

Re: 361 Islington St
Meeting: Planning Board 03/16/23

Dear Members of the Planning Board,

March 9, 2023

Please separate the Site Plan Review Approval, The Parking CUP and Outdoor Seating CUP to address each individually. Each has its merits and things that could be adjusted to make this a successful business for the Islington Creek and Goodwin Park Neighborhoods and an asset for Portsmouth.

361 Islington Street has sat empty for a long time. Many do NOT go back and read the previous public comments relating to this property. Basically asked for were: the maximum amount of parking be created on the lot, thoughtful protections to keep the noise levels at a minimum, *especially in the evening*, the lighting at its minimum and importantly traffic safety. There are MANY accidents on this corner!

This lot is surrounded by 6 residential buildings. On most evenings after 7PM Islington Street has little to no traffic; it is a quiet and enjoyable place to live. Most of Cabot Street's parking spaces in both directions become filled with residents. With just the street lights and the front door lights on, it has a peaceful effect and demonstrates to others that they are in a neighborhood where people live and enjoy sitting in their pocket gardens or on their front steps chatting with friends and neighbors.

A bagel place sounds nice until the plans are reviewed carefully. Not only are there two **10' wide garage doors which will open**, the **1183sf of outdoor seating includes** a clearly marked **LOUNGE** which could be expanded in the future if approved at this time. When asked about possible hours of operations these were not disclosed at ANY of the previous meetings.

The noise from the 43 interior seats will be heard outside when the garage doors are open, along with the proposed 31 outdoor seats. Pretty much the sounds of 74 guests and about 10 employees will go directly into 342, 356, 366, and 369/371 Islington, 3 homes at 41 Salem and 278, 281 Cabot Street's homes, especially when windows are open. **Limiting the hours of operation as well as the hours the outdoor seating can be used could be helpful to contain any possible noise issues.**

Although this application has repeatedly compared parking *to the number of seats*, that is **NOT how parking is determined**. It is **1 space per 100 sf of building for a restaurant**. The interior of the building with additions will be about 2165sf therefore **22 spaces are needed**. This does not include the 1183 sf of outdoor seating, which could need at least 12 more spaces. Using the presented applicant logic 74 seats would need a minimum of 37 parking spaces (2 per car). 22 spaces are a better deal for this applicant.

Let's look at the comparisons the applicant presented.

Over 10 years ago:

The Kitchen opened in 2011 and was grandfathered with no parking required (was Celebrity Sandwich) They do have a driveway they use for employee parking; it can hold up to 8 cars.

Caffe Kilim opened 2013 grandfathered parking

Lexi's Joint opened 2011 grandfathered parking (was A&D BBQ)

10 years or less:

White Heron opened 2013 has about 19 spaces of which some are shared, they needed 38 (3800 sf), *received a CUP believed people would walk, cars queue up on Islington St weekdays*

Liar's Bench opened 2016 met their parking requirements

Great Rhythm opened 2016 met their parking requirements with shared parking.

Notice since 2016 parking minimums have been enforced near the neighborhoods due to the influx of employee parking in Islington Creek and Goodwin Park Neighborhoods. There is the Foundry Garage **6 blocks away** but why pay to park when parking is free and closer in neighborhoods. Therefore the recent Neighborhood Parking Program in Islington Creek.

Reconfiguring the building could allow for 5 to 6 more spaces making the number of spaces on site 17 or 18. (*The approved Lexi's proposal had 15 spaces and met the parking requirements*). Think about White Heron and Dunkins, it is mostly on Saturdays and Sundays people walk there, **all the other days cars queue**

up on Islington St. Currently there are 9 parking spaces on that side of Cabot St which are used by businesses during the day and residents at night. **Where will the other 62 patrons and 10 or more employees park?? Please deny the parking CUP until ALL efforts have been made to maximize parking on this lot.** 10 missing minimum spaces are WAY too many to ignore, much less the other 52 patrons and employees who need a place to park during the week!!

The lighting is presented as Dark Sky Compliant but **Dark Sky Compliant limits light from reflecting upward.** The lighting provided will reflect downward and rooms below 14 feet (1st or 2nd floor) will get direct bright LED light reflection from the 2-14', 4-11', 4-10'. Think about the Sunoco and Mobile Gas Stations, how bright they are and their lights are all under their canopies. The Wrap Shack used String Lights to be able to turn off the overhead lights under the canopy. **3' Bollard lights could be more reasonable for the exterior and basic circle, lanterns or string lights could be used under the canopy as most outdoor spaces have.**

Traffic flow has been improved by providing a driveway for cars, deliveries ect around the rear of the building when using Islington St. However, the clearances in said driveway may lead to trucks backing out onto Islington St, hitting the retaining wall or the building or breaking off mirrors which may not clear the rear. Notice that the body of most standard sized trucks won't fit (9.5' wide, 20' long not presented). *The average 9' snow plow blade will have difficulty clearing the 9'4" area in the rear!* Trucks that come with a delivery which can't clear the driveway will either *pull in and back out onto Islington St or will park on Islington or Cabot Street blocking the intersection of Cabot and Islington's sight lines.* These are dangerous options! **All of these driveway issues could be better managed had the design plans put the addition onto the front of the building instead of the rear.** The rear addition puts all the mechanicals within 25' of the abutters.

The rear takes away up to 5 parking spaces. The rear makes clearances too tight for delivery and trash trucks.

Adding the addition to the front could open up for more parking and clearances in the rear. Move the mechanicals over 50' from the abutters. Decrease the size of outdoor seating to 576sf, the greenspace to 288sf and have slightly larger indoor spaces. This would have little to on effect on utility plans since they are being replaced.

This lot is 15,144 sf of which 13,600 sf will be being disturbed, leaving a lot of room for adjustments since only about 1544sf will NOT be disturbed.

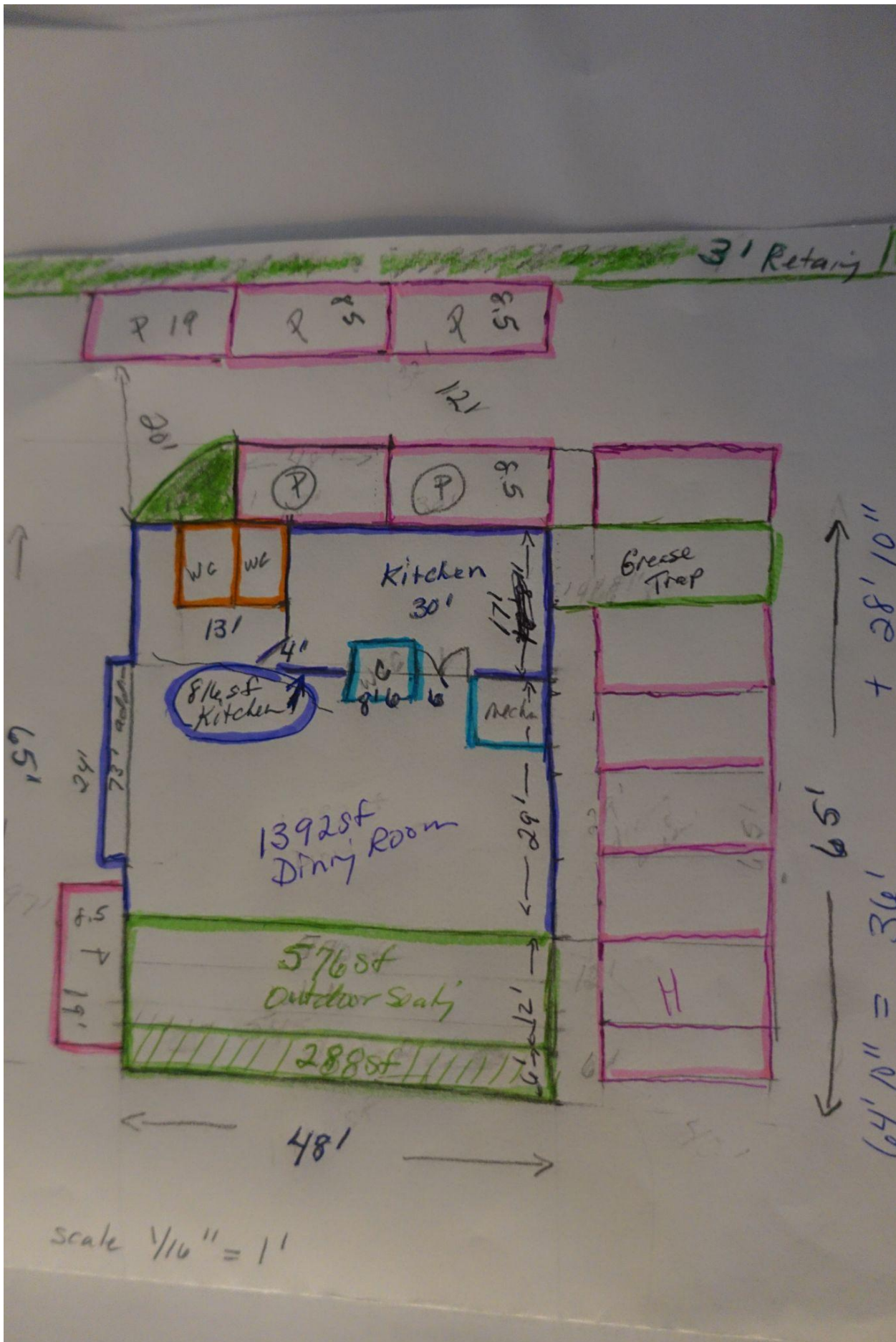
Please ask 361 go back to the drawing board to create more parking and better delivery access on the lot. Please ask 361 to lower the height of the lights to protect neighbors from bright LED lights glaring next to their rooms. Please ask for neighborhood friendly hours of operations. Why is a LOUNGE needed? Is a "lounge" appropriate in a neighborhood that normally doesn't even allow restaurants with more than 50 people. Why is such a large outdoor seating area needed for 31 people (38 sf per person)? Why are large garage doors that open needed for flies and mosquitoes to come in and the noise flow out? Most importantly PLEASE PROTECT THE INTERSECTION sight lines! The new signal will make it so the traffic signal can be seen easier. It doesn't mean less people will continue to run the yellow and red lights.

Yes, a bagel shop would be really great had the time been taken to review all the previous public comments and really worked to balance the basic requests of the neighborhoods with the needs for more room and more seating. Hopefully this Board will be able to find a way to do this; support the business and service needed and the neighborhoods.

Sincerely,

Elizabeth Bratter,
342 Cabot St and 159 McDonough St ,
Property Owner

Adding the addition to the front instead of the back.



Changes in Dimensions with addition on the front instead of the back:

Kitchen/bathroom	17 X 48= 768 sf (was 695 sf)
Side Addition	24 X 3= 72 sf (was 73 sf)
Dining Area	29 X 48 = 1392 sf (was 1344 sf)
Outdoor Seating	12 X 48 = 576 sf (was 1183)
Greenspace	6 X 48 = 288 sf (was 545 sf)

Advantages:

1. Mechanicals further back from abutters building
2. 5 or 6 more parking spaces
3. 12' open area for driving in the rear
4. If deliveries happen before opening more turning radius for trucks and plows-almost 32'
5. 576 sf of outdoor dining allows for 19 sf per person more than the average which is 12'

March 12, 2023

Dear Planning Committee,

As a 23+ year resident of Cabot Street (and kitty corner to the former Getty station), I am happy that the bagel shop will be our new neighbor. There are still a number of things that I would like to have answered and sorted out before you, as the Planning Committee, approve the next steps in the project.

The main issue has been and still is parking and the lack of spaces and how that will affect the neighborhood. On any given day, other employees from businesses on Islington park on the Cabot Street/McDonough side. Between that and the actual residents of the street, the limited number of parking spaces on the street are usually filled.

Another major concern related to the lack of parking is the traffic flow. Cabot is the main access road for the Islington Creek neighborhood because of the traffic light. To have the traffic enter and exit solely onto Cabot will be a nightmare.

Other issues which hopefully are part of the Planning Committee's scope include:

- Ask that the hours of operation match the other neighborhood restaurants. This is a residential neighborhood.
- Ask what the "lounge" entails. If there is alcohol served, again, the hours of operation must match the others in the neighborhood.
- Ask that deliveries can be made directly onto the property and not have delivery trucks unloading on Cabot or Islington further blocking an already very busy intersection.

Again, I am happy something will be done at the site but need to have the neighborhood's questions and concerns addressed before any approval is granted.

Thank you for your time.

Jennifer Meister
287 Cabot Street

From: [Alec Davis](#)
To: [Planning Info](#)
Subject: Gas station into bagels
Date: Wednesday, March 15, 2023 8:21:07 PM

Hi,

I know you're busy so I'll make this quick. I'm sick of living next to an abandoned gas station, please please please work with the Bagel

People on this to make it happen. As a homeowner on the 300 block of Islington street, I would love to see this plan go through.

P.S. I love the idea of a lounge with it, the proposed plan seems very solid and well thought out.

Alec Davis
817-637-5335

From: [Chris DiVincenzo](#)
To: [Planning Info](#)
Subject: Comments on Suggested Stipulations for Getty Station/Bagel Shop on Islington
Date: Monday, March 13, 2023 2:54:35 PM

Hello City Planning committee,

I'm writing regarding the Planning Board meeting this Thursday, 3/16. Specifically the Getty Gas Station replacement with a bagel bakery. We are very much supportive of this change and made public comments about this last month.

After learning more about the project, we do have a few items that we'd love to see modified. As residents of Cabot Street, we are concerned about traffic caused by spillover guests, and more importantly, delivery trucks. A flyer has gone around the neighborhood noting that there will not be enough space behind the new structure for delivery trucks to pull through, and this is likely to cause the truck to be stuck on Cabot St, Islington St, or them to park on Cabot while they do their work with the business. Similarly, it seems there aren't enough parking places for the amount of guests.

We'd like to see the Bagel Shop approved with the stipulation that they:

- Shorten the rear of the building 6-12 inches to allow trucks to clear the back of the building and keep off the streets.

- They add 5 more parking spaces in the rear and a lot more area for delivery vehicles

- The hours of operation should be in line with other food establishments in the area (closed no later than 9 PM), and ideally the outside portion of the restaurant closing down a little earlier.

Thank you for considering/including these comments/requests in for Thursday's meeting!
Chris

From: [Dan Hale](#)
To: [Planning Info](#)
Subject: March 16th Meeting--Lucky Thirteen Properties, LLC Proposal
Date: Tuesday, March 14, 2023 12:02:56 PM

To Whom it may Concern,

I cannot make the meeting on the 13th and hence just emailing some of my concerns and approvals. I have written before and hence maybe you already have my concerns, but here they are again. Please consider these areas of concern for those of us that live directly around this site.

1. It's going to be a bagel/breakfast business, but could its' use be changed? NOT In favor of any kind of Brewery or Lounge. Please restrict Future uses!
2. HOURS of Operation are critical! With open garage doors and outside seating this could get very loud if allowed to operate after 8PM. Please restrict hours.
3. PARKING. Not sure where all these cars are going to park, because on street parking is very limited even for those who live around this site!
4. LIGHTING. Please make sure lighting does not stay on all night and is appropriate for surrounding dwellings.
5. Proper screening/landscaping is also critical for surrounding dwellings.

Love to see "something" happen to improve this site, but that also considers those that live and sleep around this site!

THANK YOU!

Daniel Hale
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Good evening. Imagine you're one of the hundreds of people who live between Rockingham and Salem St...McDonough and Austin St. Narrow streets are already clogged with double-sided parking. You don't have access to off-street parking. You pay rent or a mortgage and all the taxes that go along with that. You've been coming home, after a long day at work, just eager to get inside to see your family. You search for on-street parking that's become very hard to find. You drive around the neighborhood before you finally get lucky. It gets to be an extremely inconvenient part of your day...and it's every day.

Now, imagine doing that same thing – but with 10 fewer parking spaces available because a local business was allowed to remove those required spots from their property...leaving you to deal with the consequences.

I live at 369 Islington St...the gray building that shares an easement with the Getty station. Our properties are connected, with the entrance to our properties right on Islington St. This entity is requesting a conditional use permit approval to remove 10 parking spots. They're asking you to allow them to build the size of business they need to succeed...while passing the stressful burden of parking back onto the residents who already battle those stressors on a daily basis.

Tax-paying residents of this city have a reasonable expectation of safety, security and NOT being forced to take on that added burden. By granting this permit you would be telling those hundreds of tax-paying residents.....we're aware of the current parking problem in that area, but we're now going to add to it. We should be searching for solutions to the parking problem in that area --- not adding onto it.

There is a reason this city requires 22 parking spots.

There is a reason this board must enforce that.

The quality of life of tax-paying residents needs to be preserved whenever possible.

The immediate, heavy, impact of this decision would drastically affect the lives of those people who've called that area home for years.

This business must rely on customers driving to them, so there won't be fewer cars to use the parking spots. There'll be fewer parking spots for residents to use.

They're asking for a conditional use permit for an outdoor dining and drinking area...which also translates to higher impact. The food truck that recently occupied that space never had more than a dozen people sitting outside at one time. Does granting this conditional use permit mean that 74 people will now occupy seats outside...where 31 are allowed? I'm afraid it may lead to that. We were told, at the board of adjusters meeting, this was a Bagel shop (only). Yet, apparently the plans show a LOUNGE? We're asking you to maintain the seating restrictions to 43 inside and 31 outside. This needs to be enforced....as those garage doors could open and all 74 seats could slide outdoors. That would be an absolute mess.

The Kitchen restaurant is not an equitable comp. The Kitchen has a small, fenced-in outdoor seating area. The Kitchen shares its footprint with Café Kilim, the Mobil gas station right next door and Lexi's across the street. That's a bustling block for food and beverage. The same can be said about the block with Dunkin Donuts, Bread Box, the Shell station and White Heron. There are serious safety risks for cars trying to navigate the congestion in that area.

We, in that small stretch of Islington St between Rockingham and Dover, already deal with the constant risk of, unarguably, the most dangerous intersection in Portsmouth. The corner of Cabot and Islington sees car crashes, rollovers and near fatalities on a regular basis.

We are, again, relying on you to continue to have the best interests of the local masses in the forefront of your minds. The last food/beverage entity seeking to enter that property, a Tuckaway Tavern concept, was rejected due to the expected high impact it would've had on the neighborhood...and they were not seeking to remove parking spots from that property. Granting these permits tonight, particularly the removal of parking spots, would conflict with the consideration the city has shown in the past.

What are the hours of operation?

I'd also like to ask about lighting and noise. All of my windows look directly onto the station and I already deal with the current lighting shining through my windows at all hours of the day.

We rely on this board to continue its consistency in making decisions based on what's best for local, tax-paying, residents who love calling Portsmouth, and that whole Midtown area, home...while balancing the need to maintain our economy with good business decisions.

Thank You

From: [Elizabeth Mooney](#)
To: [Planning Info](#)
Subject: 212 Woodbury Avenue redevelopment proposal
Date: Monday, March 13, 2023 6:22:17 PM

Ladies and Gentlemen:

We live on Woodlawn Circle near Woodbury Avenue. We often drive by the hazardous wreck of what was once a beautiful mansion at 212 Woodbury Avenue.

It is heartening to learn that the owners and developers don't plan another mega-mansion for that site. Rather, their proposal seems to address an urgent need for mid-tier housing in Portsmouth. The location is just perfect.

We do have one concern, which we hope you seriously address as a condition of permission. The issue is stormwater runoff.

Even for city residents, like us, whose homes are not in designated flood zones, the water table is very close to the surface. When additional impervious surfaces are added to an area, precipitation displaced from ground absorption flows into storm sewers and into neighbors' basements.

We know this firsthand. Circa 2015, four houses were built on formerly vacant land on Woodbury Avenue between Echo and Hillcrest. Since then, damp and even wet basements have become a problem for surrounding houses.

Our response, at our expense, has been to install a drywell, to waterproof the outside and inside of the foundation, to plant thirsty pussywillow trees, and to dig a rain garden.

We ask that you require this developer and others in this city to obtain an engineering calculation of water displacement. Based on that information, the builder should be required to anticipate and mitigate. Permeable pavement for the driveways and sidewalks. Drywells. Rain gardens and/or stormwater retention ponds. Preservation of mature trees where possible during construction. Planting new trees where practical.

Thank you for your attention, consideration and, hopefully, action.

Sincerely,
Liz and Tom Mooney
176 Woodlawn Circle
Portsmouth, NH 03801