

**MINUTES OF
REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 P.M.

NOVEMBER 29, 2007

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Jerry Hejtmanek, Vice-Chairman; Donald Coker; Anthony Coviello John Rice; Paige Roberts; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector;

MEMBERS EXCUSED: MaryLiz Geffert, Alternate

ALSO PRESENT: David M. Holden, Planning Director; and, Lucy E. Tillman, Planner I

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I. WORK SESSION

1. A work session is convened to consider the request of Borthwick Forrest, LLC, (formerly known as Islington Woods) for two proposed zoning amendments to the City's 1995 Zoning Ordinance, as amended, to facilitate the development of an Elderly Congregate Care Facility. Amendments would include adding a definition for Elderly Congregate Care Facility and a revision to the Table of Use section to permit Elderly Congregate Care Facilities by Special Exception. The purpose of this work session is to allow the Board to discuss this proposal further with the applicant. Time permitting there may be some limited public comment. Relevant materials are available for public inspection in the Planning Department;

Chairman Ricci read the notice into the record. He stated that this application is legislative in nature. He currently has a case with Malcolm McNeill which he does not believe is a conflict, however, if anyone from the public or on the Board felt it was a conflict, he would be glad to step down. Seeing no objections, he indicated they will allow the applicant one hour for their presentation, 30 minutes for public comment and then 30 minutes for the applicant to wrap up their comments.

Mr. Holden stated this was a request from the City Council for zoning amendments. This was their second work session on this, to allow the Board to hear additional comment from the applicant.

Mr. Coker referred to a letter which was handed out that evening from Attorney McNeill dated November 27, 2007, revising their zoning request. He would like to move forward with a very clear understanding of what was being considered this evening.

Attorney Malcolm McNeill stated that he represents the proponents for this proposal. They hope to clear up some confusion this evening. He introduced Mark Stebbins, resident of Portsmouth and President of Pro Con Construction Company and one of the developers of this project; Michael Kane, of the Kane Company, who is a builder, developer and manager of commercial property in the Seacoast; Dr. Jeffrey Salloway, a UNH Professor of Health, Management and Policy; Mary Maggion Calda, is the Administrator of the Office of Program, Planning, Research and Development, Elderly and Adult Services of New Hampshire Department of Health & Human Services; and Tim Martin,

Executive Director of the Milton Residence for the Elderly, a project very similar to Borthwick Forrest. Attorney McNeill indicated this was their 3rd appearance before the Board. On June 21st they provided their initial proposal which included a preliminary traffic study, preliminary environmental study, a market analysis and a fiscal impact study and public comment was allowed at that meeting. On September 20th they provided a more specific information packet regarding the units and the project. They also indicated their model provided independent living for 62 and over. Their model provides how and when services would be provided and paid for. They provided evidence of a range of cost of units and how residents of Portsmouth would afford the units. They have attempted to show that their model represents the current trend for seniors. They requested Dr. Salloway to speak on this model.

Dr. Salloway introduced himself as a researcher and he wanted to bring insights to this project. He is the city's neighbor, he is 66 years old and he will soon be a retiree and he is the future of this project. He works for UNH and has received no compensation from the proponents of this project in the past or future. He addressed the first item of research & scholarship. Typically they look at trends by looking at past experiences. When new factors emerge in the marketplace that have not been seen previously, it makes it difficult to look at past experiences. There is an emerging model for senior living. Seniors do not go and live with their children anymore. There is a tremendous challenge for seniors to stay in their homes. Financing is different also. Physically seniors are living much longer and instead of experiencing a compression of lividity, they are experiencing an extension of a healthier and active life. There are two models that are popular. One is to live near family and friends and the other is to live near where they used to live. Therefore, when seniors are moving into independent living facilities, their migration is typically 3 – 5 miles. The second model is seniors are attempting to create new social networks which will function as support systems for them.

The second half is the potential buyer for the market being described today. These people have no desire to live near their children and are looking for a community that they would love and people that they can care about and who can care about them. Dr. Salloway indicated that if they don't build it now, it will not be there when we want it or need it. There is not a lot of hard data on these facilities. There are some other variables that have changed in the recent past. Equity in homes has changed. With home equity declining, it is more difficult to predict the migration patterns. Aging of baby boomers means there is a flush market but the home equity they are experiencing may incline them to stay in their houses. This may forecast a very large blatant market that won't materialize until home values rise again or they move into independent living. He believes if you build it, they will come and from closer rather than far. He feels the market is there and it is big. He has critical allegiances to the seacoast and the State. He and his colleagues are here to serve Portsmouth. He feels the time is right to move ahead with this project.

Mary Maggion Calda, Administrator of the Office of Program, Planning, Research and Development, Elderly and Adult Services of New Hampshire Department of Health & Human Services, indicated that she is not for or opposed to this project. She is here as a long term analyst to review the demographics they are dealing with. She has been working with policy issues in this area since 1964. She sees a movement which is gaining momentum. They are seeing at most a maximum of 5% of elderly in nursing homes, leaving 95% to go where? She understands there are concerns in the City that there would be people so disabled they would be forced to leave. She believes the picture is much different. She feels they are seeing a steady decrease in nursing home care. 10-15 years ago people went to nursing homes because they had no social support. She is seeing a decrease in the medicaid population. They have about 8,000 licensed nursing home beds in the state, 1/2 of which are medicaid funded. The fastest growing demographic is the 85 and over population. This population consists of the ones who are assumed to have the greatest need for nursing home care but, guess what, the utilization break of nursing home care by this population is decreasing. They are going to families to be cared for and supported. She feels it will be more popular to have assisted living where they can bring in services. There are policy decisions at the State and Federal level that encourages home and community based care as opposed to nursing home care. From a cost and health perspective, it is

better for older people to remain connected to the community. She also pointed out that there is a movement on called "livable communities", starting at the grass roots level, to make community resources accessible to everyone and not just elderly people or people with disabilities.

Attorney McNeill indicated that at the end of the last meeting in September there was a lot of skepticism from the Board. There was a presumption of a hidden agenda and it would cater only to the affluent and people outside of Portsmouth. It would adversely affect Portsmouth demographics and this project would creep into other zones of the City. He hopes Dr. Salloway and Ms. Maggion Calda have given them a better understanding of the model and the trend for older people. He referred them to the packet that was handed out tonight, he listed various issues that have come up which were also in his letter to the Planning Board. They have proposed a form of contract zoning that would lock in all of the elements they have expressed concerns with in prior meetings. This format would provide for long term assurance to the community that the project would be operated as approved. The enforceability of the developers promise is what matters. He anticipated input and comment on this matter. Attorney McNeill also felt it was important that the development of this project needs to be considered in the context of the owner's options for these 37 ½ acres. The zoning for the site is Office Research. The developers own this property outright and the property will be developed. The developers have developed over 1,000,000 s.f. of office space and Mr. Stebbins operates and owns sixteen hotels. These uses would be permitted as a matter of right in this zone and would only require site review approval as a matter of right. So, why have the proponents come forward with the proposed plan? He asked Mr. Stebbins to speak to that.

Mark Stebbins, introduced himself as a resident of Portsmouth. The four people involved in the project are Michael & John Kane, himself and his hotel partner Mark Schleicher. Mr. Stebbins assured them the last thing they want to do is anything to hurt this community. They are doing medical office space by the hospital and just finished a hotel on Portsmouth Avenue. He owns a large construction and design company. They have bought a lot of nursing homes and assisted living projects. He is most proud of the Milton, Massachusetts facility. People couldn't wait to move in there and it is a great place to live. That is why they are bringing this forward. It is a unique opportunity, close to the hospital. Portsmouth is running out of good land. They are coming forward with this to help the community and they plan on operating it. They found in their research that this type of facility keeps people younger and stronger and relatives less worried about them.

Attorney McNeill presented the previous plan that was presented, showing open space, campus style with interconnections, without primary access onto Islington Street but solely onto Borthwick Avenue. They do not know of another location in Portsmouth that would be as suitable as this site for this project. In terms of what the applicants generally do, and what they could do as a matter of right, this is the Commerce Center Office Park. When they met with abutters to the project after their last meeting, they indicated to them that this kind of a use would be permitted as a matter of right but in this zone they did not believe it was an overly desirable use. Also, the difference between what they could do tastefully as opposed to a typical office project. Their challenge, after their previous meetings, was to change their zoning option. They put together a letter to David Holden with a zoning option that goes beyond the usual and customary controls exercised by a Planning Board with regard to site development. They are proposing an overlay district. He referred to his first tab in the booklet that he handed out. The model is allowed as an innovative land use control under state regulation, it can be controlled entirely by the Planning Board and does not require BOA action. Everything would be continued to be reviewed for Site Review. The applicant would have to obtain a conditional use permit which would consider all usual and customary site review conditions. Secondly, the applicant would be required to submit a fiscal impact analysis that would indicate that the project creates a higher positive fiscal impact to the City than the underlying zone. In this case, their evidence is that this project would produce approximately \$1,000,000 more in taxes a year than the office uses. It would then be documented between the applicant and the Planning Board in a formal development agreement and recorded to assure the design criteria. The proposal is for a district that only consists of this property, so it doesn't move to other OR zone. The specific uses are limited to housing for people

over 62 years and limited accessory uses which should be all age specific. Over ½ of the site must be open space and one parking space per unit must be covered. Most importantly are issues of compliance with age specific design standards and unit affordability issues. Attorney McNeill referred to the section in his handout entitled Design Standards. It explains what the developer would be required to do.

B. 1. a. The developer must designate 10% of all units as affordable. The term affordable shall mean that the units will sell for no more than 90% of the price of the median value home in Portsmouth and that the monthly fee for that unit will be no more than 40% of the median monthly income for Portsmouth residents over the age of 62 years old.

B. 1. b. The operator/developer will provide for and maintain a plan that offers scholarship and financial assistance plans for residents who have changes in income levels and care needs which create financial hardships in paying the fees necessary to live at the project.

B. 1. c. Buy Back Plan. For affordable units, the operator/developer will re-acquire units at 100% of their acquisition cost within 30 days of a resident's departure from their unit. For all other units, the operator/developer will re-acquire units at 80-90% of the sales price, payable within 30 days after completion of the sale.

B. 2. a. Provisions for Long Term Care Services: The developer recognizes that aging in place services are important and therefore will offer a program of services that may include assisted living and long term care services either directly and/or through partnerships with other providers in the Portsmouth area.

B. 3. a. Building Orientation: Residential structures shall be located to encourage interaction among residents and sited in such a way as to allow public and private spaces.

B. 4. a. Pedestrian Amenities: These amenities shall also include walking trails and other appropriate provisions for outdoor recreation and connections to units, open space and public transportation.

B. 5. a. Vehicular Circulation and Parking: A minimum of one parking space per unit shall be covered parking, and all remaining parking shall be adequately screened from adjacent property. Traffic circulation, including pedestrian sidewalks, shall be arranged in a manner that encourage safe vehicular, pedestrian and bicycle use.

B. 6. a. Public Transportation: The applicant must provide evidence of the availability of public transportation to service the Overlay District.

B. 7. a. Education Programs: The operator/developer shall provide age appropriate educational programs on site, and provide information on services available from other institutions. The owner/developer will work cooperatively with the Portsmouth Senior Center or a similar local facility to provide land to locate a senior center on the site. Any land donated for this use will not be deducted from the open space density calculations for the site.

B. 8. a. Landscaping: To the extent reasonably possible, all open space areas shall remain in its existing condition, but for the provision of infrastructure, walking trails and other recreational uses.

B. 8. a. Landscaping shall comply with reasonable standards established by the Planning Board to provide screening, shade and a pleasing environment for the residents and guests of the residential units. The landscaping plan must be approved by a consultant approved by the Planning Board.

B. 9. a. Lighting: Provide pedestrian scale lighting fixtures in areas designed for pedestrian activity such as walking, biking or use of segway/golf carts. Select lighting fixtures that compliment the general architectural style of the development.

B.10.a. Building Design. All buildings shall be constructed to include peaked roofs, and shall have underground garages. Each residential unit will be on a single floor, and each building will have multiple units on multiple floors. Elevator access must be provided to each floor. The project must also include community spaces, a health and fitness room, café, and indoor pool, and other areas of interactive living. Professional staff must also be provided by the applicant to assist in the provision of age-specific services.

B.10.b. Units will range in size between 850 sf. and 2500 sf. and will contain a variety of housing options, which consist of studio units, one bedroom units, and two bedroom units. Units will be varied in location throughout the project and the Planning Board will require a relatively equal distribution of unit types so as to insure that no particular unit type will occupy more than 40% of the project.

Attorney McNeill felt that the proposed ordinance answers questions that have been advanced by the Board. The applicant would have to satisfy each and every one of the conditions. In terms of the process, they believe this is something that could be considered. Issues have been raised about where occupants will come from and the migration patterns which the Professor spoke to. They have spoken about residents wanting to be close to their family and relatives. Portsmouth has always called itself the City of the Open Door and it should include people who want to retire here. The Baby Boomer generation would like to live in a healthy and creative environment. There was concern that all older people think the same, vote the same and do the same things. Mr. Coviello is worried about the demographic impact. He asked if it has been the Board's experience with their piers that they all think the same because they are the same age? There was a concern that schools would not be voted for or there will be other limits in municipal expenditures. Portsmouth is a community of approximately 21,000 people and they anticipate 625 residents at Borthwick Village. The first elderly facility that comes to mind is River Woods project of 342 residents in Exeter which is in a community of 14,000 people, which is relatively close to this situation in Portsmouth. In a municipal form of government in Exeter, they have recently voted for a new multimillion dollar school. Milton, Massachusetts has had five budget overrides authorizing increased expenditures. He stated that New Hampshire should be providing the best possible residence for everyone in New Hampshire. Age, race or other demographic components should not be considered.

Also included in his package, Attorney McNeill included a summary of the differences between an office research project and Borthwick Village. The difference in tax revenues is approximately \$1 Million, traffic shows 293 morning peak trips for office and 90 for Borthwick Village. They show 275 evening peak hour trips for office and 117 for Borthwick Village. That is because people without established schedules pick the time that they go places. The environmental affects are less in their controlled open space project. Office research would require 757 parking spaces and Borthwick Village would require 572. They propose no access on to Islington Street and it would be for emergency access only. The only primary access they would use was Borthwick Avenue. Stormwater drainage would be more effective and the architecture components would be more desirable. The bottom line is does Portsmouth need quality independent living for its senior citizens? Portsmouth's population is aging along with the nation and Portsmouth does not offer this type of independent living. It has no negative effects on the community and would create housing opportunities for younger people to obtain homes vacated by seniors moving into the site. This would be used as a model for other facilities in the State.

Attorney McNeill indicated that they have talked to a lot of people and they included letters of support from many of those people in their packets. He read from some of those letters.

They are excited to work with the City, the Planning Board and the City Council to develop this site off of Borthwick Avenue. They believe this is an opportunity that the City should not pass up.

Chairman Ricci asked for questions from the Board.

Mr. Coker stated that he would like a brief discussion of the differences between a zoning amendment and an overlay district. Attorney McNeill indicated that an overlay would have to be enacted as a zoning amendment. The difference is that the underlying district remains the same but if you meet the criteria for the overlay, you can utilize the permissive elements of the ordinance. But you can only do this in this zone if the very specific criteria has been met. Mr. Holden added that this proposal also avoids going to the BOA for a special exception. Mr. Coker asked if this would be an easier process for an applicant? Mr. Holden felt they were both zoning amendments and would require the same amount of effort. The big change is keeping it concentrated with the City Council and this Board. Attorney McNeill indicated that the sole reason they previously proposed BOA was because it provided protections for adjoining properties. But, what he was hearing was that the Board wasn't sure they would get what they were asking for with the zoning amendment that was being presented. Mr. Holden agreed with Attorney McNeill that it was innovative but "the devil is in the details". Attorney McNeill felt that to get Portsmouth to a stage to consider a new approach, they wished to take the risk out of it for the City.

Mr. Coker referred to the eight points in Attorney McNeill's letter. He would like to see a 9th. He was not sure the overall effect of this project is clearly understood. He took offense that Attorney McNeill stated that there is no choice and he felt that was a bit harsh. It sounded like they are going to develop this property and they can either have ugly office buildings or this beautiful project. He is trying to look at this from the land use impact for the community. Attorney McNeill reiterated that, as a matter of right, the applicant can do a hotel or office building. If the criteria that they want to look at includes fiscal impacts, traffic, drainage, open space, impervious surfaces, and architectural desirability, that is what he means by no assurances. It seems to him all of those choices would go in favor of what they are proposing.

Mr. Coviello stated that his concern was a diversity of age. If they keep creating a community of an older age, they will not have younger people and they need to maintain a balance. He would like to see that shown more clearly as he feels the evidence is contradictory. There is such a demand for the units, it sounds like people from outside the community will want them. How do they put the brakes on everyone coming to this facility? Attorney McNeill explained that they have looked into the demographic issues. Dr. Salloway noted that when people become seniors, their circle of travel narrows. The scenario Mr. Coviello described, or the domino effect, opening up their former housing to younger families, is more realistic of what will happen. His best guess is that is the way it will happen

Mark Stebbins explained that they hired a market analyst and when they got the questions from the City, they asked their demographic people to go back and look at just the Portsmouth people. They looked at the average median income of people over 62 years old and they redid their demographic numbers to reflect people in Portsmouth. Attorney McNeill stated that his mother lives in Peabody, Massachusetts and he would expect her to come to this facility to live near him. Mr. Michael Kane added that they realized that they had to have good answers for the Board. The migrations are what Dr. Salloway says they are. Young people are anxious to move and work in Portsmouth. Mr. Coviello reiterated that there are no places to live. Mr. Kane felt that is a completely separate issue.

Deputy City Manager Hayden directed her comment to Mr. Stebbins. She sees medical office buildings sprouting up all around hospitals and asked if they will be cutting off this land for medical offices? What is the demand for medical offices for the future? Mr. Stebbins noted that they are building a new medical building and the hospital is expanding. He felt there is plenty of office space

around the hospital. This certainly could be used for medical offices but he felt having these people close to the hospital would be best.

Deputy City Manager Hayden directed her next comment to Ms. Maggion Calda. She noted this was not a true continuing care. Deputy City Manager Hayden asked if she was familiar with Havenwood in Concord and how does this compare? Havenwood is a very high quality, high end facility and it is a continuing and skilled nursing center. What would she see as the differences between this proposal and Havenwood. Ms. Maggion Calda felt that the most obvious is that Havenwood is classified as a continuing care community. It does have a nursing facility on site and there are a whole body of regulations that they have to comply with. She is not a financial expert on the financial requirements. Deputy City Manager Hayden was more interested in people's needs and whether it is a problem that there is no skilled nursing proposed for Borthwick Village. Ms. Maggion Calda felt it depends on the staffing pattern. This is an area of consumer education. She felt it was primarily about personal choice.

Mr. Stebbins stated that his first reaction was the same as Deputy City Manager Hayden's. Why not use the model? However, nursing homes are not for the elderly anymore. They are for people who are recovering from an illness and they are becoming more of a rehab unit. Assisted living is taking over the nursing homes. When you add the nursing component to a project like this, you add a whole new level of costs which drives up the monthly fees for people in independent living. He believes there are nursing homes available and they are always looking for private pay patients. They think they can do 98% of the care in their units, just like at home, unless they become senile or get very, very bad when they would go to a nursing home.

Deputy City Manager Hayden felt this proposal is very similar to Milton regarding service level.

Councilor Dwyer felt it would be very helpful to have the cost back up information and how they looked at the affordability. Last time they did not have the data on the assisted fees which was a concern for them. The cost to move from independent to assisted living was unknown to them. Mr. Stebbins indicated that assisted living will be at market rate cost. The real question is, if they are charging a certain amount elsewhere in Portsmouth, theirs will be equivalent. When you go from \$1500 to \$6000, how do you pay for it? If people cannot afford it, they will have a "scholarship" or "reverse mortgage" method. They will have their equity in their unit. Councilor Dwyer stated she would like to see the actual financial model and along with the backup data related to Portsmouth.

Mr. Stebbins indicated that he would rather not dig so far down into the details when their goal is to give the control to the Board and if it gets passed by the Council, they will come back and dig into the details of the financial model and the costs. Attorney McNeill added that in most communities that have this type of ordinance, it would simply say it was allowed and the dimensions, as opposed to what they are offering.

Vice Chairman Hejtmanek referred to the number of people that will be moving into the facility. Mr. Stebbins clarified that it would be 625 total people.

Mr. Coker stated they have not discussed whether this is a good idea from a land use perspective. He urged the Board to focus on whether or not the overlay district or zoning amendment a good idea. He can point out around 15 things that do not comply with the Master Plan.

Chairman Ricci called for public speakers.

Ralph DiBernardo, Islington Street, had a number of questions as a resident and abutter. This project does not address the current need for work force housing and the Board should review whether this project will further aggravate the work force housing problem. Lack of affordable housing will affect local businesses. He finds a conflict in the discussions about nursing home needs and still hasn't heard

where the nursing beds will be found. He asked the Board to help the public with the process. There are many questions that are not answered until Site Review but that is after the fact and seemed to be too late in his opinion. He asked what the build out was on this project. He understood the infrastructure would handle 1,000 units, which is a concern to him.

Ted Connors, spoke as a native of Portsmouth and a senior citizen who has lived here for 70 years. He has also been associated with senior housing and housing in general for 40 years in the Portsmouth area. Over the years they have had the problem of taking care of the middle class. He felt Borthwick Village seemed like a good move for Portsmouth and they would be affordable to Portsmouth residents, and opening up other houses for the workforce. He would endorse it as a great innovative move.

Barbara Trimble, founder of "Extended Family", a service for older adults who want to stay at home. She indicated that by 2030 20% of the population will be over 62. Communities have to think about what they are going to do when they become older. People want to live close to their children and they would rather die than go to a nursing home. Increased services are the best way to go and she fully supports the project.

Bill Duffy, VP of Engineering at Portsmouth Regional Hospital. He wanted to talk about the health care portion. Ms. Maggion Calda brought up the same things they are seeing at the hospital. Their planning and decisions are how to make that work and provide the best health care to the community. Borthwick Avenue is the premiere health care street with the kind of service senior citizens will need. This project meets one of their needs by having people accessible to the hospital.

Kevin MacLeod, owner of Comfort Inn. Felt that Portsmouth is in an enviable position as business is good. That creates a problem with employees. Affordable housing is a different subject. As far as this piece of property, they are running out of places with a good location close to the hospital as well as close to downtown. He was in favor of the project.

Wayne Semprini, resident of New Castle and property owner in Portsmouth. They were recently looking for something just like this for his father in law. He has been troubled because a lot of his friends have moved out of the area but sees this as a chance for them to move back to the community.

Zack Slater, 101 Ordione Point Road, indicated that he is a financial advisor. He has had a number of scenarios where clients are trying to figure out what to do when they get older. His clients do not want to live all alone and become hermits. Seniors stay more involved in activities and their community and he feels this project would be the perfect solution. He was in favor of the project.

Jennifer Verl-Patchett read a letter from Eileen Foley. Mrs. Foley's family has been involved in many aspects of the City. The City offers a handful of nursing homes and assisted living facilities. This would offer Portsmouth a choice. She supports this village. Ms. Patchett also worked in a retirement community for 17 years and was also in favor of this project.

Chairman Ricci thanked the public for their input.

Mr. Coker urged the Board to look at their Master Plan on page 27. They looked at this before and discussed this piece of property. He felt it was premature to talk about the details of this kind of project when they have not gotten past whether this is the best use of this property. In keeping with the office vs. elderly care, it seems there is a reason why this is being proposed over the office research. It seems this is a far more profitable use of the land and he needs to understand and feel comfortable that this meets their Master Plan.

Chairman Ricci also felt that no one denies that there is a need for this type of facility but he wanted to get back to a comparison between what is on the board and what could be built under office research.

Tonight's meeting was about a need that we all recognize but he wants to get back to the Master Plan, open space, traffic, etc. He would like to get a consensus about having another work session. They added a lot of clarity for the Board to consider.

Councilor Dwyer agreed with Chairman Ricci. She would like to see them stabilize the terminology. The letters they submitted don't seem to have a clear view of what they are proposing. Because they are coming from a different proposal and are shifting their way of thinking, they now need to stabilize the terminology and the public needs to understand it as well.

Mr. Coviello asked if they will allow businesses unaffiliated with their organization to provide assisted living care? Mr. Stebbins confirmed that they would.

Ms. Roberts wanted to follow up on comments already made. She felt they have made a lot of progress with the new proposal, clarifying the vision and the details of the overlay. Two issues she is concerned about are age diversity and the Master Plan. They are not just talking about land use, they are concerned about how this affects the City in various ways. This project is big enough to shed light on age diversity and affordability.

Deputy City Manager Hayden did not believe they are ready to have staff work on this yet or go to a public hearing. They need to better understand what they are proposing. She would like to see another work session on this. This is a very different zoning proposal and she asked if they should update their zoning matrix? Mr. Holden felt that they should. Right now, the big thrust in change would be enforcement by the City. Deputy City Manager Hayden asked the Board if it would be the best use of staff time to redo the matrix now or have another work session first? Mr. Holden felt the board could share their concerns and then they could have a staff meeting with the applicant to get information and revise the matrix. Deputy City Manager Hayden felt the applicant has listened and done a great job clarifying things.

Mr. Coker indicated that RSA 617:14 states why they have zoning. If a zoning change is to be adopted, there has to be a public benefit and he is not convinced there is an overwhelming public benefit to adopt this. Chairman Ricci stated that is homework for the next work session.

Deputy City Manager Hayden felt that the Board wants economic and financial data. Mr. Holden felt it would be useful to have the amendment reviewed. Chairman Ricci suggested that the Board meet with the applicant and then re-convene with the Department staff in a work session. Mr. Coker stated he would like to slug it out among themselves.

Chairman Ricci asked for a consensus of the Board and it was agreed that they will have a work session on December 6th at 7:00 pm.

Attorney McNeill indicated they will clarify the information that the Board requested, financial information will be provided and they are excited to talk about zoning. In terms of the Master Plan itself this was one of the components that spoke to the issue of doing further study of this particular zone. They have indirectly done some study of this site and they are willing to work with them to show how this is appropriate.

It was agreed that at the next work session the applicant would be present but not presenting.

Mr. Holden suggested postponing this to December 6th so there would be no further abutter notification required.

Deputy City Manager Hayden made a motion to postpone this to December 6, 2007. Mr. Coviello seconded the motion. The motion to continue this to December 6, 2007 passed unanimously.

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II. ADJOURNMENT

A motion to adjourn at 9:10 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 January 17, 2008.