

**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.**

**FEBRUARY 14, 2008**

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

**MEMBERS EXCUSED:** n/a

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

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**I. PUBLIC MEETING**

1. A public meeting 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 public meeting is to allow the Board to discuss this proposal. There will be limited comment from the applicant and the public. Any new materials will be available for public inspection in the Planning Department;

Chairman Ricci read the request into the record. He requested a brief presentation from the applicant, followed by Q&A by the Board and then he will open it up for public comment. The Board will then go into deliberation.

Present was Attorney Malcolm McNeill, Mark Stebbins, Michael Kane and Tim Martin. Their focus was an attempt to answer David Holden's question from the last meeting, which was "Why is the Borthwick Village Plan compatible with Portsmouth's long range vision for the best use of this property?" Attorney McNeill gave some background. This property has been the subject of review for 3 1/2 years. Chinburg Builders requested a zoning change in 2005 to rezone it to Business B to facilitate a development which was 2/3 residential and 1/3 business, as allowed under the B classification. That proposal was not embraced by the Planning Board but it was during the time that the Master Plan was being considered and resulted in a recommendation in the Master Plan to carry out the comprehensive study of the existing OR District located between Islington Street and Borthwick Avenue to determine the appropriate long range property zoning for this area. In their opinion, that goal represented a finding that some other zoning other than Office Research (OR) might be appropriate for this site. If only OR was appropriate, then no further research would be required. Initially two of their meetings were necessary just to explain what their project was about. The last two meetings focused on zoning issues. For the past 3 1/2 years, the Planning Department has taken one position which is that OR was appropriate for this site. Attorney McNeill indicated that they have

attempted to work with the OR zone. Similarly no members of this Planning Board have recommended another alternative for zoning for this site. They believe their proposal is very appropriate. They are looking for the Planning Board to draft an ordinance consistent with their plan.

Attorney McNeill addressed why is this site unique? The choice in the absence of other suggestions is between an office park or their creative response to housing services for seniors. From a land use and societal perspective, they believe this is more responsive to the needs of Portsmouth than another office park. They would ask, is there a need for another office park? They have provided a report from Sargent Consulting, Ltd which concluded that "It is therefore evident that the use of the subject parcel for the proposed Borthwick Village development would have an insignificant impact on the City's potential to accommodate future office construction". The focus of the Master Plan is on diversified economic development. There is not an emphasis on job creation, nor do they perceive there to be a shortage of employment opportunities in Portsmouth. Attorney McNeill believed they have demonstrated there is a need and a demand for Borthwick Village.

Attorney McNeill addressed why is it the best use of the property. In the packet which was sent out to the Board they used the same format they did in December to compare and contrast OR. The clear message from the Board was that they need more data and they have attempted to do that.

The first item was fiscal impacts. Borthwick Village is clearly more desirable. Net tax generation is 8 times higher than for an OR development. In ten years, that makes a difference of \$13 million. Their project will create immediate jobs. There is less certainty that office jobs will be created in the short term given the significant supply of office facilities being developed in other parts of the City. Portsmouth Regional Hospital clearly supports the proposed use and does not feel office space is necessary for their strategic planning. Borthwick Village is more compatible as a transition use for residents on Islington Street and the office uses on Borthwick Avenue. Traffic impacts will be far less and Islington Street will not be impacted. Traffic will be at off peak hours because seniors would have discretion and only emergency access would be required on Islington Street. Environmental impacts will be reviewed at Site Review but there would be 3.3 acres less pavement than office use and it would be far more aesthetic.

Pease is an example of an office park. In comparison, they hope they would find a far more attractive campus rather than an office park. They propose covered parking and full landscaping. Borthwick Village would be responsive to an unmet need in the community. A portion of the units will be affordable and residents will bring their own type of vibrancy and provide a place for seniors to live close to their Portsmouth families. The demographic will not defeat school programs, or cause a collapse of political discussions or create a singular monolithic approach to issues. The Riverwoods experience in Exeter is a very good comparison.

In terms of zoning, they believe there is a demand for their proposal. They believe it is far more in the interest of the community to encourage this form of creative development, both in terms of its fiscal and off site impacts and its compliance with the Master Plan. Their document is an accumulative effort.

There was another component throughout this project. What is the unique nature of Borthwick Village and Mark Stebbins will address that.

Mr. Stebbins indicated he preferred to answer questions rather than go over the booklet once again.

The Chairman opened the hearing up to questions.

Mr. Coviello referred to the 1<sup>st</sup> page of the zoning comparisons. He asked for an explanation of the assessed value increase. Attorney McNeill indicated that all of the studies were done by Applied Economic Research and they were submitted in one of their earlier submissions. It compares the

participated build out of the office park at 185,000 s.f. with the 482 units they propose to build. Mr. Stebbins confirmed they used 450 to be more conservative. Attorney McNeill pointed out that the annual difference is between \$146,500 for the office park and \$1,260,000 for Borthwick Village. Mr. Coviello felt that seemed high. Mr. Stebbins explained that 450 times 300 is \$130 million. It is a very large number.

Vice Chairman Hejtmanek referred to page 2 of the questions. They had an affordability write up and the median price of Borthwick residences are \$270,000. Mr. Stebbins confirmed those are just the affordable ones. They did a comparison. Vice Chairman Hejtmanek asked if they have a median price for the whole project. Mr. Stebbins explained the reason they don't is because it will be built in phases over 3-5 years. If it were done now their thought is that the affordable the median price home was \$350,000 and they priced it at 90% of the affordable.

Vice Chairman also asked about the income range table and he asked if that was based on Portsmouth. Mr. Stebbins confirmed that is based on Portsmouth over 70 years old. Vice Chairman eye-balled that number and had it come out to about \$65,000 would be the median. Then below it says median average over 60 it says \$47,000. Mr. Stebbins stated this is as close to Portsmouth as they could. This is based on zip codes. Councilor Dywer asked if the difference household vs. per capita? Vice Chairman Hejtmanek questioned that people over 70 make more than the ones over 60. Mr. Stebbins felt it was very hard to explain those numbers without the appropriate distribution.

Mr. Coker followed up on Vice Chairman Hejtmanek's comments. On the first page of Unique Questions, #2 asks if the project affordable and they state that the term affordable means the units will sell for no more than 90% of the price of the median value home in Portsmouth. Therefore, the price of a median purchase home is \$350,000. On the next page it says Borthwick Village Residences median unit price if \$270,000. Mr. Stebbins confirmed that is a mistake. The lower end of Portsmouth will be \$270,000. The first page is how they calculate those 10% affordable. Mr. Coker was confused where the median price of \$270,000 comes from. Mr. Stebbins agreed that the median price is wrong and it is a unit price, not a median price. Mr. Coker confirmed that \$315,000 is their stated affordable price. Chairman Ricci confirmed that this is just a comparison of homes vs. Borthwick Village residences. Mr. Stebbins agreed with Chairman Ricci and added that this shows them that a lower price unit at their project is no more than what it costs to carry a median priced home in the City of Portsmouth. Mr. Coviello asked if they will have homes for \$270,000. Mr. Stebbins confirmed that they will. \$270,000 is the starting point.

Deputy City Manager Hayden wanted to clarify on the first page, the median income is for a one person family? Mr. Stebbins confirmed it is a household and over 60 is typically 1 or 2 person household. Deputy City Manager Hayden was used to looking at affordability as you pay more than affordable and not more than 1/3 of your income to housing costs. Mr. Stebbins felt in this type of housing, people tend to spend much more than 1/3 and the average is 44% and some spend as much as 60% on housing. Deputy City Manager Hayden asked if the \$1,585 at the bottom of the page says what is affordable to someone who lives in a \$350,000 house in Portsmouth. Then, under the total monthly costs in the Borthwick Village residences, the \$1,600 is the approximate monthly fee? Mr. Stebbins confirmed that would be the monthly fee for the lower priced homes. Deputy City Manager Hayden then indicated that the housekeeping or laundry services are then added in. Mr. Stebbins confirmed this was a comparison of their best information of what it cost for utilities and property taxes for a \$350,000 home in Portsmouth.

Mr. Coker referred to page 3, where it says an office park use at peak hours and market demand will require two means of access. He asked for the opinion of the Department if it was possible for office buildings to be built and have a single access or two accesses on Borthwick Avenue, without access on Islington Street. Mr. Holden felt that would be a very good site review issues however he indicated he would attempt to answer it. Regardless of the use he was not certain that one entrance was the best. However the way the street is configured, can handle an issue for example with an accident such that

emergency vehicles could make it in. He thought they might be able to have a single access in. For example, Commerce Way has been a deadend for many years with a lot of office space on it. Coker asked if it would be unreasonable for him to say it would be possible that an office park could be developed without an access off of Islington Street? Mr. Holden responded that the Board handled much development on Commerce Way when it was a deadend.

Attorney McNeill felt it was possible but he was not convinced it was probable. Mr. Coker felt it would be in the purview of this Board to determine whether that was possible or probable. Attorney McNeill agreed and it would be based on the Site Review evidence. What they are saying is that it was clear from their study that the impact would be less at peak times and availability of two accesses would be important. Mr. Stebbins confirmed it could be done with one accessway however their traffic person felt it would be difficult to only have one. Attorney McNeill added they would like to keep traffic off of Islington Street.

Deputy City Manager Hayden pictured herself living there and thinking she wants to get to Pic N Pay. She would have to go our Borthwick, to the Route One By-Pass or to Cottage Street. Her concern is that once this is built the people who live there will want another access onto Islington Street and she doesn't see where that would be a big impact. Her concern is that shortly after this is built, the people who live there will want the direct access to Islington Street. Therefore, she would ask them if there was a possibility so that they could discuss it as a Board to connect to Islington Street. Mr. Stebbins felt that could happen. They would prefer not to and they will provide transportation for the residents. Deputy City Manager Hayden felt it is an option of the development to come off of Islington Street. Attorney McNeill confirmed it was not their preference because the residents have made their thoughts known. The developers can be very creative looking at issues such as that. They have a right of way which also goes to the radio station and they have a written signed right of way over the railroad tracks. Mr. Holden asked how wide the right of way is? Mr. Stebbins stated it is 12'. Mr. Holden confirmed it doesn't conform to City standards.

Councilor Dwyer asked what would be their current analog design standards. Deputy City Manager Hayden felt that the RDI-PUD would probably be the closest. Councilor Dwyer asked about the implications of Overlay and the implications of Accompany Design Standards. Mr. Holden would think that with an overlay they would have very specific concerns and the zoning would descent on the property. The RDI is one example but another example is the assisted living section in the ordinance.

Attorney McNeill agreed and confirmed they have proposed it as an overlay.

Councilor Dwyer asked about the accompanying design standards. Attorney McNeill stated they had proposed specific design standards for the project. Councilor Dwyer asked if those conditions are any different than the first part of the section? Mr. Holden responded they could set it up to apply at both ends.

Chairman Ricci asked about the environmental impacts as far as open space and lot coverage. Attorney McNeill responded they are proposing 50% open space, a per unit density of 2,000 s.f., they have provided for architectural controls and the usual and customary controls that they would normally do. Chairman Ricci was speaking more specific to the environmental impacts of this proposed facility vs. OR.

Mr. Stebbins stated their goal is to have a vast majority of parking below the building. They will have 3 ½ acres less paving than an office park. Attorney McNeill added they would provide for a recreation area, a wildlife habitat protection, and they submitted a report from NH Soils regarding the environmental impacts which favored Borthwick Village rather than an office park.

Mr. Coviello asked if this was expandable? Mr. Stebbins stated it was not. There are a lot of wetlands and buffers and setbacks from the residential areas. There is a lot of good upland in the recreational area and in the previous proposal there was a bridge over there but that is not part of their plan.

Mr. Coker asked about traffic. He felt that either way this goes, off site improvements should be looked at. On page 5 of the Zoning Comparisons section, they make a compelling argument that the Master Plan goals fit this project. Mr. Coker disagreed because of the following reasons. They referred to LU-1 of the Master Plan which refers to the downtown area. Regarding LU-6, they do "provide positive fiscal benefits to the City" via tax revenue but he doesn't want that to be the driving factor. The Master Plan goes on to say "and minimize demands for new infrastructure and services." And Mr. Coker recalls that the City sewer system and treatment plant is stressed at the moment. Deputy City Manager Hayden clarified that it is not stressed at a capacity issue. Mr. Coker sees a demand for police, fire and ambulances. It's no wonder the hospital is supporting the project as it is a built in customer basis of 685 people right next door. His concern is that he is not at all in agreement that the Master Plan is serviced by this Board recommending that this property be re-zoned. One other thing he is confused about, does a zoning amendment to facilitate the Borthwick Village development hamper future opportunities for future medical and office space. He asked how is that relevant to a rezoning request? He sees it as a strong arm approach. Mr. Stebbins responded, as a Portsmouth resident, that he disagrees with him in terms with the economic impact and sees it as a positive. \$13 million over 10 years is relevant. Mr. Stebbins next addressed #5, will they hamper opportunities for professional office development. This has to do with a previous discussion with the Planning Board which was more about jobs. They had the Sargent Study done to look at that. Basically the study came back and said based on other projects that have been built or are being consider to built and other land that can be used for office, there is a 19-23 year supply of office space available. Their goal was to say if IBM came into town and wanted to build 100,000 s.f. in Portsmouth, if we didn't have Borthwick Avenue, would they go away? Their point is there are other places for an IBM to look to take that 750 jobs. Mr. Coker asked about their statement of a positive economic impact. There are different kinds of economic impacts. One is tax revenues but in terms of jobs he disagrees with his assessment of #5 and their own numbers state 80 jobs will be created by this Village. They stated by right they can put an office park in and his research indicated that management occupations and office jobs which are more professional, ranging from \$27 \$62 per hour, but when they get to the community and social services occupations, what they are proposing, it ranges from \$12 - \$20 per hour. He was not convinced that this project is a positive economic impact to the City all around.

Deputy City Manager Hayden felt the Board did ask Question #5. She feels this is unique property and when Sargent did his study did he consider that? Mr. Stebbins stated they did not look at the medical office part of it. They have talked to the hospital who really is the one who is the catalyst for the medical office demand. One thing that is going on with medical office space is it is being sent out to different areas and not all being around the hospital. One discussion on the economic impact, they are creating 600 - 700 patients for the hospital which will create jobs at the hospital.

Councilor Dwyer felt that since so much of their earlier deliberation was on demands, she asked them to comment on Kittery's elderly housing development. Mr. Stebbins did not know much about the Kittery project. If he was a Portsmouth resident, he would much rather live in Portsmouth than Kittery.

Mr. Ricci assumed they have done their homework, if this zoning amendment went through, how many other parcels in Portsmouth could this apply to? Attorney McNeil confirmed no other parcels would apply to this.

Chairman Ricci asked if they created 400 - 500 office jobs, do they know where the employees would come from and if they know that, assuming they have 600 residents, where will they spend their money? Mr. Coker makes a good point that they will create new jobs to create more income but it would be important that they spend that income here. Attorney McNeill was struck by the number of

people that work in Portsmouth but don't live in Portsmouth. The people that live at Borthwick Village will spend their money here. The spending was anticipated as a localized impact. Mr. Stebbins felt that an exciting thing was that the old concept of having a dining room for everyone to go have dinner in is gone. The residents all want something different and food it brought in. These people will want to go downtown. They will have transportation for them or they can drive their own cars. A major part of their income will be spent in Portsmouth. Chairman Ricci felt that is good information to have.

Ms. Geffert understood that there is a certain amount of flexibility and she asked about the possibility of an art studio where they can have an artist in residence. She sees that as a driving element of the Master Plan. Mr. Stebbins agreed absolutely. Part of the attraction of people coming to Portsmouth is the art aspect. They will have a lecture hall and studios for the residents. Ms. Geffert wanted to be very clear to make sure there was a way to make sure their facility has a component in it for an art space which would support arts in the community. Again, Mr. Stebbins agreed and indicated it could be made a condition.

Councilor Dwyer asked about the supply and demand as it relates to Portsmouth people being able to afford it. She found their responses very helpful but assuming ½ of the units were for Portsmouth residents, which would mean about 20% of the households that are eligible would need to make a decision. Mr. Stebbins stated that they did not include it in their report but in the next five years it is projected that the over 70 group in Portsmouth would grow by 500 people. Councilor Dwyer indicated it would be more like 15% of the households in the age range would need to make the decision. We want to make the middle housing stock turn over to get younger residents. Are there other kinds of things that can be done to ease that transition, either finding some ways to simply move from a home into this facility with some corporation holding some equity in the home to pay for this over time? She was looking for creative housing financing to make it meaningful in their housing goals. Mr. Stebbins stated they had a long discussion about that and coming up with something along those lines where Portsmouth people would move into the facility and they could then help the new buyers with a second mortgage. Councilor Dwyer felt that to make this work, they need to keep the whole circle moving.

Deputy City Manager Hayden stated that in past iteration, there was talk of a senior center. Where does that stand? Mr. Stebbins confirmed they have put the land aside. It doesn't need to be decided tonight but it is community land. But, it would be applied towards their open space. Deputy City manager asked if it would be provided at not cost and is it buildable upland? Mr. Stebbins confirmed that was correct.

Chairman Ricci opened up the public comment session.

Ralph DiBernato, 1374 Islington Street. He stated that a developer must benefit or they wouldn't go through with it. He does not see anything that convinces him that the City needs this or would benefit by it without addressing the nursing home needs that would be inevitable. He asks that the Board deny this request. He has two questions: Will the resident pay individual tax bills or will Mr. Kane retain ownership of the units and pay one tax bill for the entire facility. He also wanted to know if they could mortgage their unit if they had any financial problems.

Ted Connors, past Director of the Portsmouth Housing Authority. He was the director for 35 years and he had a lot of people that would come that they could not help. They could not take care of the upper class that could not afford housing. He thought there was a big market in the area for this type of housing and he asked the Board to consider it.

Paul, 1490 Islington Street, directly across from WBBX road. He has seen numerous proposals for this property. They present a warm fuzzy feel for this development but everything they propose for public benefit is a fallacy, except for the tax revenue. This would be a private for-profit facility. It adds 400 more bathrooms to the City's sewer system. The only access for any development of this

size should be on Borthwick Avenue. They say Islington Street would be for emergency use only but the accessway is only 12' and it just wouldn't work. And, any access on Islington would have to be a gated access. The alternative, an office park, creating 700 high paying jobs would be much less impact on the infrastructure and could be as architecturally appealing. This proposal is about money and it maximized developers' profits. It is not the function of the Planning Board or the City of Portsmouth to change zoning to increase the profit of developers.

Chairman Ricci closed the public comment session and asked the applicant to address the questions from the public.

Mr. Stebbins stated that the taxes will be billed to the facility as one bill. The monthly fees will have the tax built in. They will have a scholarship program for someone who has financial problems and it will work like a reverse mortgage. If they need to move into a nursing home, they would be allowed to tap into that.

Vice Chairman Hejtmanek asked if they bill the taxes can they deduct from their income tax? Nr, Stebbins confirmed they could not.

Mr. Coker asked if the developers own the property and the people living in the units do not own the property? Mr. Stebbins confirmed that was correct. That is how Riverwood runs. It is a long term lease basically. Deputy City Manager Hayden stated they could not do a traditional mortgage but there would be alternatives available by the developer.

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Holden summarized their options. This matter comes as a City Council referral and the applicant submitted a letter with a specific request and it was referred to the Planning Board for a recommendation. They have been working on it for about a year. There are three options. The first is for a favorable recommendation of this concept. The zoning would be a work in process and they would indicate additional guidance on the additional steps. The second is they do not favorably recommend the concept and they would state why not. The third, and he doesn't suspect they will do, is if they require additional information they make specific requests on what they need so they can make a recommendation. If there is an item that hinges on what action they would take, they should get that. The Chair has indicated that he would like to have a discussion before taking an action.

Chairman Ricci asked, assuming this project goes forward and 15 Portsmouth residents move in, what happens to people that want to move to Portsmouth and can't quite afford it. Deputy City Manager Hayden felt there are no programs that provide subsidies to people who are not first time home buyers.

Chairman Ricci asked if they could make a stipulation that a certain percentage of units are sold to Portsmouth residents. Mr. Holden felt they probably could but it would be a recommendation that would have to be explored to see how they could accomplish that.

Mr. Coviello stated that typically they stay within two miles. Vice Chairman Hejtmanek disagreed and felt that low income people stay within 2 miles but those with money move. Councilor Dwyer has asked that question on other projects. She thought the answers were good ones that the way they accomplish that is how they advertise it. She felt that could be accomplished by the process. Deputy City Manager Hayden stated they would have to think about it over time and whether it was enforceable. She felt the real driver is being close to their children. Chairman Ricci felt that part of the argument is that they will be making median income homes available but will they actually be doing that? Ms. Geffert felt the way to do that legally would be to create a fund for people who are leaving a Portsmouth residence. That could be required. Councilor Dwyer added it would be like a scholarship. Vice Chairman Hejtmanek also thought it would be important to have a fund available so

that Portsmouth people could apply. Chairman Ricci felt the key word was encourage. Deputy City Manager Hayden felt some things they could accomplish with a zoning overlay district.

Mr. Coviello stated that when he reads the Master Plan, the over all theme is housing. They have an option of a new overlay or leaving it office research. Office research doesn't help housing at all and actually hurts it as it creates jobs for people that would want to live in Portsmouth. Ms. Roberts felt she gained a lot of information but ultimately she still has the same concerns about affordable housing for moderate income people and issues of age diversity in the community. She does not feel the verb "encourage" is strong enough for her. In terms of moving towards moderate income housing it appears they are actually moving away from that with this project. She still feels very ambivalent about it.

Councilor Dwyer felt that the Paige/Tony continuum bears a lot more analysis in this community. At the stage we are now, what are the incremental steps to create any affordable housing? It is the high end jobs that soak up all of the housing. They are out of balance and she felt the Sargent Report was very interesting and convincing that they do not need additional office space. The Planning Board keeps making the problem worse with everything they have approved. This has the potential to make the project better. She agreed "encourage" needs to be stronger.

Mr. Coker felt this isn't about this proposal but it is about three things. One is there are 37 acres zoned OR, two, office research has never been proposed. The only thing proposed is a zoning change and the best use of the land is the question. This Board has no obligation whatsoever to rezone a piece of property to suit a given project. This would be spot zoning absent a public benefit and he cannot find the public benefit. It could be defined as the tax revenue and he doesn't feel that is sufficient. He is having a great deal of difficulty with the affordable housing component. He is concerned about the further gentrification of Portsmouth. This is a higher end development and not for the working class people. He is not comfortable with the project as it is being presented.

Chairman Ricci asked if he would consider land donated for a new senior center a public benefit?

Mr. Coviello felt one question was that they should not be changing zoning to increase development profit. And they talked about the public benefit being taxes. He has not heard one board member say how great it was that they were raising the tax revenue benefit. All they have talked about was the public benefit of the open space, recreation area, and trying to stop the hemorrhaging of home prices going up. He is shocked that Mr. Coker cannot see any public benefit in providing more housing for the City or providing 750 new jobs for people looking for housing. Mr. Coker stated that the office development has not been presented to the Board. You can't look at what might be or could be. Mr. Coviello felt they needed to look into the future.

Mr. Holden stated that he is hearing from Mr. Coker that they have viable options under OR. The way the materials are presented, it must be understood that something can happen on that land under OR. The applicant is proposing something different and he is probably putting a favorable spin on theirs vs. the other. He felt Mr. Coker was correct to keep an open mind on the OR but it is also correct that they have made a proposal.

Vice Chairman Hejtmanek felt that people who have lived and contributed to the City their whole lives would have to move to Riverwood, in Exeter, for their senior years.

Councilor Dwyer thought that some of this hinges on public benefit but not all of it. They were given the comparison because they asked for it. It's not like the developers are trying to pull the wool over their eyes because they requested the information. Without getting into an economic lesson, thinking about jobs you have to think about multipliers in the community. Any additional number of people in a community create jobs. Public benefit can be direct or indirect. People have often talked about the value of their parents being near to them or people in the community who want to move out of their houses but stay in the community. The social capital benefits are important. Other benefits are the

senior center, playing fields, and inter-generational use. There are lots of different types of categories for public benefit and they should try to maximize all of them. For many of us, the more important ones are related to housing, but she stressed that they should not over-simplify the housing issue.

Mr. Rice referred to housing stock and affordability. Right now, a unit of \$270,000 would be about the 10<sup>th</sup> or 12<sup>th</sup> least expensive home in Portsmouth right now. To have someone offer a unit for \$270,000 is actually a novel concept because affordability is basically about community trust funds to make it possible for low income people to have access to funding to buy moderately priced homes. They are talking about establishing something for Portsmouth elements which is a unique thing. He likes the green space involved, he likes a place for people over 65 having a community of their own, and he likes that it is close to the hospital. The last time he was concerned about the rail line. The Master Plan indicated the residents were concerned about it. He felt seniors might be excited about picking up the train right next door and he likes the idea of a gated access from Islington Street.

Deputy City Manager Hayden spoke to the issue of access. She felt there may be a second place they can access on Islington Street rather than coming out the radio station road. She also asked them to keep in mind that if it comes out of Borthwick, she would probably go to Route 33 and take a left onto Islington Street so either way, she would end up on Islington. She doesn't think they should quickly make decisions regarding access. It probably won't get developed for a long time if it stays OR.

Mr. Coviello echoed Deputy City Manager Hayden's point. Thinking about how they will get to the facility to visit their Moms, they will use Islington Street. Also, this would have to go to Site Review. He felt an accessway might be a calming effect on Islington Street but a traffic study would address that.

Mr. Coker referred to the Master Plan, page 28, under #6, Islington Street, Railroad Corridor, Borthwick Avenue, Land Use 7-6 indicates that they should do a long range study of the area and they have not done that. If they have any faith in their Master Plan, they should carry out a study of the area.

Mr. Geffert was going to reference that part of the Master Plan for them to do an overlay study. The Master Plan indicates they do not know what to do with it and they open it up for possibilities. She felt it was ultimately up to the community to decide what they want to do and paying a consultant to tell them what they already know is a waste. She felt this particular element of the Master Plan puts this piece in play. She felt the Board needs to look at this as a blank slate because she felt the Master Plan was saying that this piece of property may not be properly zoned.

Chairman Ricci felt that Ted Connors made a compelling argument about people over a certain income level could not find housing. Would this give people over a certain age a place to go? People who did not qualify for Portsmouth Housing could not afford anything. Mr. Holden indicated they are looking at a zoning amendment and not a specific project. Deputy City Manager Holden felt they might endorse the concept and write an overlay district but this project may not be able to build this project as they currently have it designed.

Mr. Coviello went back to the Master Plan and the housing needs and he thought of Elwyn Park when he read it and thought how great that would be wasn't sure why the previous proposal was denied. Vice Chairman Hejtmanek confirmed that they applicants withdrew that proposal and it simply died out. Mr. Holden confirmed there was never any recommendation on that project.

Chairman Ricci felt points have been raised for both sides and public benefit is a great question.

Mr. Coker felt that was the crux of this. The question being asked is what is the best use of this land. They have a concept in front of them that may or may not be. There are areas he is not comfortable with. He cannot move forward in support of a recommendation to the City Council without additional

information. He would like to see further information on the economic impact of this concept, he would like to see more public benefit, he would like a list and he would like to see some independent advice to this Board.

Chairman Ricci asked to go around the table and have the Board members summarize their comments.

Mr. Hopley did not have any comments.

Deputy City Manager Hayden felt at this point in time she wouldn't want to ask for another work session. The details will come out as they draft the zoning ordinance. She felt they should maybe endorse this in concept with caveats, such as access, the affordability component which is huge and how affordability is defined, it should include public benefit such as space allocated for a play field or senior center, which are her major issues. She felt they should be ready to kill it or report back to the City Council that they recommend with a list of caveats. Then they won't be coming out of this meeting, requesting staff to work on an ordinance for months and then they go to the City Council and they haven't been in the loop from a policy perspective.

Ms. Roberts agreed they need to give an up or down this evening. The applicant has been working really diligently over several months to provide the information they have requested. She just doesn't think it is the right approach to ask for more information from them. Her simplistic take on it is the two numbers were affordability of 10% of units would be affordable at 90% of median home value. They could request a higher number of affordable units or a lower percentage of median value. That is the type of thing she would like to see some flexibility on.

Ms. Geffert agreed they should be voting up or down. If voting up they should a signal to the Council that they feel that they know enough to go forward without a comprehensive study.

Mr. Coviello felt they should vote up or down. He understood that their vote tonight would not be to the City Council but would be to staff to prepare a zoning overlay? Mr. Holden indicated that they make a report back on whether they favorably or not favorably view the concept. Then the City Council has the option to decide what they want to do with that report. It would direct staff or the Department to start to implement that and eventually there would be an ordinance that would come back, probably again with a recommendation.

Mr. Rice hoped they would make a motion to move it forward and he agrees with everything that has been said.

Councilor Dwyer agreed with Mr. Rice. When she thinks historically where they get their housing for people who live here, it is some version of congregate, fairly dense, and price sensitive. This is just a different way for its time with the demographic of thinking about congregate dense price sensitive. She felt it would stand the test of time. To her, it felt like a step forward in the whole housing issue.

Vice Chairman Hejtmanek felt they should vote one way or the other. They are recommending to the City Council they view this favorably and then they would work on it. His question is whether they would see it again before they vote? Mr. Holden confirmed that any ordinance that is drafted, the Board will see. The City Council could accept or reject their recommendation for more information and the City Council would be the one giving them direction, he assumed.

Mr. Patenaude would favorably recommend the concept. It's not just the taxes but a lot of money would be spent in the community and it fulfills a need that the City needs for affordable housing for seniors. The fact that a lot of local people would move in would free up single family homes.

Chairman Ricci was really on the fence tonight. If this moves forward, he hopes that City Council members sit down and read this. What excites him is that they have flexibility and can work with staff

and the City Council to integrate public benefit and affordable housing. It excites him that it would provide them with so much flexibility and is the biggest point for him. He felt this was one of the best meetings they have ever had.

Chairman Ricci was looking for a motion.

Mr. Coker urged the Board that this is probably the biggest single proposal that has ever been before this Board. Mr. Holden stated it is one of the biggest but Pease is pretty big too. Mr. Coker felt that the City Council proved their wisdom on Smuttynose and he is extremely reluctant to move this to the City Council. They have not sat at these meetings and done the work that the Planning Board has done and he cannot support this because of that reason.

Deputy City Manager Hayden stated they have two options. They endorse the concept and report back to the City Council to let them know what they are doing and they are in the loop or they report back on nothing and they just say the Board endorses it in concept and directs staff to work on the ordinance.

Mr. Coker entertained a motion to postpone for one month and request very specific information from the developer and/or staff and at that point, he would be much more favorable to making a recommendation to the City Council. At this point he is not comfortable enough with it.

Therefore, Mr. Coker made the motion to table for one month to get more information on the demographic impact, the economic multiplier effect of this conceptual proposal, a detailed explanation of the public benefit and a planning study should be done as stated in the Master Plan. Then, after 30 days, they should make an up or down recommendation.

No second was made on Mr. Coker's motion.

Deputy City Manager Hayden understood his desire for more information but she would feel better if they started working on this ordinance. She felt the next logical step was for staff to work with the applicant. She felt there was enough support tonight to move forward in some fashion or maybe the motion will be just to direct staff to work with the applicant on an ordinance based on their discussions.

Deputy City Manager Hayden made a motion to direct staff to work with the applicant, based on the input received particularly this evening, and come back to the Board with a draft ordinance. Vice Chairman Hejtmanek seconded the motion.

Mr. Coker confirmed that there would be no recommendation to the City Council tonight. Chairman Ricci confirmed that was correct.

Mr. Coviello wondered if they should report back to the City Council in some way that they have directed staff to prepare a draft ordinance to include recreation space, a component of affordability with a priority to Portsmouth residents, an access study, financial protection to the occupants and a component of public art.

Chairman Ricci felt that should be part of the motion, just to capture it.

Deputy City Manager Hayden amended her motion to include an informational report back to City Council.

Councilor Dwyer agreed and felt it was very important. She felt it was a different time on the Council and there is a lot of pressure for them to move forward on the zoning activities and to see where all of that is coming to. At the last Council meeting, they set up a committee to work on alternates on

housing. She felt this takes a couple of items that the Council is working on and moves them forward. She felt this is very different than the other issue but she did say that what they had in common was information and on the other issue they never were able to explain what they were doing. She felt they were going to be able to do that on this one.

Chairman Ricci stated he will support the motion and felt it addresses Mr. Coker’s concern and his own concern. They want the Board to say yes with staff changes before it goes to the City Council. With no disrespect to any Council members, they are not sitting here and he wants this Board to say this is what they want and then send it forward.

Deputy City Manager Hayden commented that she made this motion knowing that the Board currently has a tremendous amount of work as does staff on the current zoning project so she has no expectation that this will happen fast. It will take time and resources and they have to figure out what resources they have to accomplish that.

Chairman Ricci felt they have given the applicant a direction that they are moving towards.

Mr. Coker asked the maker of the motion if she would consider including in her motion information regarding the demographic impacts of 680 elderly fairly well-to-do people in the City, the multiplier effect from the economic side, a listing of the public benefit and he would forget the study for now. Those are key items for him. Deputy City Manager Hayden stated she would not feel good about amending her motion at this point in time. Mr. Coker asked why? Deputy City Manager Hayden stated they may determine in the future that they need key data but she is not in complete agreement with that particular study. If they are going to ask them to do additional studies, she would like to give them a clear understanding so they can tell them exactly what they want at a scoping session. Vice Chairman Hejtmanek felt the multiplier effect is a concept that will come about automatically and a study doesn’t need to be done.

Mr. Holden noted that one of Mr. Coker’s concern was public benefit and he felt that had already been addressed. Mr. Coker stated he would like to see it further clarified.

Chairman Ricci called for a vote.

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 March 20, 2008.