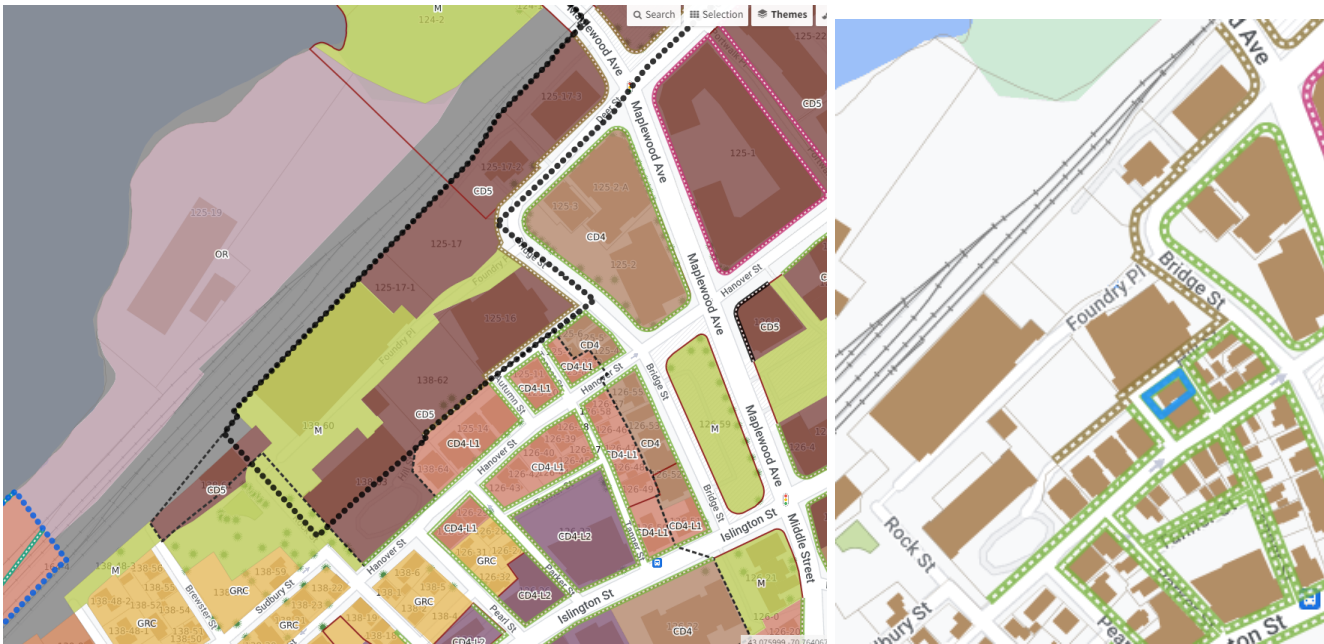
**Foundry Place is a lot more than an addition of height.** It was very poorly rezoned for both height and Zoning Districts the last time. Please review the following information and choose to do one of two things. **Either change the proposed heights, on the Hill St side, to a lower height than proposed to protect the neighborhood until the overlay districts AND the existing height on Hill Street can be resolved, or put a temporary hold on Foundry Place until Hill Street and overlays can be resolved.**

The proposed height for the circle, including the Heinemann Lot is green but it **could be reduced to blue** for now. The **Heinemann Lot is split in two regarding heights (see below)**. The front of the Heinemann Lot is green. It does **NOT** fall under the North End Incentive Overlay district which provides the *extra story*. It is only currently governed by the Downtown Overlay District which requires *first floor commercial* (facing a residential neighborhood) and provides a *parking reduction* (in a neighborhood requesting a parking permit program). The rear of the Heinemann Lot falls into the North End Incentive Overlay and the Downtown Overlay District. Making the circle and the rear of Heinemann blue along Foundry Place instead of green would protect from the two overlay districts until Hill Street and the overlays can be resolved.

The height proposed for the rest of Foundry Place on the Hill St side is *brown- 50'*. That entire section of Foundry Place has BOTH overlays. Lot 138-62 (DSA Lot 6) is currently approved to use both of them. **The other lots on the Hill St side of Foundry Place are not under development at this time (138-63 A/B Heinemann- 2 story 20' & The Last Chance Garage-1 story 15', 125-16 Ferguson Plumbing-1-2 story 20'), therefore the height of brown seems way off and should be lowered to blue due to the overlays!!**

The height proposed for Foundry Place on the garage side of the street from Maplewood to the garage doesn't make sense but brown already exists on Deer St and the two lots left 125-17-1 and 125-17 (DSA Lot 2 and 3) are currently proposed as a park (Lot 2, 125-17-1) and a 60' mixed use building (Lot 3, 125-17).

**Notice Foundry Place is currently zoned Municipal. The Heinemann Lot is split with the Downtown Overlay reaching around the front part of the lot and both overlays on the rear of the lot** (dashes are DOD and dots are NEIOD). **Notice DeerSt from Maplewood to Bridgeis already brown so is Hill St.**



Below is what was there before the Foundry Garage and the Deer Street Associates land trade took place. **Notice how the MAXIMUM HEIGHTS for most of the area was 40'**

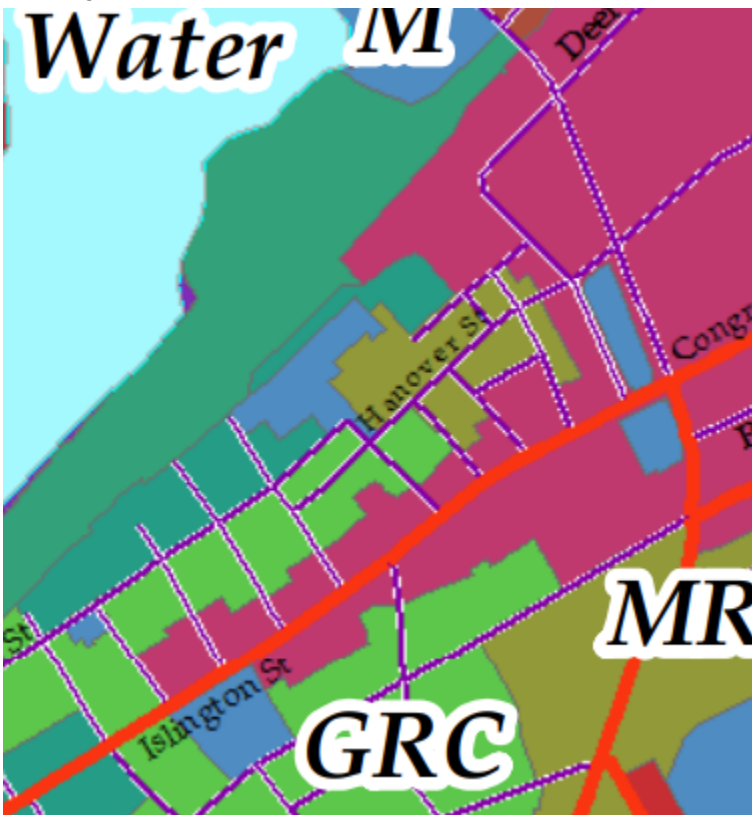
**Current Zoning: Section 10.520 Residential and Mixed Residential Districts**

	R	MRO	MRB
Minimum <b>Lot</b> Dimensions			
<b>Lot area</b>	5 acres	7,500 sf	7,500 sf
<b>Lot area per dwelling unit</b>	5 acres	7,500 sf	7,500 sf
Continuous <b>street frontage</b>	NA	100'	100'
Depth	NA	80'	80'
Minimum <b>Yard</b> Dimensions			
Front	50'	5'	5' 2
Side	20'	10'	10'
Rear	40'	15'	15'
Maximum <b>Structure</b> Dimensions			
<b>Structure height</b>			
<b>Sloped roof</b>	35'	40'	40'
<b>Flat roof</b>	35'	30'	30'
<b>Roof appurtenance height</b>	8'	10'	10'
<b>Building coverage</b>	5%	40%	40%
Minimum <b>open space</b>	75%	25%	25%

[https://www.therpc.org/application/files/5914/6290/9255/Map\\_18P - Zoning - Portsmouth Portsmouth.pdf](https://www.therpc.org/application/files/5914/6290/9255/Map_18P_-_Zoning_-_Portsmouth_Portsmouth.pdf)

Deer St and the first part of Hill was zoned Central Business B (CBB). The rest of that area was Mixed Residential Business (MRB), Mixed Residential Office (MRO), Mixed use (M) and Residential R.

**Notice how all of Islington St was also CBB. It got rezoned to CD4-L2 with green heights and NO overlays!** Yet, here we are again!



ABC	GRB	PI
AI	GRC	R
AIR	GW	Road
B	I	SRA
CBA	M	SRB
CBB	MRB	WB
GA/MH	MRO	WI
GB	NRP	Water
GRA	OR	

Thank you for your consideration of these thoughts,  
 Elizabeth Bratter, 159 McDonough Property Owner



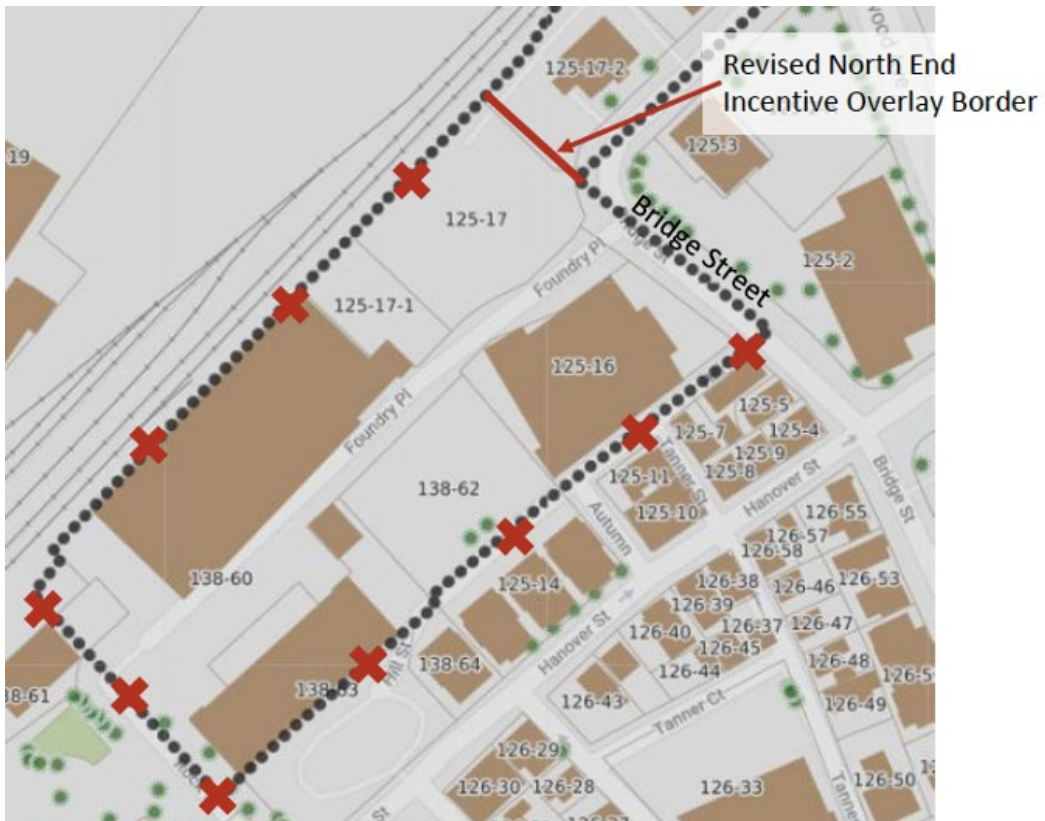
**From:** [Robin Husslage](#)  
**To:** [Kimberli Kienia](#)  
**Subject:** For Planning Board Meeting 8/18/2022  
**Date:** Monday, August 15, 2022 8:57:18 PM  
**Attachments:** [image.png](#)  
[image.png](#)

---

Kimberli -- can you please forward this to all the members of the Planning Board for consideration of the Building Heights being proposed at the 8/18 Planning Board meeting? Thank you, Robin.

Dear Planning Board,

I live at 27 Rock Street in a small neighborhood of 2-3 story homes. At the end of my street sits the 2-story Heinemann building on top of a 10-foot hill, the high point of Hill Street, appropriately named. The height being proposed for Foundry Place where the Heinemann building is located is 40 feet. When you add this to the ~ 10-foot hill, that makes it 50 feet tall. Tall, when compared to 25- to 35-foot homes surrounding the building, but within reason for a commercial building. However, the Heinemann building is within the North End Overlay District which allows the developer to add another 10 feet to the height if community space is added bringing the height up to 60 feet compared to the surrounding homes, dwarfing our neighborhood. Additionally, mechanicals will add to the overall height of the building, amplifying the height difference in the surrounding neighborhood. The North End Overlay District should stop at Bridge Street and not extend down into the Islington Creek Neighborhood -- we are not the North End!!



Similarly, the Downtown Overlay District also does not belong in the Islington Creek Neighborhood as it negatively impacts our residential neighborhood by disallowing residential uses on the first floor:



Please help us maintain our residential neighborhood.

Thanks,

Robin Husslage  
27 Rock Street  
Portsmouth, NH 03801



Tracey Cameron  
1177 Sagamore Avenue #7  
Portsmouth, NH 03801  
[Cameronts12@gmail.com](mailto:Cameronts12@gmail.com)  
603-490-5751

August 8, 2022

Planning Board  
Portsmouth, NH  
[planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com)

RE: Planning Board Meeting August 18, 2022, items as follow:

The request of The Sagamore Group, LLC, (Owner) for properties located at 1169 and 1171 Sagamore Avenue requesting Site Plan Review approval for the demolition of 3 existing principal structures (3 single living units) and 3 existing accessory structures to be replaced with 5 single-living unit structures and 2 two-living unit structures to total 10 living units **and 22 parking spaces where 15 is required**. Said properties are shown on Assessor map 223 Lot 14 and Assessor Map 224 Lot 15 and lie within the Mixed Residential Office (MRO) District.

The request of The Sagamore Group, LLC, (Owner) for properties located at 1169 and 1171 Sagamore Avenue requesting **Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for 570 square feet of temporary buffer impacts the headwall and riprap portion of which are permanent impacts to the wetland buffer for the installation of a treated stormwater drainage outfall**. Said properties are shown on Assessor map 223 Lot 14 and Assessor Map 224 Lot 15 and lie within the Mixed Residential Office (MRO) District.

Members of the Portsmouth Planning Board,

As an abutter to the properties at 1169 and 1171 Sagamore Avenue I strongly oppose applications that seek to exceed the restrictions set by the town zoning ordinances.

*Relating to the request to exceed the maximum number of parking spaces:*

The limitation on the number of parking spaces was put in place presumably to limit congestion in the city which is experiencing an exceptionally rapid rate of growth. As an owner of another property in Portsmouth, I have been notified of similar requests to exceed the parking limitation on several other occasions. It would be helpful to know how many parking spaces have been granted above the limitation each year since that restriction was put in place to understand how effective this ordinance has been. Portsmouth is an Eco-municipality with a commitment to sustainability. The Planning Board is the most important governing body for creating sustainable policies, which include limiting the use of automobiles and promoting multi-modal low carbon options. The International Energy Agency (IEA), which is the global standard that governments and corporations look to for energy related projections and guidance, issued a [10-Point Plan to Cut Oil Use](#) in the wake of the invasion of Ukraine. The plan includes many options that promote alternate forms of transportation to automobiles, and which can promote more livable cities in addition to addressing carbon emissions. This IEA guidance should be foundational for Portsmouth Planning which has the responsibility to consider the city vision in every

decision. Should the Planning Board not adhere to the guidelines in place, they are relinquishing a basic and sensible limitation to congestion. The additional parking area would also likely include additional asphalt area, reducing permeability – a significant contribution to Houston’s damage during Hurricane Katrina.

*Relating to the Wetland Conditional Use Permit:*

The [New Hampshire Climate Assessment 2021](#) (UNH) finds that NH temperatures have risen an average of 3°F since 1901 and future increases are projected between 5.2 (low emissions scenario) to 9.2 (high emissions scenario) by the end of the century above historical levels. Associated with higher temperatures is the increase in precipitation, particularly at coastal areas and the study finds a 12% increase in annual precipitation in NH over the past 120 years. The [New Hampshire Coastal Flood Risk Summary, Part II: Guidance for Using Scientific Projections](#) notes that “Coastal flood risks in New Hampshire, including relative sea-level rise (RSLR), coastal storms, RSLR-induced groundwater rise, extreme precipitation, and freshwater flooding pose an immediate and increasing threat to New Hampshire’s public health and safety, public and private structures and facilities, livelihoods and economies, and natural, historic, and cultural resources. Proactive planning for these coastal flood risks is essential to save lives and money, sustain quality of life, mitigate crises and conflict, and avoid the otherwise likely and painful degradation of New Hampshire’s most vulnerable coastal areas.” The report also cautions that municipalities “Consider the liability of not taking action. Case law is still in its infancy, however, decision makers who fail to act despite having science-based information about future coastal flood risks may face questions of liability.” Decisions related to development of our coastal area should respect the current guidelines that were put in place to protect wetlands.

I ask the Portsmouth Planning Commission to work to strengthen ordinances to protect the congestion and resilience of our community and not grant exemptions to existing codes.

Respectfully submitted,  
*Tracey Cameron*