

Thomas A. Nies
419 Richards Avenue
Portsmouth, NH 03801

October 15, 2024

Mr. Rick Chellman
Chair, Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Chellman:

Please accept these comments and distribute them to members of the Planning Board for the October 18, 2023, discussion of the proposed Gateway Neighborhood Overlay District. All comments refer to the document "GNOD+09.16.2024" posted on the City's web page for this meeting.

Section 10.683.10 of the draft establishes the maximum number of dwelling units per building, with Incentive Bonus options provided in Section 10.686. There does not appear to be identification of any minimum requirements other than that mentioned in 10.686.10 Table 10. For example, assuming compliance with one of the incentive options, could a mixed-use building with 25 dwelling units be built with six stories? An example might be a hotel with 25 condominium units in addition to other hotel rooms or retail space. This may not make financial sense at present but may be under different economic conditions. Allowing this activity may not be consistent with the GNOD goal of creating neighborhoods with higher density housing.

Similarly, the zoning ordinance allows a mixed-use development to consist of multiple buildings with different uses on one development site. Could a development separate the dwelling units from other uses in separate buildings and, if so, is it clear the density bonus only applies to the building with dwelling units, and not other buildings in the development?

Section 10.683.10(7) exempts properties in the GNOD from several of the GNMUD provisions that are designed to enhance the pedestrian environment (Sections 1022.20, .20, and .40). It seems odd to exclude these requirements when the stated purpose of the GNOD is to create neighborhoods where residents can live and work and these provisions were considered important for the GNMUD. I recommend the Planning Board remove these exclusions from the draft.

Section 10.686.30 creates a land transfer incentive option. Sub-paragraph (1) would be clearer if it was written (addition in italics and underlined): "In lieu of constructing workforce housing units within a GNOD Development, an applicant may offer real property *within the same GNOD*

to the City.” This appears to be the interpretation held by the Board but, unless I missed it, it is not clearly stated in the draft ordinance.

Sub-paragraph (7) of the same section describes the amount of proposed land transfer that qualifies for the optional incentive bonus. The relationship is unclear between the land transfer and the number of buildings entitled to the incentive. Assuming a development of 20 acres, does a donation of one acre entitle the developer to one building that uses the incentive, or is the developer entitled to use the incentive on any number of mixed-use buildings that will fit in the development? The same is true for the payment in lieu of workforce housing in Section 10.686.20 sub-paragraph (2). Section 10.686.40 discusses a GNOD conveyance that “exceeds the amount required in order to support a proposed development.” This implies there is some standard in mind that links the conveyance to the size of a development, but the draft ordinance does not appear to explicitly define the relationship.

Thank you for considering my comments. For the record, I am submitting these comments as a private citizen and not as a representative of the Zoning Board of Adjustment.

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies

October 13,2024

Portsmouth Planning Board
Junkins Avenue
Portsmouth, NH 03801

Re: 185 Orchard Street

To the Planning Board

This letter is on behalf of my wife Colette Foley and myself in response to the request of Scott Rafferty to remove 185 Orchard Steet from the Historic District General Residence to a Gateway Neighborhood Overlay District to allow for Higher Density Housing.

Colette and I are abutters to 185 Orchard Street and have lived at 25 Lafayette Road since 2001.

Mildred Murdoch was the prior owner of 15 Lafayette Road which included what is now 185 Orchard Street when her property and the neighborhood was added to the Historic District.

With the passing of Mrs. Murdoch, Jeff Murdoch subdivided 15 Lafayette Road creating 185 Orchard Street. Jeff knew the value of property within the Historic District and sold the 185 Orchard Street property based upon an appraisal.

Jeff Murdoch made no request to remove 185 Orchard Street from the Historic District General Residence.

Scott Rafferty knew that the 185 Orchard Street property was within the Historic District General Residence prior to his purchase.

There has been no request for medical or other hardship to create this change in zoning.

I ask that the Planning Boad DENY the request of Scott Rafferty to remove 185 Orchard Street from the Historic District General Residence; as Scott Rafferty is a realtor and developer and may not ever live on this property, and that personal financial gain and spot zoning should not be a consideration for a zoning change when it could reduce the property value of abutters and neighborhood properties.

Regards,



John Foley
25 Lafayette Road
Portsmouth, NH 03801

October 16, 2024

Portsmouth Planning Board
1 Junkins Ave
Portsmouth NH 03801

RE: 185 Orchard Street

Dear Planning Board,

In support of the wishes of my next-door neighbors Colette and John Foley who are direct abutters of the petitioner Scott Rafferty:

I vote no re: Rafferty request to be removed from historical district.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Stevens", with a long horizontal flourish extending to the right.

Sharon Stevens
39 Lafayette Rd
Portsmouth NH 03801

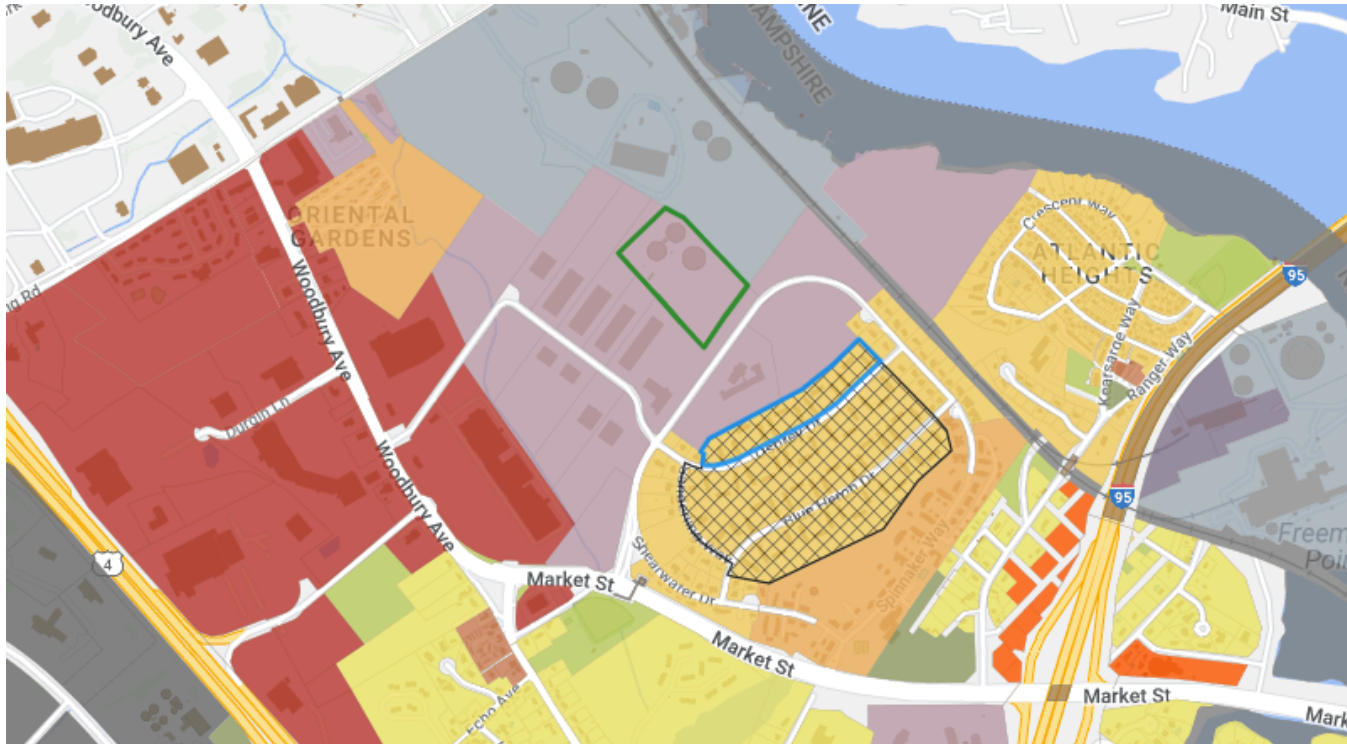
Dear Members of the Planning Board,

October 15, 2024

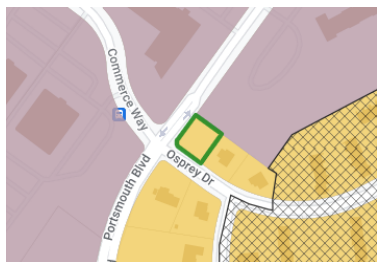
In theory GNOD is a great idea. However, the impact on abutting properties could be filled with unintended consequences. Please pull up MapGeo and look at each of the proposed sites for this overlay district. Typing the lot number into the search bar can expedite this search.

The heights of the abutting properties in most cases are 2 stories 35' with a short third. The GNOD allows a minimum 10' setback and starts with a height of 4 story 50'. The 10' setback is the real issue. It will create a wall of building next to single family units and mixed use structures. For example:

0213-0001, 0213-0002 right next to blue GRB

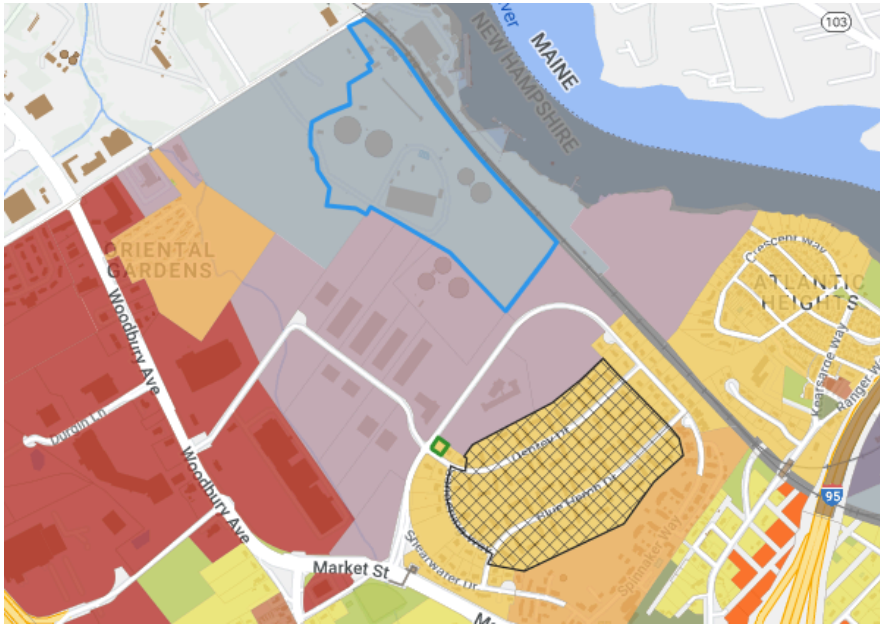


This lot 0217-002-1819 is actually in GRB, allowing a 10' set back and up to 60' 5 story structures next to 2 story 35'.



What about having residential next to highly industrial areas. Perhaps that is why when the area was rezoned to Character Districts the OR was placed as a buffer between the WI, G1 and the GRB. It may be more realistic to have these 4 lots (below) stay OR and the other lots allowed the GNOD which do not directly abut the Schiller properties. The lots on the other side of Commerce Way would be buffered by OR. The OR lots could be split, separating out at least 200' or more next to Schiller Plant.

Schiller Plant in blue abuts 0213-0002-0000, 0216-0001-0009, 10, 11



This overlay district could use some wording regarding the 10' setback when directly abutting existing much lower heights by providing larger setbacks. The language could include something like: when within 200' of a residential area or mixed use residential the GNOD will provide a 20' setback to the directly abutting residential properties on said side. This is common practice in zoning.

The open ended "allowed uses" (10.684) could also become an issue to directly abutting residential properties as well as industrial properties. Restaurants range by definition from 50 to 500 seats and most come with assumed outdoor seating these days. This open use may need to have modifications with limits for those which directly abut GRA, GRB, G1, G2, GRC, CD4-L1 or CD4-L2 . For example: maximum seating of 50 within 200' of residential. Outdoor seating could not be allowed within 500' of WI or other industrial uses, limiting the possibility of liability to these industrial sites. Newington has been monitoring the smell of fuel that is noticed at various times, for years, trying to locate where it is coming from so it can be corrected. Imagine an outdoor seating area smelling that most of the time and what about the pollutants which naturally occur when moving fuels.

Please do not pass this on to City Council without taking the time to review each lot for its merits to become residential in its particular location. It makes sense for the lots that abut G1 and GRB. The heights for those zones are 2 story (short 3rd) 35' and the GNOD can be up to 5 story 60' with a 10' setback towering over these homes and businesses, *many with not even a city street between them*. G1 requires in most cases 20% open space and rear setbacks of 20', these minimums could apply to GNOD as well to protect their abutters, whether residential or industrial from encroachment.

Sincerely,
Elizabeth Bratter, Property Owner 159 McDonough St