

## RE: Zoning Ordinance Amendments

Dear Members of the Planning Board,

June 28, 2022

After reading the proposed amendments many times, new things are noticed after each read and comparisons to the original wording.

Of course the height of 2 to 4 story 50' along Foundry Place(#2) is a priority. A **FINAL** height of 50' *including ALL the overlays, incentives and grade* on Foundry Place does make sense but NOT the beginning height. Please see the pictures provided in the letter in Public Comments from the June 23rd meeting. [https://files.cityofportsmouth.com/agendas/2022/planning+board/PublicComment\\_PB\\_062322.pdf](https://files.cityofportsmouth.com/agendas/2022/planning+board/PublicComment_PB_062322.pdf)

It would make sense to lower the proposed height from 2 to 4 story 50' **TO 2 story short 3rd 35'**. This would allow the incentives and overlays to stay in place and in the end provide 45' to 50' buildings, possibly 60' if a penthouse were added. Unfortunately the North End Incentive Overlay also allows 30,000 sf footprints where normally only 15,000 sf are allowed and the Downtown Overlay allows no commercial parking, first floor commercial and a 4 parking space reduction in residential parking. Therefore the impetus to ask that the incentives and overlays be removed from one side of Foundry Place.

A reasonable solution for Foundry Place would be to split the street height. One side could be the "green" standard of 2 to 3 story 40' and **REMOVE BOTH overlays/ incentives** from the Hill St/Heinemann/Ferguson's Plumbing side of Foundry Place. This would allow the grade to be adjusted and if a penthouse were added would end up around 45' to 50'.

The height along Foundry Place on the Foundry Garage side could stay brown with its incentives/overlays or be lowered. *There are quite a few streets in downtown which have two heights on the same street for example: Congress, Penhallow, Commercial Alley and Pleasant St.*

*What is important to notice is, the triplet buildings that back up to Hill St are 23' tall. The tallest building on the right from Foundry Place is 33' tall, the Pearl St Church is only 30' to the roofline and Heinemann Building is 20' tall. 50' at the bottom of the hill on Foundry Place is definitely the maximum height that should be allowed there. As long as the North End Incentive Overlay District and the Downtown Overlay stay on Foundry Place the "STARTING HEIGHT" should be significantly lower than proposed to have the final height be at the most 50' on Foundry Place.*

The **Penthouse** definition used to say "all edges of the roof". The proposed definition states from "all other edges". This seems open ended as to what an "edge" is.

**10.517.23 Changed dramatically.** It used to say "they are set back at least **TWICE** their height from the edge of the roof". The proposed change states " and are set back at least **HALF** their height from the edge of the roof area of the structure."

### Existing:

- 10.517.23 Railings around rooftop use areas may extend above the allowed **structure** height provided that they are less than 4 feet above the roof and that they are set back at least twice their height from the edge of the roof.

### Proposed:

- 10.517.23 Railings around rooftop use areas may extend above the allowed **structure** height provided that they are less than 4 feet above the roof surface and are set back at least half their height from the edge of the roof.

**Does this mean a rooftop use area could be 2' from the edge of the roof if the railing was 4' above the roof structure? Is this a desired result?**

10.517.21 does change the height from 5' to 8' for roof appurtenances and does move the set back forward from 30' to 20' from all edges of the roof. However, most things set back 20' from the roof cannot be seen by those walking on the street. Portsmouth does have a lot of hills. For example: Items on the top of Deer St facing buildings can be seen from the corner of Bridge and Islington St, the same is true from Market St looking at Ceres St. Keeping this in mind 10.517.22 allowing decorative appurtenances along the roof edge could aid in covering some of roof top items.

The proposed height change on Haven Court and High St should **NOT** be considered at this time. There is a height existing there. All of the proposed changes in height are for streets and civic areas which currently have no existing heights. This height change if desired should be held until proper notices and public input can be sought. **All height changes proposed for civic areas seem reasonable compared to the existing heights in said areas.**

Thank you for considering these thoughts and reflections on the proposed changes.  
Sincerely,

Elizabeth Bratter  
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Property Owner