

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

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

**7:00 pm**

**FEBRUARY 20, 2020**

**MINUTES**

**MEMBERS PRESENT:** Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Jay Leduc; Jeffrey Kisiel; Karen Conrad, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Corey Clark, Alternate, and Polly Henkel, Alternate

**ALSO PRESENT:** Jillian Harris, Planner I

**MEMBERS ABSENT:** Juliet Walker, Planner Director, Jody Record

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**I. APPROVAL OF MINUTES**

- A. Approval of Minutes from the January 16, 2020 and January 23, 2020 Planning Board Meetings

Mr. Gamester moved to approve the Minutes from the January 16, 2020 and January 23, 2020 Planning Board Meetings, seconded by Mr. Kisiel. The motion passed unanimously.

**II. PRESENTATION ON OPEN SPACE PLAN**

Peter Stith from the Planning Department provided a presentation on the Open Space Plan. For the past 10-15 years the City has done studies and plans that relate to open space. In 2010 the PULA study was created to document undeveloped land in the City. In the 2018 CIP \$50,000 was allocated for the development of an Open Space Master Plan. Resilience Planning and Design was hired to consult on the plan. The purpose was to build off the PULA plan and prioritize undeveloped land for protections and work to connect areas of open space parcels. The goals of the plan were to identify underserved areas in the City and property that could be acquired for easements or access. There was a steering committee that included the Chair of the Planning Board, the Chair of the Conservation Commission, and other key parties with conservation interests. They helped to provide feedback and direction. They put a request in this year's CIP to look at 2 sections of trails off the Great Bog and off Lang Road.

Consultant Steve Whitman from Resilience Planning and Design commented that the City referred to open space as natural lands of any size. During the process they started to hear from the public and the benefits they saw. They mapped the spaces with GIS data, classified land use types, and calculated the distance from people's residences and work. They tried to figure out where people were going in the City. Once they had a good understanding of existing conditions there was a public meeting in the City Council chambers, one at the Urban Forestry Center and they had a table at the Piscataqua River Front Event. There was also an online survey and interactive map that interested parties could fill out. They

studied how the public were using the trails now and what could be improved. The trail systems that were the most developed were the more popular ones. A Wiki map was put together to help people understand what street they were living on and where they were going. The Planning Board can use the Open Space Plan as a tool. There is a matrix and a map that show where a property is located and what opportunities exist for acquisition. There is an extensive matrix vetted by the Steering Committee. The map identified gaps for places that need protection. There is a second map for improvements which show management or access changes and recreation opportunities.

Chairman Legg commented that he was on the Steering Committee and was impressed with makeup of the committee and staff. It's a good product and hopefully the City can use this to activate a lot of these spaces. Portsmouth is an urban environment with a lot of green space.

### III. DETERMINATION OF COMPLETENESS

#### SITE PLAN REVIEW

- A. The application of the **Bethel Assembly of God, Owner**, for property located at **200 Chase Drive** requesting Site Plan Review approval.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

- B. The application of the **Weeks Realty Trust, and Carter Chad, Owners and Tuck Realty Corporation, Applicant** for property located at **3110 Lafayette Road** requesting Site Plan Review approval.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

- C. The application of **Hope for Tomorrow Foundation, Owner**, for property located at **355 (315) Banfield Road** requesting Amended Site Plan Review approval.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

#### SUBDIVISION REVIEW

- The application of the **Bethel Assembly of God, Owner**, for property located at **200 Chase Drive** requesting Preliminary and Final Subdivision approval.

Vice Chairman Moreau moved to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration, seconded by City Manager Conrad. The motion passed unanimously.

#### **IV. PUBLIC HEARINGS – OLD BUSINESS**

*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

*If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

- A. The application of **James and Mallory Parkington, Owners**, for property located at **592 Dennett Street** requesting a Conditional Use Permit according to Section 10.814 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit with 672 s.f. +/- of gross floor area in the second story of a newly constructed attached garage. Said property is shown on Assessor Map 161, Lot 18 and lies within the General Residence A (GRA) District.

#### **SPEAKING TO THE APPLICATION**

Braden Catcher represented the owners and commented that they were looking for a CUP for an ADU and a reduction in the required parking spaces. There is not much left for parking that is not on the City's property. There is an existing two-story structure on the corner lot of Dennett St. and Whipple St. There will be a new connector, a formal entry, and a 2-bay garage with a separate stairwell for the ADU unit.

Vice Chairman Moreau clarified that it would be a one-bedroom unit and questioned if there would be an entrance on the inside of the garage or in the connector. Mr. Catcher confirmed that it would be a one-bedroom unit. The ADU has its own dedicated entrance on the side. The connector is for the primary owner's entrance. They can access the garage through the connector too.

#### **PUBLIC HEARING**

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

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

The Board voted to **grant** this request with the following stipulations:

Vice Chairman Moreau moved to grant the requested modification to the parking requirements to allow three (3) parking spaces, one of which does not comply with the dimensional requirements of Section 10.1114.21 of the Zoning Ordinance, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau moved to find that the application satisfies the requirements of Section 10.814.60 of the Zoning Ordinance, seconded by Mr. Gamester. The motion passed unanimously.

**Vice Chairman Moreau moved to grant the conditional use permit as presented, subject to the conditions listed below, seconded by Mr. Gamester. The motion passed unanimously.**

- B. The application of the **Bethel Assembly of God, Owner**, for property located at **200 Chase Drive** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of 109 on-site parking spaces where a minimum of 134 are required. Said property is shown on Assessor Map 210, Lot 02 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

Vice Chairman Moreau moved to hear Old Business Items B, C, and D together and vote on them separately, seconded by City Manager Conrad. The motion passed unanimously.

### **SPEAKING TO THE APPLICATION**

Attorney John Bosen, Pastor Chad Lynn, Corey Belden and Eric Weinrieb from Altus Engineering and Robbi Woodburn from Woodburn Landscaping spoke to the application. Mr. Bosen commented that the proposal is to develop a 2.7-acre lot with housing units. This project works because the City rezoned the property to a Gateway Mixed Use District. The purpose of the Gateway Zone is to support the goals of the City's Master Plan, which is to create housing with developments that complement its surroundings to accommodate the needs of current and future workforce. Housing units in Portsmouth have changed. These 22 units are small and modestly priced. They have had many meetings with City Staff and the neighborhood to get here tonight. This project has been fully vetted for the past 2 years. A much larger development than what is being proposed could be placed on this site. This proposal is for 22 units. The church would remain on the existing site in a reduced capacity. The proposed project provides pathways, pocket parks and landscaping that will become community space. The community space complies with gateway zone requirements.

Ms. Woodburn commented that the landscape plan has been refined through the process. The Gateway Zoning includes community space as part of the development. The project designates 25% open space with greenway space, pocket parks, and pathways. There are good pedestrian connections through the site to the Market St. The goal is to make the property permeable to allow people to come through and create more fluid connections through to downtown. There are three north to south greenways that will loop through the site. There will be wayfinding signs to welcome the public. Greenway 1 is on the far right of the property and runs along the eastern side and connects to Chase Dr. and Market St. There will be benches that will be oriented out to the river and City along the path. Greenway 2 is in the center of the site and separates the church parking lot from the residential lot. There will be a small rain garden and they will have ornamental grasses to create a soft natural feel. Greenway 3 runs along the Market St. side of the church and there will be two small park areas. Pocket park 1 is right along Chase Dr. It will be a semicircular walkway with benches facing out to the street and plantings. There is a small park on the south side of the building. The church sign is in the middle of the space. There is an oval shaped pathway system with benches. Pocket park 2 is a smaller park at the western end of the site. It provides a small resting space for pedestrians along Chase St. and designates the beginning

of the community space. There are layered plantings proposed along the edge of Market St. that will enhance the view from the Market St. greenway. The proposed site improvements and landscaping will enhance the site. The connections will provide meaningful public spaces.

Mr. Belden commented that they were in front of the Planning Board in August for the design review. This is a unique site with three frontages. The goal was to keep the separation from the church and meet the setback requirements on all three sides. They looked at many options. Rotating the building required zoning relief. The building is at the lower end of the lot. Anything higher would push the building up in height. It is 43.8 inches tall building. Situationally this is the best location. It's a developed area so they will connect to surrounding utilities. There is an easement in front of the church for the water main. The plan includes storm water treatment for the entire site and is reducing runoff. The plan includes porous paver drip edges, rain gardens, and a subsurface chamber system for treatment. The site drainage is a significant improvement to the existing conditions. TAC requested that they connect the two lots, so that was added to allow for a circular movement through both lots. The application includes a parking demand analysis. Today there is 133 parking spaces on site. The proposal is to reduce it to a 75-stall parking lot. This is based on the demand for the church. The church uses the parking lot 4.5 hours a week on Sundays from 8:30 a.m.-1 p.m. That is the big demand for the church. The church has been maintaining attendance and parking records since March of last year. The average attendance for the 9 a.m. service is 105 people and the 11 a.m. service is 135 people. The average vehicle parking for a standard weekend service is 52 cars. The parking analysis shows that the peak weekend standard service is 172 attendees and the average vehicle is about 2.6 persons per vehicle. Within the year during the standard services there has never been a time when the church required more than 75 spots. There were some special events in the year. They may not be able to do those types of events anymore and they understand that. For the Thanksgiving service they implemented some parking policies. Volunteers parked off site and were shuttled in. They hosted 202 people with 60 cars for that event. The church capacity is currently over 500 people. The recommendation is to reduce that to 250 people. That still meets the churches needs and they are fine with that reduction. It is understood that they will need to work with the city to do that. The church has met with the Fire Department and Building Inspector to walk through the site.

Mr. Bosen commented that part of the criteria for the parking CUP was to identify measures to reduce the parking demand. The church has been part of the community since the 1960s and been in its current location since 1972. When the base closed the church lost 2/3 of its membership. The church has been struggling with the debt associated with that. This would help let the church serve the current members. The property is located on a COAST public transit route. The development has been designed for a use appropriate to the context of the neighborhood and meets the City's objectives.

Vice Chairman Moreau questioned if selling the condos disrupt the ownership requirements for a development site. Mr. Bosen responded that it only has to be commonly owned for the approval process and the time of construction. Vice Chairman Moreau questioned if they would have assigned parking spots for the residential lot. Mr. Bosen responded they would not be assigned. Vice Chairman Moreau questioned where the snow storage would be on the site. Mr. Belden responded that they have identified some areas on the plan for snow storage. One is on the south side of the parking lot in the grass area that is the greenway between the parking lots. There is also a large corner on the church parking lot near the trash storage. It will be removed off site if necessary. Vice Chairman Moreau commented that some of those areas are public spaces. Vice Chairman Moreau requested more detail about what kind of trees and screening there would be between the parking lot and Market St. Ms.

Woodburn responded that the trees between the main parking lot and Market St. would be elm trees that will get big over time. Under the elms there will be layers of junipers and native grasses that will screen cars. In the greenway between the parking lots there will be multi stem birches and ornamental grasses. There are existing trees between the parking and Chase Dr. Vice Chairman Moreau clarified that the screening would be evergreen. Ms. Woodburn confirmed that the junipers were.

Mr. Clark questioned why catch basin 2 and the porous pavement next to the building weren't included in the hydrocat model. Mr. Belden responded that the catch basin was added because of the sheet flow coming down the entrance to the apartment building on the south end of the parking lot. In general, the porous pavement section catches the flow and so that was taken out of it. Mr. Clark commented that the rain garden and overflow structure were almost double counted. Mr. Belden responded that they would check it out. Mr. Clark questioned if they considered putting parking where the two houses on the property were and then having more green space in the middle. Mr. Belden responded that they went through a lot of options. Those houses are where the pastor and assistant pastor live. That was not an option.

Vice Chairman Moreau questioned who would use all of the greenways and connectors other than the neighborhood. Pastor Lynn responded that their parking lot and property have been involved with the gateway district already. There has been more people in and around the parking lot in the past 9 years. There is a lot of pedestrian traffic now.

City Council Representative Whelan was concerned about overflow and guest parking for the residential side. Mr. Belden responded that there would be 30 stalls for 22 units. That is 1.3 stalls per unit. Each unit will be designated 1 parking stall on the site. The additional stalls for will be for visitor parking. The church would be amenable to sharing parking outside of their service hours.

## **PUBLIC HEARING**

Attorney Scott Hogan was representing a group of property owners in the Chase Dr. neighborhood and spoke against the application. The neighborhood is petitioning the City to rezone the area and have concerns with this project. The rezoning petition is scheduled to come to the March meeting. A lot of neighborhood is here to address their concerns.

Pastor Chad Lynn commented that the church has has been in the present location since 1972. Pastor Lynn has been at the church for 16 years and the Pastor for 8 years. The church has grown, but there is still a dark cloud. The church voted unanimously to get out of debt up to and not limited to selling the church and moving to a different location if needed. They met with Mr. Kelm and the design team to come up with a creative solution. This is the least impactful thing to do in the neighborhood and still meet the church's goals. It will improve the largest piece of privately-owned property in the Gateway.

Natasha Karlin of 29 Brigham lane commented that the development does not meet the intent of the Gateway. The Gateway is to encourage a walkable mixed-use development. This is not mixed use and there is no commercial activity. This 4-story building will block views into the downtown and the park. It does not compliment the surrounding buildings. The landscaping sounds attractive, but it will not be a meaningful public space. A lot of people do use the area, but one of the most meaningful community pieces is that they park there.

Jason Karlin of 29 Brigham Lane commented that this is the same application they have seen for many iterations. If the application was for a clean subdivision and the allowed 9-unit building that would be encouraged by the neighborhood. The 22-unit proposal requires more permitting. A development site has to be controlled by a single entity. Those condos could be sold off before construction. The development is incompatible with the adjacent neighborhood. The application for subdivision can't be granted because it requires variances. It is unclear which side is the front. They need to pick a side.

Dianne Chalifour of 411 Cutts Ave. commented that she lives next to Pastor Lynn. The neighborhood has only one exit on Michael Succi Dr. Ms. Chalifour was concerned about the impact on the views, parking, property values and the change of the neighborhood context. This project will result in more traffic in neighborhood because people will be looking for parking. It will add congestion and noise.

Sandy O'Brien of 20 Brigham Lane commented that they like the church and they are not against it. Many people are concerned with development in the City. The architecture details of the building leave something to be desired. The landscaping is beautiful, but the building is lacking. Ms. O'Brien wanted to protect property values and protect the neighborhood from congestion.

Gale Peacock of 355 Chase Dr. lives across the street from the church. Ms. Peacock was concerned about the effect on property values. The proposed building is too big. The plan proposes 22 units with 30 parking spaces. That is an inadequate amount of spaces. If half of the new residents own 2 cars, then it will be a problem. Many families have 2-3 cars. The Board needs to look at the proposal and all the ramifications for the neighborhood.

Dave Succi of 118 Porpoise Way commented that he was a part time police officer in Portsmouth. A lot of people have to hire us to make sure they are safe. The church provides means to be take people under their wings and mentor them in a positive way. Mr. Succi has been impressed with the church and what they do for the community.

Kevin O'Brien of 20 Brigham Lane commented that he was happy to have the church in the neighborhood. There has been a lot of money spent by the developer and they been attending meetings since March of 2019. They have brought up concerns about parking at every meeting. The project gets a reduction because of the bus route. The new City park nearby has very little parking, which could cause a parking issue. Mr. Belden questioned the verification of the vehicle usage study. Mr. Belden attended on 2 separate days. All of the other data has been compiled by the applicant.

Mary Anne Gauthier of 36 Brigham Lane commented that she brought pictures of the church parking lot on a Sunday from 4 different dates. There is a number of spaces filled. The church has continually said they have parking attendants and they aren't there in any of the pictures. The church has requested a reduction of parking from 175 to 109 to make room for an apartment building. The new building will have 30 spaces and the church will have 75 spaces. The church moved some cars around to a different lot to make it look like they fit. The parking attendants are not always there.

Pat Clancy from Nashua, NH lived in Portsmouth for many years. It is common knowledge this project is to help the financial difficulties of the church. Ms. Clancy understood the concept of the Gateway and mixed-use zoning. Ms. Clancy was a real estate broker and has seen property values impacted by a building that is out of character in the neighborhood. This will impact the view and cause congestion.

This will have a negative impact on the neighborhood. This seems to provide financial relief for one property owner. Keep this in mind once the character of a neighborhood is changed then it's done.

Assistant Pastor Aaron Ross commented that he lives in one of the homes on the church lot. The parking attendants are working every Sunday. They are church members, so they aren't out there through the whole service. They come a half an hour before the service and stay outside for 10-15 mins into the service. Then they come in to attend the service. Officers are doing security at the church. They are building relationships with the community and making the neighborhood safer because police are taking more interest in their property. There is a homeless community up around the corner on the railroad, so a police presence is good.

Sarah Merchi is a staff member of the church and has been part of the seacoast area for 15 years. There are a lot of different perspectives. The church is welcoming to the diverse community. People in the church are looking to the future and believe it involves the apartment building. This project is not the typical huge building. This smaller project is going to be good for Portsmouth.

Ed Richards of 435 Cutts Ave. commented that this is a contentious neighborhood issue. Although the neighborhood has asked for a different plan be developed, that has fallen on deaf ears. Concern has been raised since the beginning. They tried to divide the lot first. The ZBA denied it 6 to 1 and told them they should rotate it, make it smaller, and put it on Market St. They did not do that. The orientation is to get more money per unit. There has been a lot of development discussion to create affordable housing. This development is making luxury condos. Entry level housing won't make money for the builder and the church. The neighborhood will lose property values, or it won't increase as they should. The City spent a lot of money improving the Gateway entrance and this building will block it.

Marilee Clark of 461 Cutts Ave. commented that parking should not be allowed on Chase Dr. on the right-hand side going up the hill. Emergency vehicles cannot go up the hill if there is parking on both sides. It needs to be posted no parking. There is also a speeding problem on Market St. Ext., which makes it difficult to make a left-hand turn onto Market St. out of the neighborhood. If the lights don't coordinate, then they can't get out. There should be traffic calming measures to make it safe because there will be more congestion if the building goes up.

Josh Jackman who works at the church commented that this is an amazing upgrade to what is currently there. The developer has only done amazing things with the projects he's touched in Portsmouth. This project does meet all the requirements.

Susan Suarez is a member of the church and commented that Portsmouth has grown exponentially. The 2025 Master Plan was created by public feedback. The goals were voted on by members of the community to create vibrant walkable areas. The housing needs are growing. This project will continue the beautification of Portsmouth and add more housing. It aligns with the Master Plan.

Lester Grover is a member of the church and commented that nobody likes change. The church didn't like it when I-95 and Market St. split the neighborhood. The church runs Operation Blessing, which is a huge help to the City. The church getting out of debt will help them meet the spiritual and physical needs of people of Portsmouth. Church members don't park up in the neighborhood because of the emergency vehicle issue. The parking gets messy on the street because of major City events.



Steve Robinson is a member of the church and commented that this plan is the least intrusive and smallest project that would make sense for the town and the church. The church's mission is to get out of debt. Even if they have to sell the entire property. If that happens then a developer will create a bigger structure that will be more intrusive.

Pam Lemire is a member of the church and commented that she was one of the parking attendants. People still use the parking lot as a park and ride. The cars in the parking lot are not all church members.

**Second time speakers:**

Assistant Pastor Aaron Ross commented that he has had struggles in life. Then he got his life turned around and this church became his home. There are many connections and family made through the church. The church is used for 2 hours on Tuesday night and 4-5 hours Sunday mornings. The rest of the week it's empty. They don't get close to 75 cars. It will be less traffic compared to what could be there. The property values should not be impacted. Mr. Ross knows people who are interested in buying homes in the area. There will still be interest.

Pastor Chad Lynn commented that they submitted letters from people in the church and a petition for the project. In the narrative on the parking they never had a single Sunday where it impeded traffic on Chase Dr. City Council approved no parking on one side of Chase Dr. The church had an understanding with the City that they can use the parking lot for the past 9 years. That is the examples of when there was an overflow. This project will not impede traffic in the neighborhood. They want to be a good neighbor and have a plan if the church grows past capacity. They can add a service or have a satellite building in Seabrook, NH. Most of the neighbors are above the project elevation. A lot of the houses are over 400 feet away from the project. Traffic will go down because the City won't use the lot anymore. No one has complained about traffic now.

Ed Richards of 435 Cutts Ave. commented that at the ZBA meeting in March 2019 they suggested rotating the building and changing the front of the building. The developer switched gears and did a complete development site of the property. That means it is the same plan that was shown in March 2019. That makes the boundary line frontage on Michael Succi Dr. Planning Director Walker says they have the choice of three streets. The building should have been rotated. Planning Director Walker said they can't put the building on Market St. because they can see the parking on Market St., so they have to face it on Michael Succi Dr. Now parking can be seen from all angles. They have not seen renditions of the back of the building. The flat roof is inconsistent with all the rooflines in the neighborhood. The ZBA said that the building is not what they anticipated for the Gateway. It should be smaller and more consistent with neighborhood. This didn't happen because need they need to make the money. The neighborhood should not have to suffer the financial consequences to get the church out of debt. The building exists as a special exception. They are tax free and the neighborhood pays taxes. Mr. Richards was concerned about dropping the parking from 175 spaces to 75 spaces. The building will have inadequate parking spaces for the building capacity. The plan is that overflow from the apartment building will be able to park in the church parking lot. If that's true, then where does that 75 really end up. This plan is trying to put in a building that is too big on a lot that is too small to solve a financial problem that does not impact the neighbors.

Attorney Scott Hogan reiterated that the neighborhood has been put in an unenviable position. This project works because the area was rezoned. That rezoning was out of character with the neighborhood. The proposal is for a development site and subdivision with 2 CUPs. It is too intense for the neighborhood. It looks like spot zoning. There has been a lot of disagreement about whether the regulations have been met or not. The City defines a development site as any lot or group of lots owned or controlled by the same person or entity for a single development. The Staff Memo states a development site does not have to be controlled in perpetuity just until the approved project is completed. Mr. Hogan questioned what the practical and legal aspects of that were and what future compliance there was for conditions of approval and maintenance. There have been measures taken to mitigate impacts on the adjacent neighborhood character. The community spaces seem at best contrived and at worst tortured. There is a waiver request for the dumpster. Any relief required for this proposal is of its own design. There is no basis for the traditional hardship to the applicant. There are outstanding issues from TAC that were made conditions of approval. They are shortcuts to avoid the rest of the public hearing review process. How the church's capacity is reduced should be part of the public discussion.

Jason Karlin of 29 Brigham Lane commented that he did not think the project met the intent or technical requirements for community space. A 22-unit building is too big and they can only make it work as a site development. The community space is to promote community. Greenway 3 doesn't go anywhere. The area with the church sign in it doesn't make any sense. Pocket park 2 borders the pastor's house and driveway with benches and plantings. Pocket park 1 at the front will be beautiful and will primarily serve the church members. It won't be welcoming to the public. The retaining wall will damage the roots of the tree. They need railings. There should be walkway lighting. Snow storage will create smaller community space areas in the winter. Landscaping is the first thing cut when the budget goes over. During the TAC process one of the conditions imposed on them was to physically reduce the building capacity. A CUP cannot be granted tonight because the application is flawed. Mr. Karlin was concerned about the development site ownership requirements. The subdivision approval cannot be granted. This solution should not be forced onto the neighborhood. A rotated 9 unit building would be a win for the church and the neighborhood.

Dianne Chalifour of 411 Cutts Ave. commented that there was a lot of passion on both sides. It is a special neighborhood and special church. Ms. Chalifour was concerned about the overflow parking scenarios that could come up. The condo building as proposed would need overflow parking for residents and guests especially on weekends, nights, and holidays. People who have parked in that lot while visiting Portsmouth will continue to park there. Ms. Chalifour was concerned that if there are not enough parking people will continue to park in the neighborhood. People won't go to the parking garage and walk down unless parking is restricted in the neighborhood. There is not enough parking to account for the overflow.

Sandy O'Brien of 20 Brigham Lane commented that when situations like this come up in future it would be helpful to collaborate before everything gets started. They met with the pastor and that was appreciated, but it was late in the process. They have heard tonight if they don't accept this something worse will come along. Ms. O'Brien questioned if this would really be a center of activity. The building is not attractive. It is big and blocky.

Kevin O'Brien of 20 Brigham Lane commented that they received a 25% reduction because of the proximity to the bus stop. The parking plan shows an example of stacking with parking in the aisles.

Mr. O'Brien was not sure if they were suggesting using cars parked at Foundry Garage as part of their plan or not. The Zoning Ordinance has pictures of nice low-rise buildings that look like houses in town. That's what was put in for G2 zoning. They look small compared to what is proposed tonight. The new building eats into the parking at the church. Now they need a CUP for parking. They did not seek to reduce the church or condo building size. They created a parking issue that would be easily avoided with a less intense project. The ZBA did not see the hardship in the property. They should flatten the structure out and give a better view corridor.

Steve Robinson is a member of the church and commented that possibly having to sell the church is as much of a threat to the church as it is to the community. The church has been embedded into the community. They are very involved with operation blessing and other activities. If a developer buys it, they would level the church and houses and do what they could to make money. The goal is to get out of debt and stay to be a positive influence in the community.

Robbi Woodburn of Woodburn Landscaping commented that there are many examples of before and after situations where they start with a place that is not inviting and make it beautiful. The greenway spaces especially are meaningful and provide connections.

Corey Belden with Altus Engineering commented that they have had many discussions with TAC and the Planning Department. It would be easier if the lot did not have three frontages and they did not have to account for all of them. Rotating the building would require a variance. This proposal does not require one. The City requires 1.3 parking spaces per unit for this project and that is the 30 stalls that are provided. The church's existing lot is based on the 545 capacity. The City zoning is for 1 stall for 4 occupants. 75 parking stalls would allow a capacity up to 300 people. The proposal is to reduce the capacity to 250 people. The church is working with the building department on how to do that. The church can provide additional services if the capacity gets too large. They have met with PTS and requested no parking signage be added to the other side of Chase Dr. That has gone through PTS and was approved by City Council and will be done regardless of this project's outcome.

Eric Weinrieb with Altus Engineering noted that there had been a lot of comments and he won't be able to respond to all of them. There have been concerns that everything in the proposal may not actually be built. Everything on the plans will get constructed. A lot of work went into the architecture to set it back and make it smaller than what the Ordinance allows. They put a lot of thought into it and how the property would be viewed from abutting properties and Market St. The speeding concern that was raised is an enforcement issue. Right now, the church is public parking and they won't be opposed to continuing public parking in off times.

Maryanne Gauthier of 36 Brigham Lane noted that someone commented that concerned residents should move because people are interested in making offers. Ms. Gauthier moved here because she wanted to move here. Ms. Gauthier is not interested in moving. The property values will be effected and that is concerning.

### **Third Time Speakers:**

Dianne Chalifour of 411 Cutts Ave. commented that she knows previously interested parties that would not be interested in buying her house anymore because of this proposal. The pool of interest is reduced. One of the spaces on Michael Succi Dr. should be an ADA space for the park. The size of

the congregation can go either way in the future. It can decline further or grow and surpass the new capacity. Growth or decline would impact the proposed parking. If this does not get approved tonight, then an overflow parking plan should be submitted.

Ed Richards of 435 Cutts Ave. commented that this was a last-minute zoning change for this area. It was originally intended to be G3 zone with a less dense allowance. Then at the last minute it was lumped into the G2 zone. It should have been G3 all along and that is what the neighborhood is asking the Planning Board to consider in March. Once the parking is changed it can't go back. Each condo should have a limit of one car per unit. The condo building should not be able to park overflow in the church lots. There should be no overnight parking on Chase Dr. or Cutts Ave. The church capacity should be 175 people. The building should have a sloped roof to be consistent with the neighborhood.

Attorney John Bosen commented that this project doesn't require relief as suggest by public. There are no variances on the project. There is a CUP for parking and for the development site. The property owner has the legal right to develop their property as allowed by the Zoning Ordinance. It is allowed by the Ordinance to put a 5 story 44-unit building on site. The Ordinance allows for a more intense development. That is not the proposal because this is the most compatible. The developer is experienced and has learned that 90% of these type of condo buyers will be single owners with one car. The concerns about the increase of traffic and safety are important. This is less intense than what could be permitted and what currently exists. There will be less travel with this proposal. The parking lot photos that were submitted were taken at peak hours and show plenty of excess parking. They were also taken at a time when the lot was leased to the City for public parking. The conditions of approval from TAC are reasonable. There was a comment made about needing to show how they will reduce the occupancy load. The applicant will work with the City to come to a solution as a condition of approval. Mr. Bosen respected the concerns of the opposition, but traffic, noise, and views are all part of urban living.

Assistant Pastor Aaron Ross commented that they have the potential of going somewhere else and something bigger will go in. Churches are closing their doors at a fast rate. This church wants to stay in this community. They do not want to have to sell this building. The church is here for a purpose.

Natasha Karlin of 29 Brigham Lane commented that these condos were going to be 2-3 bed units not 1-bedroom units. This is a downtown sized building, but this is not the downtown. The development should match the intent of the Gateway.

Jason Karlin of 29 Brigham Lane read from the requirement in the ordinance that stated an apartment building could be 4 stories or 50 feet maximum.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

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

Vice Chairman Moreau commented that she was concerned that physically reducing the capacity may not be possible. Chairman Legg commented that could be a stipulation. If they can't do it, then they don't get the CUP.

Vice Chairman moved to accept the findings of the applicant's parking demand analysis and to find that the provision of 109 parking spaces on-site will be adequate and appropriate for the proposed 22-unit development site as long as the proposed measures to reduce and manage parking demand are implemented, seconded by Mr. Gamester. The motion passed by a 9-1 vote. City Council Representative Whelan opposed.

Vice Chairman Moreau was comfortable with 109 parking spaces because the occupancy load would be reduced to 250.

Chairman Legg was comfortable with the 250 target proposed by TAC. Chairman Legg was comfortable with the reduction in assembly space and the parking management plan proposed was more extensive than others that have come before the Board.

Vice Chairman Moreau moved to **grant** a conditional use permit pursuant to Section 10.1112.14 and the requirements of Section 10.1112.62 for provision of shared parking on separate lots to permit a total of 109 parking spaces, seconded by Mr. Gamester with the following stipulations:

- 1) the church shall implement renovations to the assembly space to reduce the maximum rated occupancy to 250, subject to final approval by the Planning and Inspections Departments;
- 2) any special events that are anticipated to exceed parking capacity beyond 75 spaces shall require implementation of a parking management plan. At no time shall parking management plans include blocking of parking lot aisles and accessways or on-street parking in the neighborhood. The parking management plan shall be finalized for review and approval by DPW and the Planning Dept. prior to building permit issuance;
- 3) the shared parking covenant and an access easement for the proposed driveway between proposed Lots 1 and 2 shall be reviewed and approved by the Planning and Legal Departments and recorded at the Rockingham Registry of Deeds;
- 4) A report back shall be provided to the Planning Department after 1 year of occupancy of the completed residential apartment building, confirming that the proposed shared parking arrangement and parking management plan meet the demand as proposed, to be reviewed and approved by the Planning Department.

The motion passed unanimously.

- C. The application of the **Bethel Assembly of God, Owner**, for property located at **200 Chase Drive** requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 2.7 acres (116,591 s.f.) and 1,635 ft. +/- of street frontage into two (2) lots as follows: proposed Lot 1 with an area of 89,054 s.f. and 1,106 ft. +/- street frontage and proposed Lot 2 with an area of 27,537 s.f. and 529 ft. +/- street frontage. Said property is shown on Assessor Map 210, Lot 02 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

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

Vice Chairman Moreau moved to **grant** this request, seconded by Mr. Gaemster with the following stipulations:

- 1) Lot numbers as determined by the Assessor shall be added to the final plan;
- 2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plan;
- 3) GIS data shall be provided to the Department of Public Works in the form as required by the City;
- 4) The final plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

- D. The application of the **Bethel Assembly of God, Owner**, for property located at **200 Chase Drive** requesting Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a new 22-unit residential apartment building with a footprint of 7,660 s.f. and 29,607 s.f. GFA with grading, lighting, utilities, stormwater management, landscape improvements, and community space. Said property is shown on Assessor Map 210, Lot 02 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

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

Vice Chairman Moreau commented that this should be mixed use. The whole idea for this zoning is that there would be residence mixed with services. This is an isolated lot, so the opportunity to get more mixed use is low.

Mr. Leduc agreed and questioned if the Vice Chairman considered the church or park mixed use. Vice Chairman Moreau responded that they were, but there should be more. Mr. Leduc commented that the church, park, and residence made it mixed use.

Chairman Legg commented that a lot of members on the Board went through the gateway discussions and City Council approved it. The fundamental concept was to allow residential construction in commercial space to address the housing needs. Chairman Legg agreed with Mr. Leduc. It's mixed use.

Chairman Legg requested Ms. Harris clarify the owner requirement for the development site. Ms. Harris responded that the ordinance does not speak to one owner in perpetuity. It needs to be one owner to the completion of the project. Vice Chairman Moreau questioned when it was considered complete and questioned if they could add a stipulation to clarify. City Manager Conrad responded that it was not within their per view to determine ownership.

Vice Chairman Moreau moved to find that the application meets the requirements of Section 10.5B43.10 and to grant the Conditional Use Permit for a development site in the Gateway Neighborhood Mixed Use District, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, seconded by Mr. Gamester and to waive the following regulations:

a) Section 9.3.5 of the Site Plan Review Regulations – requiring dumpsters or other waste container pads to be a minimum of 20 feet from any property line or yard.

The motion passed unanimously.

Vice Chairman Moreau moved to grant Site Plan Review Approval, seconded by Mr. Gamester with the following stipulations:

Conditions precedent (to be completed prior to building permit issuance):

- 1) The plan shall include a note that the bus shelter currently on site will be reinstalled at an existing bus stop to be approved by the City.
- 2) Required cross-easements for access, circulation, and maintenance of any shared infrastructure between the two proposed lots shall be reviewed and approved by the Planning and Legal Departments prior to recording.
- 3) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded or as deemed appropriate by the Planning Department.
- 4) Parking spots on the residential apartment building lot shall be signed as “resident parking only” and plans shall be updated to note signage required.
- 5) Sheet C-4, Note 13 shall be updated to note that snow removal is required from all designated parking spaces.
- 6) Plans shall be updated to include pathway lighting within greenway #1, to be reviewed and approved by the Planning Dept.

Conditions subsequent (to be completed subsequent to building permit issuance):

- 7) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed according to the approved plans and specifications and will meet the design performance;
- 8) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council;
- 9) The drainage report and stormwater management plan shall be reviewed and approved by DPW.

The motion passed unanimously.

- E. The application of the **Weeks Realty Trust**, and **Carter Chad, Owners** and **Tuck Realty Corporation, Applicant** for property located at **3110 Lafayette Road** requesting Site Plan Review approval for the construction of 18 residential townhomes in 5 structures with a footprint of 15,880 s.f. and 47,252 GFA with associated site improvements, grading, utilities,

stormwater management and landscape improvements. Said property is shown on Assessor Map 292, Lot 151-1 and lies within the Single Residence B (SRB) District.  
CG VCM unanimous. Past 11.

### **SPEAKING TO THE APPLICATION**

Attorney Kevin Baum and Michael Kerivan from Jones and Beach Engineers spoke to the application. Mr. Baum commented that they have been through TAC and addressed those comments. Everything that is left are conditions of approval. They are seeking site plan approval to remove the existing single-family home and construct 18 townhouse units in 4 structures. Each will have 2 car garages with existing site improvements and landscaping. This site was previously before the Board to consolidate and adjust lot lines. The outstanding stipulations are to have the drainage system reviewed by the engineer and work with DPW. That is under review now and they will work with the City on that. Another is a request that the applicant retain mature trees. They are committed to retaining as many trees as possible.

Mr. Clark commented that they did a good job on the infiltration gallery but was concerned about the dogwood and cedars that were close to it. The root systems may affect the gallery. Mr. Kerivan responded that was a possibility. They could put in a membrane to keep the roots from growing into it. Mr. Clark noted that there was a 44-inch chestnut tree in the path of the sewer line. Mr. Kerivan responded that they could move the sewer line to avoid a conflict.

Vice Chairman Moreau questioned if the long chain link fence was on this property. Mr. Kervian responded that it ran right along the property line. They are planning to keep the existing fence on the left and east side. Then a vinyl fence will go the rest of the way around the property. Vice Chairman Moreau questioned if the screening trees would be evergreen. Mr. Kerivan confirmed that was correct.

### **PUBLIC HEARING**

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

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

CG moved to grant site plan review approval with stipulations including coreys' 2 including landscaping impacts and attempting to realign sewer line to avoid chestnut. Leduc.

Unanimous.

Mr. Gamester moved to **grant** this request, seconded by Mr. Leduc with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit)



- 1.) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.
- 2.) Design of drainage systems shall be subject to final review by the third party reviewer and approval by DPW. Plans shall be updated to consider protection of the stormwater infiltration gallery from tree roots and shall be updated to revise sewer line location as needed to avoid conflicts with trees that are to remain on site
- 3.) The final water services plan shall be reviewed and approved by DPW Water Division.
- 4.) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

Conditions Subsequent (to be completed after the issuance of a building permit)

- 5.) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.
- 6.) A stormwater maintenance and inspection report shall be conducted annually and provided to the City's Planning and Public Works Departments.
- 7.) Efforts should be made to protect the mature trees on the site that are adjacent the limit of work. Snow fencing shall be installed along the dripline prior to construction.
- 8.) All as-built plans and plans provided for recording to the City shall be in the coordinate system required by the Site Plan Review regulations.

The motion passed unanimously.

- F. The application of **Hope for Tomorrow Foundation, Owner**, for property located at **355 (315) Banfield Road** requesting Amended Site Plan Review approval for the construction of a 17,000 s.f. freestanding gymnasium and associated parking area to serve the existing private school on the property with related paving, lighting, utilities, landscaping, and drainage improvements. Said property is shown on Assessor Map 266 Lot 05 and lies within the Industrial (I) District.

**SPEAKING TO THE APPLICATION**

Eric Weinrieb with Altus Engineering and Architect Scott Hughes spoke to the application. Mr. Weinrieb commented that in 2017 they secured permits to subdivide. They constructed the facility and moved in during April vacation to finish the year in 2018. The school is thriving, but there is no gym. This application is to construct a gym on the site. The gym will be constructed in a vacant parcel. They resurveyed the area to get more detailed information. It will be a 17,000 square foot building with 16 new parking spaces on the site. There will be 11

spaces at the entrance into the site and 5 in the loop for parking. All will be with pervious pavement. They are required to provide a minimum of 60 spaces and are now proposing 77 spaces. An AOT permit for storm water management was acquired for the site prior to the 15% requirement. That created a challenge in how to treat the site. Ultimately this plan is reducing peak runoff. There is a new gravity sewer service. There was a traffic study because there was a lot of concern about people getting used to the site. Everything is functioning well. There is no reason for new lanes. One condition recommended by staff was to address concerns about drainage and work with an abutter. The direct abutter is here tonight. Up until today they understood the drainage issues were with an abutter 3 houses down. However, this direct abutter is receiving discharge from an underdrain. Right now, it flows straight out on to the lawn, but it can be diverted back to a rain garden on the site.

Mr. Hughes commented that the proposed gym will have a main court, 2 side courts, locker room, bathrooms, and multi-purpose rooms. The flex spaces will allow for different types of activities for different grades. The exterior will be similar to the existing building with the same coloration and materials.

Mr. Clark questioned if they considered putting solar panels on the roof. Mr. Hughes responded that they designed the roof to be able to hold solar. They will plan for it, but it will be budget dependent.

### **PUBLIC HEARING**

Cheryl Croteau of 285 Banfield Road commented that the drainage does come on the side of their house. It is bad especially in the summer when it rains. Mr. Weinrieb says he can fix it, but Ms. Croteau was worried it would still be an impact.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

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

Mr. Pezzullo commented that the staff memo mentioned some issues the abutter three down and included that as a condition for the applicant to work with DPW to address it. Mr. Weinrieb responded that they walked the property with Mr. Desfosses some of it is the owner's issues. They can try to help but ultimately it is not on their property. They can't go on another property and fix it, but they can help identify the issues. Mr. Weinrieb confirmed that they would help the direct abutter, and they can solve that on their own property.

Mr. Gamester moved to **grant** this request, seconded by Vice Chairman Moreau with the following stipulations:

- 1.) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.
- 2.) The applicant shall work with DPW and abutting property owner at 285 Banfield Road to resolve concerns regarding off-site drainage.

3.) A maintenance and inspection report for the porous pavement parking lot shall be submitted to the City's Planning Department on an annual basis.

The motion passed unanimously.

- G. **POSTPONED** The application of **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval to upgrade the existing shopping center with new and additional signage, a new driveway entrance off of Woodbury Avenue, and repurposing of the former supermarket space to separate retail space and new grocery space with accessory café/food court. Said property is shown on Assessor Map 238 Lot 16 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District. **POSTPONED**

Vice Chairman Moreau moved to postpone this request until the next regularly scheduled Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

#### V. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.  
If any person believes any member of the Board has a conflict of interest,  
that issue should be raised at this point or it will be deemed waived.*

- A. The request of **JSA Trust, Owner**, and **Madbury Capital LLC, Applicant** for property located at **361 Hanover Street** for Design Review of construction of a 2-story, 2,645 s.f. addition to the existing office building, a 14,615 s.f. addition to the existing building and a 3-story mixed-use building consisting of a ground floor non-residential use and 2-stories of residential use. Said property is shown on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) District.

Vice Chairman Moreau recused herself from the application.

Corey Colwell with TF Moran and Mark Muller from JSA Architects spoke to the application. Mr. Colwell commented that they have appeared before the Board for a Conceptual Consultation. They have since met with the Islington Creek Neighborhood Association. The proposal is at 361 Hanover St. and is what used to be the Heinemann Building and is now Building A with a footprint of 14,000 s.f. Building B is 1,300 s.f. with a wood shop. There are 65 parking spaces on site and a revocable license with the City of Portsmouth for 18 additional spaces. The proposal is to add a third story with 9 units to Building A and a new mixed-use building on the site. The first floor footprint will be 3,700 s.f. and will be used for commercial space. The second and third floors will have 9 units each. The upper floors will go over the parking on the ground level. Previously proposed commercial space has been eliminated to create an additional 18 parking spaces. They are required to provide 30 spaces on the site. This proposal provides 40 spaces and they can provide an additional 18 spaces. The building is across from the Foundry Garage if there are additional parking needs. The plan could provide access from this property to the garage. Last month the Board expressed concerns about the traffic entering the site. Hanover St. traffic enters the site from the south east corner. The bump out on the first floor of the building is the trash room. There will be overhead doors for the trash room and a loading area.

Another concern the Board had was traffic maneuvering through the site and parking. Traffic flow directional arrows were added on the site and at the adjacent roads. The exit was changed from the site to Hill St. as a left turn only. This will prevent traffic coming down Sudbury St. and accessing the site. People can only access the site from Hanover St. and Hill St. The last concern the Board had was the close proximity of the buildings. The concern was that the view from the third floor would be looking at parking.

Mr. Muller commented that the ground floor area would have lined the affronts on Hanover St. The Heinemann Building itself was originally 2 floors and the proposal is to add a single story for 9 additional units. The intent is to keep the footprint as close to the existing building as possible. There will be a few indentations on the upper left façade with recessed balconies and a center entrance. Both buildings will have a flat roof. There is a series of flat roof buildings directly adjacent to this site. The packet includes an additional drawing to show the profile of the buildings and views.

Mr. Gamester commented that they noted the neighborhood requested to remove the excess commercial building bump out, and questioned if any other suggestions were incorporated. Mr. Colwell responded that their primary concern was parking because they felt that overflow parking went into their neighborhood. The bump out did not provide a lot more commercial space, but it does give 18 spaces if it is removed. There were concerns about the building being close to Hanover St., but it complies with zoning.

Mr. Clark commented that the 2-way road by the Heinemann Building onto Hill St. was sketchy to drive through. It tightens up at the eastern corner. Mr. Colwell responded that was a concern of the abutters. They felt the whole neighborhood was that way especially with parking on both sides. The goal is to not have a lot of traffic coming from Hill St. They want it on Hanover St. There was some concern over the width, but it can't be increased. Mr. Clark commented that the corner he was talking about was completely on their lot. Chairman Legg commented that was a choke point for the traffic flow. It will be an issue in the site plan review. Mr. Colwell responded that they have an easement to have traffic cross in that area. The easement reduces the tightness. Chairman Legg noted that should be made clear in the plans. Mr. Clark added that it should be a one way somewhere in there. It doesn't work today, and it won't work with an additional building. Mr. Colwell responded that it could be an exit only on Hill St.

Mr. Leduc questioned if they were concerned about echo noise in the open air parking. Mr. Colwell responded that they will put in sound proofing material in the floor. Mr. Muller added that it should not act as a microphone. It will be open on 3 sides.

Mr. Clark questioned if they considered putting solar on the flat roof. Mr. Muller responded that they haven't gone that far, but it would be simple at this stage to create a solar capable roof.

## **PUBLIC HEARING**

Matt Worth of 439 Hanover St. commented that the biggest issue for the neighborhood was the appropriateness of the zone. This site is in the Downtown Overlay District, which allows 0 lot line commercial buildings. The neighborhood petitioned the City to change it back to Residential C. Three story residential buildings are appropriate. This is not a pedestrian road, so it is unclear how it will function as a mixed-use building. The Heinemann had 150 employees and the parking was crazy there.

Mostly they parked all over the street. This plan does not provide any parking for the commercial use. There are no sidewalks from the garage to the building. The GPS will take people down Pearl St. This plan will just load up the neighborhood with additional cars. The main access should be aligned with the City street. This will cause traffic problems. The trash plan is problematic. There is not enough parking and people may assume that the Rock St. Park spaces go with this project. The plan is overkill for this neighborhood. They need to provide pedestrian access from the garage to the site.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

**DISCUSSION AND DECISION**

Chairman Legg noted that the comment raised about pedestrian access from the garage was good. That is a constraint and they should think about how to resolve that.

Mr. Gamester moved to determine that the Design Review process is complete, seconded by City Manager Conrad. The motion passed unanimously.

- B. **POSTPONED TO FEBRUARY 27, 2020 MEETING** The request of **Vaughan Street Hotel, LLC and Stone Creek Realty, LLC, Owners and XXS Hotels, LLC, Applicant**, for properties located at **299 Vaughan Street and 53 Green Street** for Design Review for the construction of a 5-story hotel with community space. Said properties are shown on Assessor Map 124 Lot 10 and Assessor Map 119 Lot 2 and lie within in the Character District 5 (CD5) District. **POSTPONED TO FEBRUARY 27, 2020 MEETING**

Conrad Clark unanimous.

City Manager Conrad moved to postpone this request until the next regularly scheduled Planning Board meeting, seconded by Mr. Clark. The motion passed unanimously.

**VI. ADJOURNMENT**

Mr. Gamester moved to adjourn the meeting at 12:14 a.m., seconded by City Manager Conrad. The motion passed unanimously

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Respectfully submitted,

Becky Frey,  
Acting Secretary for the Planning Board