

**MINUTES OF
WORK SESSION**

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**7:30 P.M. CITY COUNCIL CHAMBERS JANUARY 4, 2007
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

MEMBERS PRESENT: John Ricci, Chairman; Jerry Hejtmanek, Vice-Chairman; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; Raymond Will; Donald Coker; Anthony Coviello; Paige Roberts; and Timothy Fortier, Alternate

MEMBERS EXCUSED: M. Christine Dwyer, City Council Representative;

ALSO PRESENT: David M. Holden, Planning Director; and,
Lucy E. Tillman, Chief Planner
Rick Taintor, Taintor & Associates

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Chairman Ricci indicated that they would open the public meetings on both items and then the Planning Board would convene their work session.

I. PROPOSED ORDINANCE AMENDMENTS

- A. Table 10 – Dimensional Requirements of the Zoning Ordinance. Change to maximum building height within the Central Business A (CBA) District from a 50 foot maximum to a 40 foot maximum;

Mr. Holden stated this was a referral from the City Council. It is a dimensional change to the table of dimensional requirements, changing a maximum height requirement from 50' within the CBA district to 40'. The City Council has requested a report back from the Planning Board. The Planning Board considered this issue in a variety of work sessions and is opening it up to the public for public comment prior to completing a report back to the City Council. At that time, he recommended that they convene the public hearing for public comment.

The Chair called for public speakers.

Chris Mayoux, 64 Bridge Street. She would like to see the height restriction lowered so that Maplewood Avenue would not become a canyon of new 50' buildings. If the Master Plan is to be honored, they should try to redevelop the northern tier area with a more restrictive designation of waterfront district. The conference center ended at 60' high. The current size and scale of Portsmouth are what attracted her to the City. She suggested that they take a walk downtown and focus on the skyline by Jumpin Jay's and the view of the bridge. As you close in on the parking lot, you see the Sheraton and they would completely lose the view of the bridge with higher buildings.

Attorney Doug Macdonald, of Keane & Macdonald, representing 976 Dover Realty. They were involved in litigation regarding the Sheraton Conference Center and their position is that the conference center should be constructed within the confines of the zoning ordinance that was in place at the time of the agreement between the developer and the City. He was present to offer a unique

perspective on the issue that the Board is considering. Attorney Macdonald stated that building heights in the past and present are an important part of development. Attorney Macdonald indicated that their past participation has offered how building heights can effect and damage Portsmouth. On various occasions residents of the City and business owners have also expressed their concerns. The City rezoned the conference center parcel to allow it to be built at 60' and he stated that during their challenge of that rezoning, they prepared an overlay of the area showing the effect. He brought that tonight showing two views. The exhibits provide context of the CBA district which runs along the water. He offered handouts showing the two renditions for the Board's consideration.

Mr. Coker asked what the representation was of the building height in their rendition? Attorney Macdonald stated it was 60' height.

Mr. Holden stated that the building they are showing is the proposed hotel conference center, located in CBB, so it is not affected by this amendment. Attorney Macdonald confirmed that was correct, however, he offered this because no one else can offer the perspective. CBA is directly in the foreground of the proposed conference center.

Vice Chairman Hejtmanek felt that the Westin roof height was lower than the Sheraton roof height but it looks higher in the drawing. Attorney Macdonald stated the renderings were done by an architect and he cannot comment on that.

Paul McEachern, Esq., of Dennett Street, representing 31 Raynes Avenue, LLC, which is the only parcel that is going to be affected by the change in this ordinance. He pointed out where CBA extends and noted all buildings are over 40' and the infill building will be over 40'. CBA goes down the water side down to Deer Street and this ordinance will only make all existing buildings non-conforming. It covers the water side of Nobles Island and that is all built up. It then covers north of the railroad tracks, or the Herald block which also will not affect as there is already a building permit filed. So the Mahoney buildings on Raynes Avenue are the only buildings that may be affected with future development. The change in the ordinance is really only effecting one parcel and he did not believe that was good zoning as it would make the rest of the district non-conforming. MRO is on the other side of the district, with a 40' restriction. He felt it was logical to go 40' in MRO, 50' in CBA and 60' in CBB. He does not believe it makes sense from a planning point of view to amend the ordinance to go from 50' to 40'.

Mr. Coker asked if the Herald building was located in A or B? Attorney McEachern confirmed it is in A but a building application was filed so it is exempt. Mr. Coker was unaware of that and he felt the Board should have been made aware of that. Mr. Holden reminded Mr. Coker that this was a referral from the City Council and also that it had been brought up before and it was not "new information".

Attorney McEachern also mentioned that there is a 50' setback from the pond which will help give the appearance of openness to the area.

Mr. Coker asked if the Department disagrees with Attorney McEachern's statement that it deals with one parcel? Mr. Holden stated that he disagreed with that statement. It affects the whole district and as new applications come in they would have to conform with the requirements.

Mr. Coviello wanted to make it clear to the public that this came about from two readings of the Council and he asked if that is what caused this request? Mr. Holden confirmed that when the Council

received this they did the first reading and scheduled second reading, which means that any building permit that comes in during that period must conform to the new and the old ordinance. Mr. Coviello felt it was perfectly reasonable for any good developer, upon hearing this, to rush in and apply for a building permit and that is not “back door” but rather that is smart. He wanted to make sure there was no misconception that there was any sneaking around.

Attorney McEachern stated that the first public exposure of this came about on November 10th before the first reading on November 13th. The building permit was filed on November 8th.

Peter Eggleston, owner of Portsmouth Brewery. He asked rhetorical questions. Have members of the HDC been consulted in any meaningful way on this proposal? He felt some of them may have an opinion on this matter and it might be worthwhile. He felt this is a very earnest attempt to address a concern of residents however he thought the City should step back and first identify what the issue is. The issue is not really the issue of height but rather the loss of sight line. He was not speaking for or against the proposal but he felt some questions need to be addressed and he sees this as a “quick fix”.

Steve McHenry, architect, 4 Market Street. He felt that by lowering the height, the overall effect will be to flatten and broaden the footprints as developers will attempt to maximize their buildings. It would result in a more monolithic streetscape. At the last meeting there was a discussion of mitigating the height if other factors are considered, such as stepping back the fifth floor roof line, restricting floor area ratios, or maintaining certain types of roof shapes but they don't necessarily create better architecture. The current 5% open space is a good public benefit but it sometimes ends up in a back alleyway. If the issue of mitigating the height is by regulating the shape, he was not sure the HDC was equipped to deal with different architecture.

Tom Nies, 419 Richards Avenue. He was not sure that the Planning Board had a clear solution in front of them. He was in favor of smaller and less massive buildings in the northern tier but he was not convinced that this equates to reduced height. He felt they have choices. One is to pursue the document which they are proposing regarding incentive based ordinances or they can allow a 40' limit with certain mitigating factors which might reduce the problem of a monolithic building structure. He spoke in favor of limiting height so that they can address some of the issues down the road. There are buildings in downtown Portsmouth that are over 40' but they are small buildings. People don't want to see another building the size of the conference center. He felt they need to preserve the northern tier area before they lose it.

Paul Sorli, 60 Market Street. He stated that one thing that has come up in conversations was that height seems to be an issue for the walkability of the community. If they are going to mimic downtown, which seems to be comfortable, what happens is that street grid was developed before the automobile and that street grid, as Peter Eggleston pointed out, disappeared in the late 1950's during urban development. What they have are some very large parcels so it is clear that they need to work on the walkability of the streetscapes. Also, if the Portsmouth Herald is developed at 40' over the entire lot, it will be very monolithic. He felt they should discuss the streetscapes and making it comfortable to people on foot. There are other items that make the downtown successful. Young people are graduating from college and moving out of State as there is no place to live in Portsmouth so he felt they should also look at the residential component in the upper levels.

The Chair called for any first or second time speakers. Seeing no one rise, he closed the public meeting.

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B. Regulating Formula Businesses in the Historic District; ‘

Chairman Ricci opened up the public hearing on Item B. He also acknowledged a letter which had been received from Dick Ingram of the Greater Portsmouth Chamber of Commerce as well as a letter which had been received from Perry Silverstein. Both were provided to the Board members.

Rick Taintor confirmed this was a referral from the City Council and they were asked to draft something regarding chain businesses. He reviewed different communities around the country. Some completely prohibit chain businesses which Mr. Taintor felt was too strong. They decided to look at the design of the business. The proposal deals with the Historic District and primarily regulates their design. The definition has a number of pieces to it that could be adjusted.

“A business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“formula”) array of services and/or merchandize, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than five (5) other businesses regardless of ownership or location. Formula businesses can include, but are not limited to: restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.”

The purpose is to regulate the location and operation of formula businesses within the Historic District, in order to maintain the district’s unique character and diverse blend of business offerings. A formula business would be required to obtain a special exception from the Board of Adjustment. Standards include the size of the formula business, street frontage, no drive-through windows, no internally illuminated signs, no corporate logos or color schemes on the outside, provisions for rubbish and dumpsters, no substantial impact to the public safety from increased traffic and no impact to the roadways. It is primarily a regulation of design and character. There is no prohibition.

Chairman Ricci opened the public meeting for public comment.

Peter Eggleston, owner of Portsmouth Brewery as well as a property owner in downtown Portsmouth. He questioned the intent of the ordinance and what it will actually achieve. The City is surrounded by malls and box stores and downtowns are dying a slow miserable death. Chain businesses don’t kill Main Street by being on Main Street, but rather they kill Main Street by drawing people away from Main Street. He is puzzled by the “threat” that chains may impose on downtown. There is a lack of meat and potato businesses in downtown. If a pharmacy is going to come to downtown, it would be a formula business. If the problem is aesthetics then he felt we should work with the tools that we already have. He would like the City center to function as like a real city with services that everyday people will need or is it to be a museum, full of boutiques, bistros and curio shops geared exclusively for the tourist trade? Because he has publicly expressed his opposition to this proposal, he has been accused of supporting McDonalds, Burger King and Old Navy in downtown Portsmouth. He stated that is small minded, mean spirited and intellectually dishonest. The challenges the city faces are complex and he is mistrustful of simplistic solutions that complicate problems and he believed that this ordinance would create more problems than it would solve.

Mr. Will stated that this only affects the historic district. Would he be more apt to support an ordinance that dealt with other parts of the City rather than downtown, such as Lafayette Road? Mr. Eggleston felt those were good questions but he felt that “those horses left the barn along time ago”. He felt Portsmouth needs to find ways to support local downtown businesses. Mr. Will felt that any zoning ordinance is a long term solution to a short term problem. The Board is looking 20-30 years down the line. Most chain store buildings are cinder block buildings and those are more apt to be torn down and the zoning ordinance would protect the City when it was rebuilt. Mr. Eggleston felt that zoning has potential to do good or serious mischief. Certain themes were repeated in the Master Plan. Chain restaurants tend to like to occupy the exterior corridors of the City. Zoning could encourage more urban development to quell the strip mall. He felt that diversity is good.

Vice Chairman Hejtmanek felt there was the assumption that this would stop formula businesses from coming in. He saw a McDonald’s once that looked like a little house. The ordinance is only dealing with the aesthetics. Mr. Eggleston felt the City needs to figure out exactly what they wanted. Do they want to disguise McDonalds or do they want to keep them out?

Alec McEachern, 81 Cottage Street, and lifelong Portsmouth resident. He was not in favor of this ordinance. He is a downtown property owner and represents other property owners downtown. He felt it was obvious that the intent of the ordinance was anti competitive. From a legal stand point he would have a concern about opening the City up to legal litigation. It would also render many businesses downtown as non- conforming. He felt it could create severe economic hardship for property owners who own large spaces. He also felt the ordinance was very vague. Design standards talk about the size of the individual business and then it goes on to state what standards must be met to acquire a Special Exception. He was concerned with wording such as “non obstructive manner” being open to interpretation, “Nationwide trend” and “Appropriate blend of business” are not defined. He opposes the ordinance.

Paul Sorli, 60 Market Street, owner of Portsmouth Gaslight Restaurant. Mr. Sorli stated that, just to put things in perspective, his business occupies 12,000 s.f. They often ask why the downtown doesn’t have a drug store, a market, etc. and for those to come back they would have to be formula businesses. Those are things that they need to bring back to the downtown. He also pointed out that Pro Portsmouth’s First Night’s funds came from formula businesses. Mr. Sorli referred to the federal building that will be redeveloped. Independents don’t just arrive on the scene. They need people who are innovative to open up new places and he doesn’t see enough independents to support downtown. He felt it would affect taxes and rents.

Paul McEachern, Esq., of Dennett Street. He spoke as an individual and someone who worked for 40 years in the downtown. He felt this ordinance is a question about our identity as a community. Are we the navy yard town or a bedroom community/gated community. The gentry has arrived in Portsmouth and they want to mold the town to their liking and the irony of this is that the ordinance is imbedded in Article X of the Z.O. Downtown used to have Montgomery Wards, First National, A&P, Grants, and Newberry’s. The history of Portsmouth is the formula stores that went away when the malls came. When the Gap came to the Newberry’s location, it was the best thing that came to downtown as it was a vote of confidence. Starbucks offers their employees health insurance. These are American companies. By looking like Nantucket, we will loose our identity. Even though this ordinance does not outlaw them, it sends them to the BOA, so these businesses will go elsewhere rather than take 6-9 months to get opened. He believes it is anti-competitive and anti-American. The downtown is the

essence of this community and he doesn't think we should go to the gated community but rather we should be the City of the open door. He opposes the ordinance.

Dianne Kelley, Richards Avenue. At first she felt this was a benefit to Portsmouth. Formula businesses could include a grocery store, drug store and we may need these. We should not be exclusionary.

Bill Hamilton, owner of Phinias Press on Market Street. He does not own the building. He is also part of the independent business owners. He does support this ordinance or at least some type of ordinance. Otherwise he would not still be standing here. With the cost of real estate and rents in downtown Portsmouth, it will be impossible to buy space. The big chain stores will adapt their appearance to come into downtown Portsmouth if the climate will support their enterprise. Providing a local pharmacy is no longer possible as they are all formula and that could be exempt from the ordinance. Unless this ordinance is passed which allows the City to determine what comes into the community, independent businesses will not survive. Formula stores do not represent diversity and do not make up the fabric of this community. The larger formula businesses can move to the outskirts of downtown but the independent owners cannot so he felt they needed to preserve this before it's too late. He supports the ordinance.

Leah Caswell, 37 South Street. Ms. Caswell stated she was in favor of the ordinance. The reason people are in Portsmouth is for its history. She felt the chains could conform to the City standards or otherwise they can go out to the mall.

The Chair called for any further speakers. Seeing no one rise, he closed the public meeting.

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The Board took a break and then convened into a work session.

B. Regulating Formula Businesses in the Historic District;

Mr. Coviello asked Mr. Taintor who determines what formula based businesses are? Mr. Taintor felt that was more of a descriptive list rather it is restrictive and it is a representative list of uses so anything included in that list meets the description. They could have left that entire list out as it just points out to people what a formula business might include.

Mr. Will pointed out a few things from some of the comments and his own thoughts over the last few weeks. He asked what if they did not need a special exception for this? Secondly, he would be more comfortable increasing the number of location of formula businesses to 25 as there are a lot of New England businesses out there with 20 or 22 locations. Thirdly, regarding the need for anchor stores, what if the ordinance exempted some of the businesses that they want downtown such as a drug store, grocery store, hardware store and still preserved not allowing all kinds of chain stores. Lastly, he also noted that this is already in the HDC where they have regulations and it is a build to suit environment. If there was ever a place that needed this it would be outside the HDC rather than downtown. At this point, the big thing in the Master Plan is how can they make the outside of downtown look more like downtown? He felt this would be the perfect solution.

Vice Chairman Hejtmanek felt they were looking for unique businesses and a chain of 25 would be in the malls. By extending this beyond the HDC they would have to get into design review. Mr. Will felt the City did a good job with Wal-Mart which does not look like a normal Wal-Mart. Deputy City Manager Hayden agreed that they need to do a lot of work outside of downtown but this is not the mechanism to do that. Relative to this ordinance applying to the HDC, she really listened to the downtown business owners tonight who are against this and she wants to support them.

Vice Chairman Hejtmanek stated that cities are doing this all over the country. His point was that businesses who want to come will meet their requirements. An example is Starbucks on Woodbury. It cost them a lot of money to go into that spot because they wanted to be at that location.

Mr. Coker indicated that he spent all afternoon working on this. He backed up and looked at this, starting with the Historic District Article X to see what they have in their purview. It is clearly regulating businesses vs. design and design is already within the HDC purview. The reason Portsmouth succeeded is because Portsmouth has residences on the upper levels. He questions what they are trying to accomplish. He spoke to members of the HDC, City Council, developers, and realtors. He felt this was anti competitive, probably unconstitutional and discriminatory. If they are trying to not allow yellow arches outside McDonalds, the HDC already has that purview. Why are they protecting the small businesses? Rents and costs are going up and the way to recoup those costs is increased rents. The small spaces are tailor made for small independent businesses. He felt this proposal is absolutely not needed. Businesses share customers and chain businesses are not evil. He begged the Board not to send this back to the City Council with a favorable recommendation.

Mr. Coviello agreed with Mr. Coker. He doesn't think there is a problem with formula businesses and believes only formula businesses would be able to rent out the larger spaces. He felt the only thing they might need is a square footage maximum. And in reference to the Colwell Banker sign, he's sure that won't be repeated again.

Chairman Ricci stated that he was also opposed to this. He would rather not take a negative approach to this but, rather, would like to find a way to support downtown businesses. He doesn't believe we are attractive enough to start turning people away.

Vice Chairman Hejtmanek felt that most ordinances are negative as it tells you what you can't do.

Mr. Coker also brought up the fear of consolidation of buildings. People can put buildings together but it is cost prohibitive. The chain stores will not do that as it is economically impossible for them.

Ms. Roberts indicated that she came tonight open minded but in favor of the ordinance but she was very much convinced by the public speakers and sees the point they make about competition and diversity. If they were to move ahead with this, it would need a lot of work.

Vice Chairman Hejtmanek asked why having a drug store was so important. Why is everyone so confident that if they pass this ordinance they won't get a drug store? He felt the streetscape was what this was all about.

Mr. Will felt there is a lot about the ordinance that Board members don't like but there are some lingering concerns, such as square footage. He felt they should have a more positive discussion on what would work and severe tinkering could be done with this. He felt a chain store could come in and

brake buildings down. Also, he felt this was an opportunity to effect chain stores and making the outside of downtown look like downtown. Dealing with the square footage concerns him.

Mr. Fortier indicated he could not support this proposal. He felt that some of this could be addressed under the purview of the HDC. Much of the proposed ordinance is contained in Article X of the current ordinance. If they want to “tinker” he is not in favor of working with this ugly ordinance but rather they should work with Article X.

Vice Chairman Hejtmanek, speaking as the HDC Representative for the Board, felt that the subjects that they deal with are so abstract and subjective they can go any way and each application is decided individually. He did not feel that would be the forum to handle this matter and they should create something to help them.

Mr. Holden stated that HDC does have design review but they do not have jurisdiction over, for example, gross store area or street footage. Some components of the proposed ordinance would not be HDC specific. Vice Chairman Hejtmanek indicated that one of them was that this proposal says they could not use their corporate logo and the HDC could not regulate that. Mr. Coker asked why not give it to them?

Chairman Ricci asked what the Board wanted to do. Mr. Will stated he would like to continue to work on it. Mr. Coker felt that the HDC works and although he does not know what the answer is to perceived formula businesses, he does know what the answer is not and it is not this proposal.

Mr. Coviello made a motion to not recommend to the City Council that they pass this with a comment that the Board has narrowed down some of the problems and they will attempt to address them over time.

Mr. Fortier seconded the motion.

Vice Chairman Hejtmanek mentioned Portsmouth Listens and he recalled a lot of participants asking to keep the chains out of downtown. A lot of people in that process did not want the chains in downtown and they are not speaking tonight.

Chairman Ricci addressed Mr. Coviello’s idea of a box store going into 10 Congress Street, which is just not going to happen. He felt they were concerned about something that there are only maybe 6 sites downtown where that could ever happen.

Mr. Holden reminded the Board that Mr. Coviello’s motion has indicated that they do not want to sent the proposed ordinance favorably on to the City Council but they understand the issues and they would like to continue to work on it as part of the zoning re-write.

Mr. Coker would like to amend the motion to remove working on the issues. He felt it should be dropped completely.

Mr. Coviello was not convinced yet so he stayed with his original motion.

Deputy City Manager Hayden stated that when she heard Mr. Coviello say they will continue to work on the issues, she felt that deals with page one of the proposed ordinance. She felt this has been a good process and they have learned a lot about downtown.

Mr. Will felt they should specifically list the items that they discussed in their meeting, square footage concerns, frontage, and other issues are what they will be working on. The makers of the motion should enumerate their concerns.

Mr. Fortier felt that, as the second to the motion, he did not believe that was necessary and he didn't want to limit themselves to only what they have enumerated this evening.

Mr. Holden stated that they are keeping it simple but also indicating that they have had enough input to realize that they want to continue to look at this and take some more study time. They are saying no to this proposal however they will keep working on it as part of the overall zoning re-write.

The motion passed with Mr. Will and Vice-Chairman Hejtmanek voting in the negative.

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A. Table 10 – Dimensional Requirements of the Zoning Ordinance. Change to maximum building height within the Central Business A (CBA) District from a 50 foot maximum to a 40 foot maximum;

Mr. Holden stated this deals with CBA. When the City Council acted they scheduled second reading and public hearing on January 8th so the Board needs to get information back to the Council by January 8th. From what he has heard from the Board, he believes there is a lot more to this issue than meets the eye. He thinks everyone is saying changing from 50 to 40 is not an easy solution and they need to do more work. He suggested as a starting format, this could be their report back to the City Council for their January 8th public meeting:

That the City Council should leave the public hearing open on their proposed amendment, so they can take public comment, and then ask the City Council to schedule a joint work session with them on February 1st at 6:30 so that the City Council can meet with the Board and come together with them. Also that the City Council should reconvene the public hearing on this matter and this Board will be ready to provide their final report for a proposed amendment. If that is the case, when this is done, it will form the basis of a verbal report to the Council on the 8th.

Mr. Coviello asked about the time constraint as far as somebody coming in for a building permit? Mr. Holden indicated that the clock continues to tick and they would have 90 days to work on it.

Ms. Tillman thought they might be talking about two different things. Mr. Coviello confirmed he was talking about the legal department as after the 2nd reading they have 60 days? Mr. Holden confirmed it was a total of 90 days that they can keep open to continue working on this. Mr. Coker asked if someone came in tomorrow with a building permit application, they would be held to 40'? Mr. Holden confirmed they would be held to 40'.

Chairman Ricci stated he would like to keep it at 50' and he would like to focus more on design and less on height. Maybe they need 30 degrees on the roof, walkability between buildings and increased open space. He would like to see more incentive based ordinances dovetailed into it.

Deputy City Manager Hayden indicated that Mr. Taintor has done some work on those issues as well that can be used for discussion.

Mr. Taintor distributed a handout to the Board members. He indicated that he put together illustrations of four general topics to consider which he has called Design Regulation Alternatives. The first is floor area ratio (FAR) that is more flexible than using height and building coverage. The next issue is the relation between building height to the street width, and not just a height limit. There are typical relationships between building heights and the space between them. Page 4 shows 1 to 1 which is what you really have if you are building to a 60' height limit on a 60' street which is what a lot of downtown is right now. Page 5 shows a building step back line to maintain that proportion of going higher and still preserve the open space. On page 6 is the sloping back, called bulk control plane. Lastly is increased open space. There are different ways to think about open space. They could do less open space on the water front but make sure the open space is useable.

Mr. Coker liked the tiered building on Page 6. The setback on the top floor of the Eagle Photo building is very nice. You get a sense that the height of the building is lower than it actually is.

Mr. Coviello liked everything he is seeing except on the back page it seems a little extreme to him.

Chairman Ricci mentioned that one speaker brought up wherever you are standing you can still see the high level bridge. He thinks if one of the buildings had some more open space and cut backs roofs, they could get distance and view points from far enough away so that you could still see the bridge. He felt that would be the best thing they could do.

Mr. Holden stated that with the last Master Plan they introduced the lot area and kept the open space and he would like to see lot area and open space worked into the proposal. Also, one thing that makes Portsmouth Portsmouth is its sculptured rooftops and he is not seeing that spelled out. Mr. Taintor asked Mr. Holden to define sculptured rooftops. Mr. Holden stated the Eagle building was an example. Vice Chairman Hejtmanek added that the HDC would have input on that.

Deputy City Manager Hayden felt this was a great handout that spelled out, in pictures and text, what they talked about in their last work session. She agreed they should advise the City Council that they are working on this and recommend a joint work session.

Mr. Holden stated that to meet the March deadline they should start to put this in ordinance form. Mr. Taintor indicated that there are a lot of options and he doesn't have specific recommendations.

Mr. Coviello referenced the sculptured roof comments. If a the building went with 40' and a flat roof, meeting the ordinance, does Mr. Holden still want a sculptured roof? Mr. Holden thought of it as one way to go through the 40' level to get to the 50', one of the public benefits is some architectural interest other than a flat roof. Mr. Coviello stated at 40' they could still do a flat roof then.

Chairman Ricci felt the top floor, from 40' – 50', could be 80% of building size, or something like that.

Mr. Taintor stated that, theoretically they could take a 50' building, 4 floors, 95% coverage, which would give them a floor area ratio of 3.8. What he is saying is if they went to an FAR 3 and got rid of some of those, they would have the option of going with either a 3 story building that covers 95% of the lot or a 4 story building that covers 75% of the lot or a 4 story building with 3 floors that cover 80% of the lot and the 4th floor is only 60% of the lot. They are not specifying that everyone must do everything the same way but rather they are giving people a lot of choices in how to do it. Therefore, he is asking how much flexibility they want to give.

Deputy City Manager Hayden felt they needed the City Council work session before putting it into ordinance form. Mr. Holden was concerned about the time factor. Deputy City Manager Hayden didn't believe they have enough to direct Mr. Taintor on what to do. Chairman Ricci wanted to see it before going to the City Council. Mr. Holden felt they should at least prepare an outline and he felt it would be helpful to the City Council.

Mr. Will felt that they could narrow the issues down on January 18th .

Mr. Coviello made a motion to report back to the City Council to keep the public hearing open and conduct a joint work session on February 1st and they should reconvene the public hearing after the Planning Board is finished.

Deputy City Manager Hayden wanted to clarify exactly what Mr. Taintor is being asked to do before January 18th? Mr. Holden felt they he needed to show a possible framework or outline, showing how those regulations could work as they get applied.

The motion passed unanimously.

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II. ADJOURNMENT

A motion to adjourn at 9:30 pm was made and seconded and passed unanimously.
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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on February 15, 2007.