

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

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

7:00 PM

May 25, 2023

MEMBERS PRESENT: Rick Chellman, Chairman; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Greg Mahanna, Peter Harris (via Zoom), James Hewitt, Jayne Begala; Greg Mahanna, Andrew Samonas

ALSO PRESENT: Peter Stith, Planning Manager; Nick Cracknell, Principal Planner

Chairman Chellman called the work session to order at 7:00. Nick Cracknell was present to give a presentation on the proposed zoning amendments scheduled for a City Council public hearing on July 10. Chairman Chellman also suggested that the board could have a public hearing on it on June 15. Mr. Cracknell said he had been working on incentive amendments put together by the Planning Department with inputs from the land use committees relating to the zoning ordinance that affects workforce housing and community spaces downtown. He said the incentives were either in the Character District that includes the north and west ends, downtown, and the Islington Street corridor that connects them, and the Gateway District. He said he would focus on the density incentives in the Character Districts and that the Gateway District would be addressed at a later time.

He said the presentation was broken into six parts:

1. Density incentives in the Overlay Districts (north and west ends).
2. Density incentives for large building footprints.
3. Density incentives for larger parcels in downtown and north and west ends.
4. New community space types that would be useful to add to the current 16 or so community space types.
5. Exemption of community spaces like plazas or parks that sit on top of subsurface parking from being counted in the building footprints.
6. Minor changes to the building height map, specifically for the south side of Bow Street, to be more consistent with the existing context and character.

Part 1: Density incentives in the Overlay Districts (north and west ends).

Mr. Cracknell said the existing density indicated that a parcel could be of any size. The incentive for the developer would be to get an additional story or height of ten feet and an increased footprint anywhere between 20,000-30,000 square feet, depending on the district. He said the incentive required the property owner to deed the City 20 percent of the parcel size as

community space. The second incentive was to have either community space or workforce housing. He noted that the workforce housing was pretty high for 30 percent ownership or ten percent rental, and he cited a few projects who used it, including 53 Green Street and 89 Foundry Place. He said the proposed changes to the density incentives in the Overlay District would require 1) a Conditional Use Permit (CUP) from the Planning Board instead of as-of-right; 2) lots greater than 100 feet from the North Mill Pond to provide both community space and workforce housing instead of either/or, and 3) adjusting the community space and workforce housing requirements to be more effective and equitable. He said the potential affected parcels could be 111 Maplewood Avenue, 163 Deer Street, 126 Bridge Street, and 361 Hanover Street, and he discussed them each in more detail.

Mr. Almeida said the deeded 20 percent community space was deeded to the City, and he asked if the City had to maintain or rebuild it. Mr. Cracknell said it would depend on the type of community space created. As an example, he said a wide pedestrian sidewalk would have outdoor dining and would typically be maintained by the City if it was along the street. Mr. Almeida asked if the 20 percent would be a taxpayer burden, and Mr. Cracknell said it sometimes would. Mr. Mahanna asked if it was assumed that lots less than 100 feet from the pond would not be built. Mr. Cracknell discussed it further and said all lots within 100 feet of the North Mill Pond would still be required to give community space. Mr. Hewitt said there were 13 types of community space, most of which were parks, ball fields and so on. He asked if the only two types that had been used since the enactment were pedestrian alleyways and sidewalks. Mr. Cracknell said there were also pocket parks and greenways. Mr. Hewitt said he had a problem with fire lanes and driveways being used for community space and thought there had to be a mutual sacrifice for the developer and the City. Workforce housing was further discussed.

Part 2: Density incentives for larger building footprints.

Mr. Cracknell said it applied to people living in the Overlay District or outside the District that wanted to put bigger footprints on their lots than the code allowed. He said the incentive was a CUP that gave the Planning Board control. He said if parking was placed on the ground floor, a liner building with businesses in it had to be built so that no one saw the cars when they walked by the parking lot at grade. He said 30 percent of community space was required instead of 20 percent community space. He noted that the AC Hotel and the Brick Market Way had used it and that, moving forward, he'd like to find a way through the CUP process for the Planning Board to ensure that there was enough funding and momentum to build the buildings faster. It was further discussed. Mr. Cracknell said if the in lieu payment couldn't come back, the 30 percent needed to be kept and not dropped to 10 percent. He said he would return with another amendment at the June 15th meeting to go back to 30 percent for projects that didn't have housing.

Part 3: Density incentives for larger parcels downtown and in the north and west ends.

Mr. Cracknell said potentially affected parcels for large building footprints were 62 Daniel Street, 143 Pleasant Street, 361 Hanover Street, and 124 Bartlett Street. He discussed the existing density requirements for larger parcels and said they had to be outside the north or west Overlay District. He said a bank could get an extra story of height in exchange for 20 percent of community space as of right. He noted that only the Portsmouth Housing Authority had used the

density requirement at 160 Court Street. He discussed several properties that were potentially affected and said they proposed to require a CUP instead of an as-of-right; require all project to provide both community space and workforce housing; recalibrate the numbers to be more equitable and effective; consider removing properties in the Civic Districts, like the Baptist Church; and consider adding incentives for smaller-scale developments.

Chairman Chellman said he would not exclude fire lanes altogether because some had grass growing on them. Mr. Hewitt said it had to be a mutual benefit and mutual sacrifice. Mr. Cracknell discussed shared streets that had millions of dollars put into them for paving, curbing, and so on. He said a shared street should be added as one of the community space types because people were willing to spend a lot of money to build a pedestrian friendly street that cars only occasionally used. It was further discussed. Ms. Begala said she thought moving it to a CUP decision was a positive shift and that the community spaces should have examples of shared streets as well as environmental considerations. Mr. Samonas said labeling a community space as a fire lane was a competing concept for community space. It was further discussed.

Part 4: New community space types that would be useful to add to the current 16 or so community space types.

Mr. Cracknell said they proposed to add three more community space types: a pedestrian passageway, a public observation deck on the roof, and a pedestrian arcade. He said he also proposed a shared street option. Ms. Begala suggested some sort of signage indicating when a community space or a greenway was going to be installed.

Part 5: Exemption of community spaces like plazas of parks that sit on top of subsurface parking from being counted in the building footprints.

Mr. Cracknell showed two examples, a formal plaza on one side and a parklike plaza on the other. He suggested considering that elevated underground parking with qualified community space on top of it be exempted. Mr. Samonas asked if there was a maximum square footage that could be applied to it. Mr. Cracknell said hopefully not. He said it was either a building or a community space.

Part 6: Minor changes to the building height map, specifically for the south side of Bow Street, to be more consistent with the existing context and character.

Mr. Cracknell said there was a building height map for all the Character Districts, and on Bow Street, most of the block was three-story and 40 feet tall buildings. He said they proposed to lower the building height standard to 2-3 stories and 40 feet along the south side of Bow Street to be consistent with existing conditions and the abutting properties along Chapel and Penhallow Streets. He said it would continue to allow for taller buildings under the density incentives for large parcels.

Chairman Chellman said the analysis didn't necessarily create the community plan. Mr. Cracknell said the incentive was for the one-acre zoning, and it went from 20 percent community space to 50 percent. Ms. Begala asked if the Board could require preliminary conceptual design

for the projects that were an acre. Chairman Chellman said it was already included. City Councilor Moreau said they also had design reviews, which were different from conceptual design because they locked in the applicant's zoning. Mr. Hewitt said he was concerned about the way future development in that area would affect the shadows on Bow Street. He said he hoped shadow studies would be done to ensure that section of Bow Street had the feel of being well lit in the winter. Mr. Cracknell said the community group has done shadow studies and that they should be online, and that the proposal was neutral and wasn't intended to lower what was there today. It was further discussed.

Councilor Moreau said that, because they were doing the CUP for the over one-acre properties and increasing the community space to 50 percent, they had also asked for workforce housing at 10 percent, but because it was a CUP, they could put it up to 20 percent and negotiate it down if they had to. Mr. Cracknell said workforce housing was incredibly expensive in that market, noting that sales numbers for downtown condos went up by a million dollars each floor for a two-bedroom unit. He said they didn't want to put a developer in a position where he wouldn't want to even negotiate. He said they had to be careful in recognizing the differences between Market Square, the north and west ends, the bypass, and Route One as far as economic costs and the benefits of building a unit.

Ms. Begala suggested that the No. One item on page 3, Letter E, rent affordable to a household figure needed to be stated better and that a No. 2 was needed. She asked if the caliper of the trees in a community space could be better defined.

After Mr. Cracknell left the meeting, Chairman Chellman showed a few slides that he put together to remind the board of their workshop discussions. He said the Master Plan was important to get started this year. He said they were still waiting for the Planning Board rules and procedures from the Legal Department. He said some of the things Mr. Cracknell discussed might inform some additions to the Site Plan Review Regulations. He said it was important for the Planning Board to work on the Master Plan from time to time and wondered if there should be two large Planning Board committees to work on it or subcommittees to work on different elements of it, like sustainability. He suggested that they start talking about consulting selection in July if the money was available, and that they should also get different citizens involved – younger, older, and various backgrounds because Portsmouth was changing. Mr. Hewitt said a priority of his was to review the existing Master Plan and see which goals had been met and which ones they wanted to carry forward. Chairman Chellman said the Master Plan was supposed to inform ordinance changes as well. He said parking requirements should be part of the site plan because it was a complicated topic, and he thought there should be more Planning Department input for zoning requirements because they had public hearings that could engage the public more. He said they would have a public hearing on June 15th.

Mr. Hewitt noted that the project at 2 Russell Street would look the same whether it was four or five stories, as far as the concept of mutual sacrifice on incentives and bonuses. He said they had to build a fire lane and were given credit for community space, so they got an extra story but the building still looked the same. It was further discussed. Chairman Chellman said they were talking about a CUP that would change the process, and if the majority of the board felt that it needed to be a certain way, that could be a requirement.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Joann Breault
Secretary for the Planning Board