

**MINUTES  
OF  
WORK SESSION**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**APRIL 30, 2009**

**MEMBERS PRESENT:** John Ricci, Chairman; Vice Chairman; Donald Coker; M. Christine Dwyer, City Council Representative; Paige Roberts, John Rice; Anthony Blenkinsop; Cindy Hayden, Deputy City Manager; and MaryLiz Geffert, Alternate

**MEMBERS EXCUSED:** Anthony Coviello; Richard A. Hopley, Building Inspector; Norman Patenaude, Alternate

**ALSO PRESENT:** David M. Holden, Planning Director; Lucy Tillman, Chief Planner; Rick Taintor, Planning Consultant, Robert Sullivan, City Attorney

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Chairman Ricci called the meeting to order at 7:00 p.m.

**I. WORK SESSION**

- A. Discussion on possible zoning amendments to permit Senior Housing Facilities in the Office Research (OR) District, subject to certain conditions. This session continues the Planning Board's review of a City Council referral (Borthwick Village).

Mr. Rick Taintor passed out copies of the revised draft of the Senior Housing Ordinance. He explained that the red text and blue text was used to help them understand the changes that have been made to this point.

Deputy City Manager Hayden stated that the title of the draft was being called "staff draft." She pointed out that this had nothing to do with what staff has prepared. Mr. Taintor explained that it started from that but the changes have come from the September 8, 2008 draft. She explained that this was "applicant draft" and not "staff draft." Mr. Taintor replied yes, that was correct.

At this point in the meeting, Mr. Mark Stebbins, one of the applicants, presented a detailed power point presentation to bring everyone up-to-date on the project. He pointed out that a number of changes have been made since their original proposal. The power point presentation compared the proposed project to two other similar projects in the area. He pointed out that the two big changes have been to reduce the density of the project and to add a nursing home component. He said that now the project becomes a CCRC, Continuum Care Retirement Community. He felt that this was an appropriate use for the site.

Mr. Stebbins stated that they were proposing 330 independent living units, 50 assisted units, and 30 nursing home units for a total of 410 units. This was down from the last proposal of 482 units. He said that their recommendation of the density requirements were 3,000 square feet of land per independent living, 1,500 per square feet of land for assisted living unit or nursing home unit. That would leave 73% of the site open. The size of the independent living units would be between 500 – 2,000 square feet. The heights of the buildings would be four stories with at level parking. Mr. Stebbins clarified that the parking would be half underground.

Mr. Stebbins stated that the entrance fee would now be \$225,000 for a life lease, which was down from \$270,000. The monthly fees to residents for services would range from \$1,800.00 to \$6,500.00. He pointed out that this was higher than what was discussed before and it was because of the nursing home component. He explained in detail how this would work with all of the components involved.

Mr. Stebbins explained that if a resident decided to move out, then 90% of their original investment would be refunded. The remaining 10% would be used to upgrade the unit and the facilities. When the next person was to come in, he/she would then buy at the current market value.

Mr. Stebbins explained that the current zoning for the site was Office Research and would allow for about 185,000 square feet of office space fully built out. Attorney Malcolm McNeill pointed out that there was existing office space in the general area that was sitting empty. Mr. Stebbins said that he hoped that this project would help spur demand for medical office space.

He continued to say that Appledore Engineering did a traffic study which showed that the project would not have a major impact on the traffic on Borthwick Avenue. He said that it was their goal to have one major access off of Borthwick Avenue and an emergency access onto Islington Street. This would depend on more traffic studies and Planning Board review. Chairman Ricci asked if any preliminary traffic analysis was done to determine whether it was feasible. Mr. Stebbins replied yes and it was determined that it would have minimal impact out onto Borthwick Avenue. He added that the analysis was done two years ago and would have to be updated.

Councilor Dwyer asked if a person could enter at any level or was the nursing component saved for people who have been in the independent living component. Mr. Stebbins explained that the goal was to get healthy people from the beginning because you would want them there for a number of years. He said that they would probably have people in the nursing and assisted living areas right away at market rates until the residents needed those spaces.

Mr. Coker asked about the estimation of the number of jobs created by the project. Mr. Stebbins said because of the nursing component, the number of jobs created would be close to 100. And more of those jobs would be skilled jobs.

At this point in the presentation, Mr. Stebbins gave a detailed discussion comparing Borthwick Village to two other projects in the area, River Woods in Exeter and Piper Shores in Scarborough, Maine. He also compared the population figures for each town: Exeter has 15,000 people, Scarborough has 4,000, and Portsmouth has a little over 20,000 people. Mr. Taintor pointed out that Scarborough actually has 19,000 people. He added that it was one of the fastest growing communities in Maine.

Mr. Blenkinsop asked how it would work if someone needed to transition from assisted living to nursing home care but the nursing care facility was full. Mr. Stebbins replied that their goal would be to keep individuals in the independent living area as long as possible. He explained that a couple scenarios were possible: the individual could bring in their own private care into the

independent living area or the individual could possibly move closer to the nursing area to receive care until a space opened up. He said that there was a very fine line between assisted and nursing. Nursing is for critical care patients. Councilor Dwyer said, having personal experience with this, that people will do anything to stay in their independent units because they want to hang on to that independence.

Mr. Stebbins stated that recently the demand for nursing homes has gone down. There is a much larger demand for assisted living and so their project reflected that demand. The reason for that is that it is less expensive to take care of a person in assisted living and it has a more independent living feel to it. He added that they would not have more than 40% of any one type of unit. They would like a nice mix.

Councilor Dwyer stated that River Woods in Exeter has quite a large dementia population. She asked if there was a plan for specialization with this project. Mr. Stebbins explained that they would handle special cases that were already living in the facility but would not take them from the outside.

Mr. Taintor asked what the land acreage was for River Woods. Mr. Stebbins said that he did not have that figure but it was huge because of its location out in the country.

Mr. Coker asked Mr. Stebbins what the public benefit, besides the tax revenue, was with what they were proposing. Mr. Stebbins felt that this was a project that was needed in Portsmouth. He said that Portsmouth takes care of its poor elderly but it does not take care of its middle and upper class elderly. He added that the project would leave a lot of open land, the impact on the neighborhood would be less invasive than an office park, the traffic flow would be less, and it would have significantly less impact on the community, such as the needs of upgraded traffic, police and fire, and schools. Also the idea that a recreational area could be developed on the site was a public benefit.

Deputy City Manager Hayden asked about the heights of all of the buildings. Mr. Stebbins said that some were three stories and others would be four stories.

Councilor Dwyer asked about Building J which was not attached to any of the other buildings. Mr. Stebbins said that that building was the independent and assisting living building and it would probably be connected. It made more sense to have it connected.

Deputy City Manager Hayden asked the length of the road coming into the project site from Borthwick Avenue. Mr. Stebbins replied that he did not know that figure.

Mr. Taintor pointed out that most of these types of facilities have a common dining area. He felt the site was really spread out rather than compact.

Mr. Holden stated that one issue that will need to be raised at some point is the relationship to the public and private streets.

Mr. Stebbins stated that the entire site is 37.89 acres. Excluding wetlands the site is 26.2 acres. He said that the density was calculated from the 26.2 acres. An office space plan had 10.2 acres of paved areas versus this project which has 4.9 acres of paved area.

Mr. Coker asked if there was the possibility of expanding the site in the future. Mr. Stebbins said they would not be able to with the density that they are proposing.

Mr. Taintor asked about the number of parking spaces provided. It was pointed out that the plan showed 269 surface parking spaces and 173 below grade parking. Mr. Stebbins said that could change slightly.

At this point in the meeting, Attorney McNeill talked about the draft ordinance. He stated that Mr. Taintor proposed an ordinance in September which contained many unfinished components related to density, parking, open space, etc. He said that the Planning Board did not significantly discuss it at that time. Since then, there was a follow up meeting in December and at that meeting, there was discussion about working further on an ordinance. Also, there was discussion about comparing the project to other CCRC's to determine whether this was what was wanted for this site. He pointed out that there was no density square footage in Mr. Taintor's draft so they looked at the site, the wetland areas, etc. and came up with a proposed square footage for independent living of 3,000 square feet. Work force housing was removed from the draft. Attorney McNeill said that he also included an open space calculation of 40%.

Attorney McNeill addressed the question of what would happen if an individual ran out of money. He said that he discussed this with counsel for River Woods and in the history of River Woods, only four people came up short with regard to money. They had not exhausted their deposits and no one had been removed from River Woods because of hardship.

Mr. Stebbins said that if someone has run out of money because of unforeseen events, they would return less of their deposit to them. Attorney McNeill added that this was River Wood's model and it has worked consistently and has not been an issue.

Attorney McNeill said that they were proposing that the project be reasonably phased over a period of years. He also said that the unit build out of the project would be proportionate to the number and types of units proposed. However, if there was a pressing need for a higher number of assisted living or nursing units, they could be disproportionately built in terms of timing.

Attorney McNeill stated that they should work harder at defining language that makes the project acceptable. If the project meets the criteria, it should be treated like any other type of project. He added that they would be happy to work with the city on this.

Attorney McNeill also pointed out that he struck out "deed restrictions" because there are no deeds involved with the project, just one owner.

Mr. Coker stated that he was having trouble with I 6. Mr. Holden said that he should take a look at the bigger picture, as to whether this concept can move forward.

Attorney McNeill pointed out that the plan presented this evening was a different plan. He said that if the board is in favor of this project, this draft can reach that result.

Mr. Taintor said that the September draft was a working draft. He asked if they wanted this to be a senior housing ordinance or a CCRC ordinance.

Deputy City Manager Hayden pointed out that they do not know what will happen in the future with the possibility of the property changing hands and a new proposal coming before the board.

Mr. Blenkinsop stated that the changes made to the project were very positive changes from where they were a couple months earlier. He added that the addition of the nursing home component was a very positive change for him.

Deputy City Manager Hayden suggested the board ask their questions of the applicants and then have board discussion concerning the proposed changes to the draft ordinance.

Councilor Dwyer stated that the proposal meets the various concerns that the board has put forth. She suggested that they look at additional ways to address the parking.

Ms. Geffert said that she appreciated the applicants' comparison data and felt there was a need for a facility like this in the community. She did not want to segregate seniors from the community. She suggested the concept of community interfacing. She added that this area was more suited for a Planned Unit Development rather than a re-zoning.

Chairman Ricci stated that he liked the idea of recreational fields located close by the project so that residents could go and watch children at sporting events. He added that the plan was a drastic improvement. He said that he wanted to get an idea from the other board members if they felt this project was heading in the right direction. If so, he suggested meeting in a week or two for final discussion.

Mr. Coker said that he has been one of the more vocal skeptics of the proposal from the beginning. He felt that this evening's presentation brought more clarity to the project. He said that one area of concern for him was the public benefit, minus the tax benefit. He would like to see more clarity concerning the public benefit.

Ms. Roberts stated that she has been a more vocal critic than Mr. Coker but she too, was please with what was presented. She said that the comparative data was helpful in getting some solid facts. She added that she felt more secure moving forward with the proposal.

Mr. Rice felt it was a more compelling presentation than in the past. He felt there was a need for it and he was interested in seeing it move forward.

Deputy City Manager Hayden stated that she felt they were headed in the right direction, however she did not want to lose sight of some of the issues that are still of concern. For her, she was concerned about the access and the phasing process. She still had concerns about density and stated that it would be one of the densest sites in the city. In addition, she added that she did not want the applicant to go away thinking the board liked the draft because there are a lot of changes that are needed in the draft from her perspective.

Councilor Dwyer asked Deputy City Manager Hayden to clarify her concerns about access. Deputy City Manager Hayden said that her concern was a 1,100 foot long roadway leading to a lot of older people, some of who may have medical conditions. She was aware of the other emergency access, but that access crossed a railroad track.

Mr. Holden said that city staff has raised this issue consistently because access and egress is an important issue. He said it would need to be looked at.

Deputy City Manager Hayden clarified that these are not deal breakers, they are just unresolved issues. She felt they needed to spend some quality time with the proposed draft now that they've heard the presentation.

Mr. Blenkinsop stated that he felt the concept was a good one but they still needed to do some work on the draft. He thought they needed at least another work session to do that.

Chairman Ricci said that the board needed to look at the draft ordinance itself. Deputy City Manager Hayden agreed. She felt they needed a separate work session. Mr. Coker commented that this was a large enough and important enough project to warrant another meeting.

Mr. Holden said that staff could coordinate with the Chairman to schedule another meeting. He said he would find the next available Thursday night.

Attorney McNeill stated that most of this ordinance was not written by him, it has been written by Mr. Taintor. He said that he has made some comments with regard to it. He said that the board should ask Mr. Taintor to try to draft an ordinance that was consistent with what he has heard tonight. Chairman Ricci responded by saying that staff can do that in the interim and bring suggestions to the next work session.

Mr. Taintor said there was still an outstanding question – did they want this to be a CCRC or did they want it to be something that would allow a whole range of things? The board was unanimous that they would like it to be a CCRC.

Ms. Geffert reiterated that she would like to see greater emphasis on community interfacing. She would also like to see some focus on LEED certified and green space. Chairman Ricci said that would be one of the focuses of the next meeting.

Deputy City Manager Hayden said it was her expectation that staff could look at some of the issues such as density and access, and respond to what has been deleted in red type and added in blue type at the next meeting.

## **II. ADJOURNMENT**

At 8:55 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
Acting Secretary to the Planning Board

These minutes were approved by the Planning Board on June 18, 2009.