



had been that the land would remain Office Research. In other words, any students coming out of this project were not anticipated. However, the School Department still sees adequate capacity.

Mr. Holden stated that the proposed project would be limited to two bedroom apartments; that floor plans would be required to ensure that there would be no space that could be interpreted as an extra bedroom.

The next issue brought up by Mr. Holden was that of fire service. He pointed out that the Acting Fire Chief wanted the Board to be aware of staffing concerns adding that multi-family complexes do have more service calls than certain other uses.

On balance, it was Mr. Holden's opinion that there is merit in both districts -- the Office Research district and the Garden Apartment and Mobile Home district . He went on to state that the redevelopment of Pease is nearly complete and the Yard (Portsmouth Naval Shipyard) has not closed although its size has decreased. He commented that those two factors were part of the original decision to rezone the site in question to Office Research.

Mr. Holden recommended that a favorable recommendation be forwarded to the City Council with the record to be conveyed. He also spoke to a Memo of Understanding with its sole purpose being to put into the record the applicant's position at this particular time adding that it would not be legally binding. He encouraged a discussion with the applicant and the applicant's representatives.

Attorney Bernard W. Pelech addressed the Board and stated that he did not have a formal presentation; that he has worked closely with the Planning Department over the past six months and that he concurred with the department's recommendations. He stated that there would be no problem entering into a Memo of Understanding. Attorney Pelech informed the Board that Dick Millette, the site engineer was also present together with a representative from NH Soils and Steve Pernaw, the traffic engineer.

Attorney Pelech went on to state that there is a tremendous need for housing in the area whereas there is a surplus of office space in the area. He explained that since the 1995 rezoning to Office Research, the owner and the City, through its Economic Development Commission, have been vigorously marketing the site in question to no avail. It was his opinion that the site is an ideal site for a Garden Apartment designation and would fit in with the surrounding uses. He hoped the Board would concur and make a favorable recommendation to the City Council.

The Board then proceeded to review the informational matrix. Mr. Holden explained that noise complaints had been received from adjacent properties; that care should be taken that the appropriate noise buffers are in place.

With regard to ambient noise, Mr. Holden suggested that a note should be added to the site plan as to whether the site is in the noise impact area of the Pease International Tradeport; that the flight approach should be identified on the plan.

Mr. Holden went on to state that the proposed project would place the ratio of rental and owner occupied housing at 50/50. He did not feel that the rental ratio was necessarily high concerning the history of Portsmouth adding that this project would have a significant impact on the ratio but would not throw it out of kilter.

The Chair stated that he would like to hear from the developer as to how the units would be put together. Attorney Pelech responded that they have stipulated from day one that each and every

one of the units would be two bedroom units; that there would be no three bedroom units. He emphasized that there would be no space within the units that could be converted to a third bedroom. Floor plans for each of the units will be supplied to the Technical Advisory Committee and the Planning Board.

Attorney Pelech went on to state that the students from this project would not even approach exceeding capacity at Dondero School; that they would not use up the reserve; that they are planning to put 10 students into Dondero School.

Mr. Will inquired as to the range of square footage with Mr. Millette responding that the square footage would be in the range of 1,200 s.f. to 1,500 s.f.

Continuing on with the matrix, Mr. Holden pointed out that municipal solid waste service (trash removal) would not be provided; that it would be done by a private contractor. With regard to wastewater, Mr. Holden explained that the applicant is working closely with the Public Works Department in preparing a model. It was his understanding that the applicant would make whatever infrastructure improvements are required. The same thing applies to water service and stormwater runoff. The Chair asked if the applicant was willing to work with the City and Mr. Millette responded in the affirmative adding that the project would require State permits as well.

As far as public safety and police services are concerned, Mr. Holden reported that the Police Department has not expressed any major concerns and that any concerns could be addressed at the Technical Advisory Committee level. He reiterated that the Acting Fire Chief had concerns about the potential for enough manpower; that residential units would generate more demand for service calls, including emergency medical calls, than a non-residential use.

As far as transportation is concerned, Mr. Holden explained that in talking with John Burke, the City's Parking and Transportation Engineer, it appears that this project would ironically produce the same amount of trip ends, although staggered over different periods of the day, as an Office Research use. The Chair inquired if there would be two accesses. Mr. Millette responded that there would be a connection to Lang Road and Longmeadow.

Mr. Holden commented that he thought that traffic would be a concern and that the Board would have to deal with it when the project comes before the Board; that Ocean Road, Lang Road and Route 1 are all issues. Mr. Sullivan asked if the project would be a gated facility. Attorney Pelech replied in the affirmative adding that such would eliminate a lot of through traffic from Route 1 onto Lang Road. However, he stated that the applicant would comply with the wishes of the Technical Advisory and Traffic/Safety Committees adding that the applicant's preference is for a gated community.

Mr. Holden stated that it is too early to make any predictions on how the streets would be laid out, etc. Attorney Pelech reiterated that they would do whatever the City requires. Mr. Sullivan stated that he agreed; however, he did not want to see traffic coming down Ocean Road going through the development onto Lang Road. Attorney Pelech agreed especially given the number of trucks that use Ocean Road.

Turning to natural features, Mr. Holden commented that any impacts on wetlands would go through the Conservation Commission. He did not feel that the project would have any impact on water resources and certainly would not impact any more than an Office Research use. It was his opinion that the proposed project would not adversely impact open space requirements.

As far as surface water is concerned, Mr. Holden advised the Board that the site is in Zone C on the FEMA flood maps. In other words, area of minimal impact.

Mr. Holden commented that the wetlands are significant and do affect Berry's Brook; however, it is not anticipated that the proposed 117 units would require any relief from the City's wetlands ordinance.

Mr. Holden went on to state that the applicant suggested and the department concurred and has prepared a preliminary draft ordinance for some variations in determining building height when parking is provided within a residential structure thus reducing the amount of pavement required for a development.

It was also Mr. Holden's opinion that the proposed project would be an improvement over existing conditions as far as vegetation and wildlife are concerned.

Mr. Sullivan inquired if there would have to be any reclamation of the soil on the site due to the fact that at one time there was a junk yard on the site. Mr. Millette responded by stating that Howard Siegel, owner of the property in question, had installed monitoring wells; that he has not seen any evidence that the soil would have to be reclaimed. Mr. Sullivan asked that such information be provided to the City's Public Works Department.

Councilor Lown noted that in looking at the Zoning Map, he didn't see a lot of Office Research land in the City other than at Pease. Mr. Holden commented that Pease does have a district similar to the City's Office Research district. Councilor Lown inquired if there was a shortage of Office Research land in the City with Mr. Holden indicating that he didn't think there was such a shortage.

Attorney Pelech indicated that it was his opinion that there is not a great need for more office development. Mr. Holden commented that Attorney Pelech represents his clients very well adding that what with the state of the economy and the development at Pease, there does appear to be an abundance of office space. Mr. Holden went on to state that the Office Research district has very stringent requirements adding that the site in question could fit the requirements of both districts. He stated that it would be up to the City Council to decide if there is a need for Office Research land in the City or if there is a need for housing which the Garden Apartment district could supply.

Mr. Coker stated that he had concerns about the rezoning and potential development – two very different issues. The first issue he spoke to was the Berry's Brook Watershed. He referred to a recent presentation involving a Vortechs system in which certain representations were made about the effectiveness of treatment swales. Mr. Coker went on to state that through the wonders of the internet, it was amazing what he found out about treatment swales; it being his contention that they don't work. He stated that at this point he was respectfully disagreeing that the project would not have an adverse impact on natural features; that without a site plan in front of him he was expressing his concern about wetlands, vegetation and wildlife; that he had walked the property and that it was his opinion that the project would impact wildlife significantly.

Mr. Coker continued on by stating that the rezoning is a good thing and he would support it; however, he has some huge concerns and he would express them more clearly when a specific proposal comes before the Board.

Mr. Will inquired as to the criteria for a unit to become Section 8 housing. Mr. Holden responded that Section 8 is a federal program; that the units would have to meet certain criteria and the landowner would have to be willing to participate in the Section 8 program adding that the program is administered by the Housing Authority.

Mr. Will stated his concern that in the last five years that he's been on the Board not much housing has been developed for the very poor; that what has been developed are large houses on large lots. He felt that this project might create more Section 8 housing; that no affordable housing was being developed. He spoke to having a certain number of units with less square footage making them less expensive.

Councilor Lown commented that some efforts had been made to market the site in question with the Office Research designation. He asked if Attorney Pelech could elaborate as to why the site has not worked as an Office Research zone. Attorney Pelech responded that in 1995 a lot of new Office Research districts were created; such as, the area on Lafayette Road between PSNH and the Employment Security building was rezoned from General Business to Office Research partly in response to the concerns of the residents of Elwyn Park. Those lots are still undeveloped. He went on to state that one of the lots recently received a Variance from the Board of Adjustment for the Knights of Columbus adding that no tenants can be found for the proposed office buildings.

He spoke to another Office Research district, some twenty-five acres off of Islington Street, that has remained undeveloped due to access across railroad tracks and the access from Islington Street being only 18' wide. He spoke to the fact that Pease came on line and offered very attractive packages for developers pretty much taking the City out of the Office Research market.

Attorney Pelech continued on by stating that after the site was rezoned in 1995, the property was extensively marketed by Mr. Siegel, the property owner, and John Hynes of the Economic Development Commission as part of an economic development effort in that part of the City. They were unable to secure an Office Research tenant for the parcel.

Councilor Lown inquired if other permitted uses were considered. Attorney Pelech responded by stating that he believed they were. He stated that many conversations had been had with Mr. Siegel and his attorney, Jack McGee.

Councilor Lown referred to Mr. Will's concern for affordable housing and inquired if the units would be owned and leased. Attorney Pelech stated that there would be no condominium units; that the apartment units would be offered at fair market value.

The question was asked as to the average rent for newer units. Attorney Pelech referred to the Eric Chinburg project on Islington Street stating that it was his understanding that the rent was in the proximity of \$1,200 per month.

Councilor Lown inquired if there was a demand for such housing in the City. It was Attorney Pelech's opinion that the demand was well documented. He felt that the Housing Partnership had provided information and statistics pointing to a high rental market and a shortage of housing units in general adding that the City was at the top of the scale.

Discussion ensued on the Memo of Understanding. Mr. Will reiterated his concern regarding the development of housing that would be overpriced for the very poor. Mr. Holden reiterated that the Memo of Understanding is not binding; that it merely lists concerns for the City Council reminding the Board that it is making a recommendation to the Council. Mr. Coker felt that affordable housing should be included as a concern; that some how affordable housing be a component.

Mr. Holden commented that the subject of affordable housing would be something that the Board would be grappling with as it deliberates on the new Master Plan. Mr. Coker felt that the Board should start now to express its concern about affordable housing.

Mr. Jankowski commented that the issue is significant and important and is not unique to the City. He felt that the proper avenue would be through the Master Plan adding that experts would be hired to assist the Board in its deliberations.

Mr. Will did not feel that the issue should be ignored and put aside for the Master Plan process explaining that deliberations could take years.

The Chair noted that the School Department had made its report based on two bedroom units and is in favor of the rezoning; that by inviting more children into the area (affordable housing) the School Department may have concerns.

Mr. Will countered by stating that there are many families who have two bedrooms and five children. He again referred to the possibility of creating units for Section 8 housing.

Mr. Sullivan stated that as far as affordable housing is concerned, that the City Council is well aware of the problem; that the mayor brings up the subject constantly. It was his opinion that the Council would discuss the subject again when the rezoning is before them.

Ms. Roberts stated that she agreed with what Messrs. Coker and Will had been saying adding that she was eager to address the subject of affordable housing during the Master Plan process; however, she felt that the Board should express their concerns just so the issue is clear to the Mayor and City Council. She felt that the Board could be creative (as far as affordable housing is concerned) when it considers the new Master Plan.

Mr. Coker commented that when he thinks of affordable housing, he does not think of Section 8 housing; that he felt that Ms. Roberts had made a good point about being creative. He spoke to one bedroom apartments being five or six hundred square feet in size that a couple could rent.

Mr. Will referred to the two bedroom apartments at the Atlantic Heights adding that such units are not built any more. He asked, "why not".

Mr. Holden interjected that the Board could favorably recommend the rezoning request to the City Council and could include the department's memo with supporting documents; that the Board could supplement the referral by alerting the Council about the Board's concerns regarding affordable housing.

The Chair asked the Board's pleasure.

Mr. Coker moved to favorably recommend to the City Council the zoning change from Office Research to Garden Apartment and Mobil Home so as to allow for the eventual development of up to 117 mutli-family residential units.

Mr. Will seconded the motion for purposes of discussion. Mr. Will reiterated his concern about creating housing that is priced out of the range of most people or creating housing priced in such a way that it is eligible for Section 8 housing. Mr. Hopley interjected that a reference to Section 8 housing stock might be taken as a reference to a certain class of people.

Mr. Will moved the following amendment to the main motion:

- That housing that is affordable for all income groups should be encouraged.

Ms. Roberts seconded the motion.

Mr. Coker moved the following amendment to the main motion:

- That the Berry’s Brook watershed is a significant natural resource and as such should not be degraded through the development of this site.

Ms. Roberts seconded the motion.

Mr. Coker reiterated his concern that treatment swales do not work. The Chair cautioned Mr. Coker about getting into site review issues. Ms. Roberts commented that she appreciated the clarity of Mr. Coker’s statements and did not feel that he was getting into site review issues.

The first amendment regarding affordable housing passed unanimously. The second amendment regarding the Berry’s Brook watershed passed unanimously.

Councilor Lown commented that he would be voting on this issue at the City Council level; that he was inclined to recommend that the site be rezoned. He felt that it was important to note the history of the parcel and the efforts taken to use it as an Office Research parcel.

The main motion passed unanimously.

It is noted that the Board, in favorably recommending the rezoning, also recommended an amendment to the Zoning Ordinance addressing vehicular parking within the residential structure.

**II. ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at approximately 8:20 p.m.

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Respectfully submitted,

Barbara B. Driscoll  
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board at its June 20, 2002, meeting.