

MINUTES

**PLANNING BOARD WORK SESSION
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MARCH 28, 2013

MEMBERS PRESENT: Anthony Blenkinsop, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; Colby Gamester; and Elizabeth Moreau, Alternate

MEMBERS EXCUSED: John Ricci, Chairman; John Rice; and Karina Quintans;

ALSO PRESENT: Rick Taintor, Planning Director and Juliet Walker, Transportation Planner

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Acting Chair Blenkinsop called the meeting to order and turned the meeting over to Rick Taintor, who introduced Juliet Walker of the Planning Department.

I. WORK SESSION

A. Potential Zoning Amendments for the Office/Research (OR) District, the Gateway District, and/or Mixed Residential Business (MRB) District, including the following City Council referrals:

1. Property located at 1900 Lafayette Road (Aphrodite and Louis Georgopoulos);
2. Property located at 3020 Lafayette Road (Jonathan Bursaw, Bursaw's Pantry), request to change the zoning from Mixed Residential Business (MRB) to Gateway District.

Mr. Taintor handed out a number of maps. One was the Lafayette corridor from the Rye line up to Heritage Avenue. Mr. Taintor pointed out 1900 Lafayette Rd, the Georgopoulos property, and 3020 Lafayette Road, Bursaw Pantry parcel that had been under previous discussions, as well as pointing out the shaded area where the site plan for the Armed Forces Reserve Center would be developed. He also handed out a table of uses for MRB districts plus the B district. He didn't include all of the uses in this table, leaving out those that would not be appropriate. A table of dimensional regulations, and Section 10.740 Conditional Use Residential Development was also handed out.

Juliet Walker pointed out the MRB parcels on Lafayette Road on the zoning map. Ms. Walker showed slides of the area which reflected part of the Master Plan goals relating to redevelopment of commercial areas throughout the City, as well as a reference to updating Office/Research District standards to address issues of mass and scale for the sake of encouraging appropriate development in the corridor. The Master Plan (MP) land use goal relates to allowing a balance of uses throughout the City, encouraging an appropriate mix of commercial and residential growth and redevelopment, in

particular permitting small scale commercial and service uses to promote neighborhood conveniences and decrease auto uses.

Ms. Walker said they pulled out some strategic areas in MP that needed to be reviewed for land uses including proposed zoning changes to provide a good transition from the residential area in the east and the industrial park to the west. Ms. Walker said prior to 2009 there was a request to rezone a parcel in the OR District on Lafayette Road for a brewery, in 2009 the Planning Board proposed rezoning all 7 parcels to the Gateway District, then in 2011 a property owner also requested to rezone all 7 parcels to Gateway, and now in 2013 there is a request to modify existing OR zoning requirements to a specific parcel.

Mr. Taintor said they have been talking about the OR District for a long time and it has been a struggle. Currently the Market Basket plaza is the Gateway District which was established through a contentious variance process and changed the neighborhood. As a result, Elwyn Park is nervous about the expansion of retail use in the area so retailers are often told they are probably not going to make it due to abutters. The lower end has some office buildings, a function hall and other business, and PSNH is at the northern end near Market Basket. Much to the concern of the city, the 6-acre **Iofolo** parcel is being developed as an Armed Forces Reserve Center, losing a large chunk of taxable development area, which could have been combined with the Georgeopolus parcel, now leaving one relic 4-acre parcel in the middle of this strip, difficult for the property owner to develop. The OR District is the most difficult district in the City to develop in regards to uses and dimensional restrictions, and was designed as a transition area between the industrial park to the west and single residential area to the east. Office use seems like a good transition, but retail not as much. Last time around they included some type of senior assisted living, and there was concern not so much from Elwyn Park residents but more from the residents of the other large OR District off Islington Street where there was a continued care retirement community proposed. The assisted living residence proposal on this parcel was viewed as another way to get that use back in after it had already been turned down.

Ms. Walker went on with the OR District discussion, noting that there are particular issues related to the 1900 Lafayette Road parcel, and the Board needs to consider whether zoning changes would be particular to that parcel, or if they would affect other districts across the board throughout the City. Considering there are not a lot of development opportunities within the other OR Districts within the City, they previously recommended that this parcel be rezoned to Gateway to be consistent with the rest of the Lafayette Road corridor. However, the parcel is directly across from a large residential are, and it could pose conflicts with the residents. There was some thought to changing the Dimensional and Use Standards for all OR Districts, but there were concerns that would allow for other uses not appropriate for the context, but there were additional thoughts of changing the Dimensional Standards only without changing the Use Standards. Other thoughts have been to allow more residential uses, i.e. multi family, and they provided a draft residential development use that would be approved through a conditional use process. It would mimic Gateway Plan Development, which also a conditional use process, but removes the nonresidential use component, and restricts it to residential and multifamily primarily. The underlying uses of the OR District would still be allowed if requirements were fulfilled under the Conditional Use section, and the district could be expanded to multifamily use. Ms. Walker said other options could be considered in the context of whether it would be for just this one parcel or the entire OR District as well. One option for this approach would be to limit it to parcels on arterial roads so they wouldn't be inviting additional uses inappropriate for access and traffic generation. Those restrictions could apply to other business districts as well, not just the OR District.

Mr. Taintor said the idea of multi-family residential use in the OR District is that there is a tremendous demand for apartments in the City, particularly since there is no available multi-family zoned land for development remaining near the Downtown area. Multi-family could be a good transitional use between single family and commercial uses. Whether this would work at this site would need to be discussed, and how broadly to consider to other areas is another issue. This draft of changes to the Conditional Use Residential Development section would provide the Planning Board an opportunity for review, and consider what would be allowable if determined it was supporting the MP and beneficial to the surrounding community and neighborhood. The draft recommends similar density, dimensions and standards as other specifications in the City Gateway plan. Designed to be sustainable and pedestrian friendly, it was written for an arterial street like Lafayette Road. Mr. Taintor said he was not convinced that a modification of dimensional standards would solve anything because the issue is that there isn't much of a demand for office use on this corridor.

Mr. Blekinsop asked if the presumption is that the Board is starting here and this conditional use residential development would only apply to the OR District. Ms. Walker said they could apply it to other districts, but it should be discussed how the change would impact them.

Mr. Taintor said in the Table of Uses, on page 4, Section 8.80 of Gateway Planned Development they inserted this was only allowed by Conditional Use. The Gateway Plan Development already lists multifamily as part of mixed use development, but Conditional Residential Use Development could be added, and that way only allow something on a discretionary basis without saying it happens everywhere.

Mr. Blekinsop said if they apply it just to the OR District on an arterial street, then it would apply to approximately 6 lots, 5 of which are developed. Ms. Walker said if a lot has 200' of frontage on an arterial it would qualify. There are minor arterial streets, but they are already developed so it wouldn't apply. For instance, Islington and Woodbury are arterial, but Borthwick is a collector street. Mr. Taintor said there is a little bit of frontage on Market Street, but the rest is on Commerce so it probably couldn't be developed.

Councilor Novelline Clayburgh asked if Borthwick Avenue could be developed further with this change. Mr. Taintor said it could not because of the arterial frontage requirement. Mr. Taintor added that the reason they want a work session is to see what they think are the issues, and then they need to go back to City Council for a recommendation.

Councilor Novelline Clayburgh wondered if it would look funny if they had multiple residences on the lot. Mr. Taintor said that is the problem with that area with one type of development to the south, and then the Armed Forces Reserve Center, PSNH, and Market Basket Plaza which are all different from one another.

Mr. Gladhill asked where children would play in the area with industrial and office areas, and crossing busy Lafayette Road in the front. Councilor Novelline Clayburgh said it would be developed with families in mind.

Mr. Hopley said in relationship to blending in with the area, it struck him that the 50' height limit would be excessive. Mr. Taintor said the height is actually 60' as an office space. Mr. Hopley said in terms of residential, that would be very high.

Mr. Blenkinsop commented, not knowing if it would be good or bad, that other lots could be redeveloped if they changed the zoning, and there could be a span of residential units on that side of the street.

Ms. Walker said considering a mixed use with residential is also a possibility for consideration. Mr. Taintor said they would want to stay away from high traffic generator retail uses, and night time activity.

Mr. Gamester asked if anyone tried to use the Gateway District for development. Mr. Taintor said they encouraged developers to use the back part of the old Yokens site for integrated multifamily development, thinking of it as the keystone site for the Gateway District; but area developers don't seem to have a lot of experience with mixed use development, and tend to specialize as commercial or residential, so the RiteAid developer was the only one that made a proposal there. However, the Service Credit Union used the designation to get additional building height with design and LEED standards.

Councilor Novelline Clayburgh asked if there is no hope for office research going in on that lot. Mr. Taintor said there's always the potential, but it has to be the right buyer. There are three types of office developers, the kind that like to be downtown with small, high tech, and mixed use offices; low cost offices at PDA with lots of parking; and the unique office user, like the Service Credit Union, who wants to do something different, but this site doesn't attract any of those users.

Mr. Gladhill asked if the owner is trying to develop the site. Mr. Taintor said the owner has been trying to sell it for years and years.

Mr. Blenkinsop said the issue with the Gateway District is the retail. Ms. Walker said there was concern with conditional use for assisted living too. Mr. Taintor went through the objections to the proposed list of uses like a brewery that might have outdoor performances with amplified music like RedHook Brewery does at the PDA, or the increase in traffic from other recreational uses like a health club. Mr. Taintor referred to general concerns of added traffic, headlights, and late hours with all service uses and retail sales and shopping centers, saying neighbors feel the Market Basket was the first intrusion to the area and they want to hold the line.

Councilor Novelline Clayburgh asked if they might keep it as is and go to the Board of Adjustment. Mr. Taintor said anyone can always apply for a variance for anything, but if the applicant came and applied for a strip mall, but the neighborhood would probably oppose it and they wouldn't get the variance. Someone could come in for a multi-family variance, but generally people don't want to go for a variance, they want to go where they're wanted. Otherwise it would have happened by now.

Ms. Walker moved the discussion to the MRB. The other parcel on Lafayette Road is at 3020 Lafayette Road, Bursaw Pantry. It was impacted when the Fire Station was built, across the street from the Gateway, and it is more of an island than it was before. The owner would like more flexibility on uses and would like to be zoned as part of the Gateway, the same as his neighbors. However, the Staff is concerned that it would be an island surrounded by a residential area, and doesn't have very many suggestions for alternate uses.

Deputy City Manager, David Allen asked how big the lot is, and Mr. Taintor said it is tiny, and doesn't meet any dimensional regulations for the Gateway District. Allowing a broader range of uses looks problematic. As part of the Service Credit Union Project they will be connecting Lang Road to

Longmeadow Road so traffic from Rye will be increased there also creating an issue. MRB has a smaller lot area requirement, small street frontage requirement, and small setbacks so in some ways MRB would serve this lot well as a residential serving the business area. The question is if they want more flexibility in types of uses.

Ms. Walker listed some alternatives: Rezone to Gateway, rezone to Business, or expand permitted uses in the MRB. One suggestion the owner had would be to have some kind of food service there. A convenience store is already an allowed use in MRB, the same as Neighborhood Commercial Use, but restaurant type food service might be different. Mr. Taintor referred to the Table of Uses on page 4 stating that restaurants are prohibited in MRB, but they could consider a special exception to allow it. They would want to look at other MRB's around the City, around the periphery of the downtown, Atlantic Heights, and Sagamore Avenue.

Ms. Moreau said she has been by the area many times, and she thinks MRB is appropriate for such a small lot instead of rezoning it for a use requiring more square footage. Deputy City Manager David Allen agreed, and doesn't feel compelled to change it. Perhaps putting in a neighborhood food store would make sense for MRB, but other uses are available in the nearby Gateway area. Mr. Taintor said it would be hard to imagine how they would redevelop the lot even to support a fast food restaurant. Mr. Gladhill pointed out that it's smaller than most of the other surrounding house lots.

Mr. Blenkinsop asked if the Planning Department had heard from others that the allowed uses in MRB are insufficient and need expanding. Mr. Taintor said they had not. A year and a half ago they started looking at MRB and MRO parcels around town to adjust the dimensional intensity regulations because the MRB requires 7,500 square feet per lot and so many were non-conforming, particularly those with dwelling units and a store below on small lot. But and they were not looking at the dimensional standards, not use regulations, and that effort fell by the wayside.

Mr. Taintor said it sounds as if there is a consensus to keep this the way it is, and so they will bring it back at the April meeting for a vote.

Going back to the Georgopoulos parcel, Ms. Moreau said she would like to look the area over and think about it more. Mr. Taintor asked if the Board wanted more information. Ms. Moreau said an arterial map would be good, and the Board said they would like one map that would include the OR District. Mr. Blenkinsop asked if they continue the discussion in another work session. Mr. Taintor said he would put it on the April Agenda to discuss a little more out of concern for all that Mr. Georgopolos has gone through trying to sell his lot.

Mr. Gladhill said it seems like a lot of work to accommodate one lot and one owner, but anything the Board does will affect a larger portion of the City, and wanted to know if there was any feedback requesting changes to the OR from other property owners. Mr. Taintor said most of the other OR areas like Commerce Way, and the Marriott corner of Market Street & I-95 are largely developed and are pretty much built out already. The exceptions are the last lot between Borthwick Avenue and Islington Street, which developers are showing interest in, and have been turned down at the City Council level and will be controversial; the stretch along the North Mill Pond, which is mostly Rail Road land constrained by ownership, and this district on Lafayette Road. Mr. Blenkinsop said Mr. Gladhill's point is a good one but the market is telling us that the zoning doesn't work on that lot. It is just sitting there, not adding to the tax base and so they need to work through something.

Mr. Hopley said the lot has been a wasteland for such a long time, and maybe the Army will finish their development one day. Mr. Hopley asked if there is any validity to the thought that once the Reserve Center is complete, would it make that adjacent lot more attractive with someone on both sides. Mr. Taintor said the Army Reserve Center will be vacant five days a week.

Councilor Novelline Clayburgh noted that one use for OR is a clinic, and said she was surprised that no one has shown any interest in a health center. Mr. Taintor said a lot of health services are already on the Borthwick Avenue area for proximity to hospital, but it could happen. Mr. Taintor said perhaps after the April meeting they will decide to just sit tight and wait. He encouraged them to go through the Mixed Use Residential development hand out for consideration and comments.

II. ADJOURNMENT

A motion to adjourn at 7:20 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane K. Kendall
Acting Secretary

These minutes were approved by the Planning Board on .