

# Timeline of Zoning Amendment Requests from the Islington Creek Neighborhood, 2019-2023

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**June/July 2023: Nick Cracknell, Principal Planner, stops working for the City of Portsmouth**

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**January 2023: Peter Britz becomes the new Planning Director for the City of Portsmouth**

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**December 31, 2022: New Planning Director, Beverly Mesa-Zendt's stops working for the City of Portsmouth. Peter Britz named as Interim Planning Director.**

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**August 8, 2022 Planning Board Work Session:** Nick Cracknell presented [Proposed Phase I Zoning Amendments](#). This included code “clean ups,” building heights, and miscellaneous. No mention of other zoning requests on priority list.

August 8, 2022



**Planning Board Work Session** 6:30 PM

Attachments: Eileen Dondero Foley City Council Chambers

[Work Session Packet](#), [Work Session Agenda](#),  
[Staff Memo](#),  
[Proposed Phase 1 Zoning Amendments](#),  
[Public Comment](#),  
[Civic and Municipal Property List](#),  
[8-8-2022 Planning Board Works Session Presentation - Phase 1 Zoning Amendments](#),  
[3D Massing Model of the proposed building on High Street and Haven Court](#),  
[Meeting Video](#)

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**June 29, 2022 Planning Board Special Meeting to Consider Zoning Ordinance Amendments:** Nick Cracknell presented his initial [Proposed Phase I Zoning Amendments-Revised June 23, 2022](#). No mention of other zoning requests on priority list.



**Planning Board Special Meeting to Consider Zoning Ordinance Amendments**

6:00 PM

Eileen Dondero Foley City Council Chambers

Special meeting to consider proposed Zoning Ordinance Amendments. Please note, consideration on this item was postponed from the June 23, 2022 Planning Board meeting.

Attachments:

[Agenda](#),  
[Phase 1 Zoning Amendments - Revised 6/23/2022](#),  
[Public Comment](#), [Meeting Video](#), [Action Sheet](#),  
[Minutes](#)

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**From:** Nicholas J. Cracknell <njcracknell@cityofportsmouth.com>

**Sent:** Wednesday, May 25, 2022 9:42:02 AM

**To:** Robin Husslage <rhusslage@hotmail.com>

**Cc:** Private General <qatoday@yahoo.com>; 'kquintans@comcast.net' <kquintans@comcast.net>; Nicole <nicoleglapierre@hotmail.com>

**Subject:** RE: Re-Zoning Requests from Islington Creek Neighborhood

How about Tuesday at 4 p.m. as Monday is Memorial Day?

Nick

**From:** Robin Husslage [mailto:rhusslage@hotmail.com]

**Sent:** Tuesday, May 24, 2022 7:46 PM

**To:** Nicholas J. Cracknell <njcracknell@cityofportsmouth.com>

**Cc:** Private General <qatoday@yahoo.com>; 'kquintans@comcast.net' <kquintans@comcast.net>; Nicole <nicoleglapierre@hotmail.com>

**Subject:** Re: Re-Zoning Requests from Islington Creek Neighborhood

Hi Nick -- that would be great! Does next Monday evening work for you? If not, do you have availability the following week, ideally in the evening as most of us work - we could meet as early as 5pm, I think.

We really appreciate your taking the time with us to discuss this area of our neighborhood which definitely needs re-zoning.

Thanks,  
Robin

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**From:** Nicholas J. Cracknell <njcracknell@cityofportsmouth.com>

**Sent:** Monday, May 23, 2022 4:13 PM

**To:** Robin Husslage <rhusslage@hotmail.com>

**Cc:** Private General <qatoday@yahoo.com>; 'kquintans@comcast.net' <kquintans@comcast.net>; Nicole

<[nicoleglapierre@hotmail.com](mailto:nicoleglapierre@hotmail.com)>

**Subject:** RE: Re-Zoning Requests from Islington Creek Neighborhood

Hi Robin,

Let's try to schedule a quick meeting for next week as I'll review this first and then let's see where we land.

How does that sound?

Nick

**From:** Robin Husslage [<mailto:rhusslage@hotmail.com>]

**Sent:** Friday, May 20, 2022 3:01 PM

**To:** Nicholas J. Cracknell <[njcracknell@cityofportsmouth.com](mailto:njcracknell@cityofportsmouth.com)>

**Cc:** Private General <[gatoday@yahoo.com](mailto:gatoday@yahoo.com)>; 'kquintans@comcast.net' <[kquintans@comcast.net](mailto:kquintans@comcast.net)>; Nicole <[nicoleglapierre@hotmail.com](mailto:nicoleglapierre@hotmail.com)>

**Subject:** Re-Zoning Requests from Islington Creek Neighborhood

Dear Nick,

Thanks for your comments at last night's Planning Board meeting. I wanted to follow up with you to provide more detail. Attached is the documentation that the Islington Creek Neighborhood put together for re-zoning requests in 2019 when working with Juliet Walker prior to COVID. Then, when we were made aware of Juliet's departure, we raised this issue in a City-Wide Neighborhood meeting asking who we can work on this with and Karen Conard said it was best to wait until the new Planning Director came on board.

We'd like the opportunity to meet with the Planning staff to discuss these requests and understand more about this re-zoning clean-up process.

Thanks, Nick!

All the best,

Robin Husslage  
27 Rock Street

Attachment: [Zoning Changes Requested by Islington Creek Residents](#)

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**May 19, 2022 Planning Board meeting:** Nick Cracknell presented his [Draft Zoning Ordinance Amendments to Building Height Standards](#). No mention of rezoning requests on priority list.

May 19, 2022

**PL** **Planning Board** 7:00 PM  
Eileen Dondero Foley City Council Chambers

Attachments:  
[Legal Notice, Staff Memo, Agenda, Meeting Packet, 213 Jones Ave, 2454 Lafayette Rd, 668 Middle St, 1400 Lafayette Rd, 161 Deer St, 57 Salter St, Draft Zoning Ordinance Amendments to Building Height Standards, Revised Public Comment, Meeting Video, Action Sheet, Minutes](#)

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**May 5, 2022 Planning Board meeting:** Nick Cracknell presented his [Draft Zoning Amendments - Building Height Standards](#). No mention of rezoning requests on priority list.

May 5, 2022

**PL** **Planning Board Work Session for Phase One Regulatory Amendments related to Building Heights** 6:00 PM  
Eileen Dondero Foley City Council Chambers

Attachments:  
[Agenda, Memo, Meeting Packet, Land Use Committee Existing Conditions and Strategy Report, Regulatory Amendment Work Plan-Working Draft, Draft Zoning Amendments - Building Height Standards, Building Height Standards - Draft Zoning Amendments \(As presented at the work s..., Existing Conditions and Work Plan Report - Planning Board Work Session Presenta..., Minutes](#)

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**From:** Private General <qatoday@yahoo.com>

**To:** Nicholas J. Cracknell <njcracknell@cityofportsmouth.com>; Beverly M. Zendt <bmzendt@cityofportsmouth.com>

**Cc:** Karen Conard <kconard@cityofportsmouth.com>

**Sent:** Friday, April 29, 2022, 06:20:57 PM EDT

**Subject:** The work done in Jan 2020 regarding Foundry Place rezoning

Dear Nick and Beverly Zendt,

I'm sorry I'm on my soap box now. We worked for MONTHs with Juliet Walker to rezone Foundry Place. As you know Nick, that entire area got rezoned to CD5 to trade for the land for the Foundry Garage. Lots 4 and 5 have been sold and I'm sure the rest will be too! *Most neighbors thought it would go back to GRC once the garage was built. They truly didn't understand the area between Hill, Hanover, Rock St AND Foundry Place had been included in that massive rezoning.* The North End Incentive Overlay District was brought in there-even though it is NOT the North End by any stretch! The Downtown Overlay District was brought in there as well even though the DOD was split down Bridge St as well. Foundry Place is definitely NOT downtown.

If one pulls up MapGeo one can see the entire area is zoned CD4-L1, CD4-L2 and 3 structures are CD4. CD5 was definitely spot zoned down there! That can also be seen by looking at the North End Incentive Overlay District which was extended out of the North End across the street to Foundry Place and included all of Hill St and Lots 1, 2,3,4 and 5 of the Deer Street Associates . The Downtown Overlay District which was only on the Bridge ST Lot side of Bridge St . It too was revamped to go down Foundry Place and include ALL the DSA lots.

The Islington Creek Neighborhood asked to correct those discrepancies and protect the neighborhood from those MASSIVE CD5 zones, heights and lack of parking. Please review the rezoning created in January 2020 for the Foundry Place area attached. Since zoning heights are going to be addressed as part of the workforce/affordable housing, it should include revisions to protect neighborhoods with 35' 2 to 3 story heights from 50' heights with incentives and overlays to allow 60', 5 stories and higher with GRADE and not enough parking!! Liz

### [Attachment of January 2020 Zoning Requests by Islington Creek Neighborhood](#)

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**From:** Private General <qatoday@yahoo.com>

**To:** Nicholas J. Cracknell <njcracknell@cityofportsmouth.com>; Beverly M. Zendt <bmzendt@cityofportsmouth.com>

**Sent:** Friday, April 22, 2022, 09:51:49 AM EDT

**Subject:** Heights on Foundry

Hi Nick and Beverly Zendt.

The majority of Islington Creek is zoned GRC, along Islington its CD4-L2 and along Hanover its CD4-L1. We have one MRB next to our house on Cabot. Islington Creek starts at Bridge St all the way to Dover St. **Its easy to see the need for the Garage overpowered the neighborhood.** Hanover St, Hill St and Foundry Place should be **blue-2 story, short 3rd, 35'** and the North End Overlay District should be removed for Foundry Place. (Really Parker, Pearl, Tanner, Rock, Tanner Ct, Brewster, Langdon should have been blue as well!!) Looking at the grade, the lots on the south side of Foundry Place sit parallel to Hill and Hanover St, none should have been zoned CD5!! The plumbing supply place has been on Bridge St for a long time as a ONE STORY building. The Heinemann building has been 2 story just as long. Both could easily be zoned CD4-L2, nonconforming due to footprints (or CD3 zoning could be created for large footprints in residential areas). Imagine either as a 5 story with CD5 15' from the neighborhood in the case of Heinemann in the neighborhood. The line should be Foundry Place, as you face the garage from Bridge St, the right side could stay as it is but the left side should be returned to the neighborhood.

Many were under the impression the CD5 zoning and height were only put in place to build the garage and then were going to be returned to 35' and GRC or CD4-L1 when it was built. 181 Hill St was residential for probably close to 100 years and it got rezoned to CD5 when the garage went in.

Don't get me wrong I appreciate that Foundry Place is being looked at. *What needs to be considered is the changes made there to merely get the trade for the very poor location of the garage which has caused noise reflection throughout that end of the neighborhood because NO sound absorption materials were put in it, exacerbation of diesel smell and the fact that it is so very difficult for tourists much less locals to find, even after being there as long as it has.* My two cents for now, Liz

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**January 10, 2022: New Planning Director, Beverly Mesa-Zendt's starts working for the City of Portsmouth**

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**September 10, 2021: Planning Director, Juliet Walker, stops working for the City of Portsmouth as Planning Director.**

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**Planning Board Meeting August 19, 2021:**

August 19, 2021



## Planning Board

7:00 PM

Attachments:

Eileen Dondero Foley Council  
Chambers, City Hall

[Legal Notice](#), [Revised Agenda](#), [Meeting Packet](#),  
[Revised Staff Memo](#), [64 Vaughan Street](#),  
[83 Peverly Hill Road](#), [135 Thaxter Road](#),  
[145 Lang Road](#), [150 Daniel Street](#),  
[2454 Lafayette Road](#), [180 Spaulding Turnpike](#),  
[Ruth Street Release](#), [Sagamore West Easements](#),  
[Draft Zoning Ordinance Amendment Priorities](#),  
[Public Comment](#), [Action Sheet](#), [Minutes](#)

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July 15, 2021

### Planning Department

#### Proposed Zoning and Land Use Regulation Amendments

#### DRAFT Priorities for 2021

- 1) Hanover St/Foundry Place/CD4-L Map Amendments and Revisions to Character District Incentive Requirements (Section 10.5A46)
  - Draft amendments have already been started on these and have gone through an initial public review (see [www.cityofportsmouth.com/planportsmouth/current-zoning-amendments](http://www.cityofportsmouth.com/planportsmouth/current-zoning-amendments)):
    - Down-zoning the property fronting on Hanover Street from Character District 5 to Character District 4-L1 and the properties on the southeast side of Foundry Place from Character District 5 to Character District 4;
    - Establishing a new building height maximum for Foundry Place of 3 stories (40') and reducing the maximum building height along Hill Street from 4 stories (50') to 3 stories (40'); and
    - Requiring that any additional height and building coverage allowed in the Incentive Overlay Districts be subject to a conditional use permit by the Planning Board.
  - In addition, staff is recommending changing the requirements for the Character District Incentive Overlay Districts to require workforce housing in order to receive incentives (remove option to do EITHER community space OR workforce housing)
- 2) Building Height and Grade Plane Definitions (Article 15)
  - Specify that building height shall be calculated using existing grade not finished grade

**Planning Board August 19, 2021 Meeting Minutes** – Proposed Amendments Discussion will be postponed until the new Planning Director is hired:



#### VIV. OTHER BUSINESS

##### A. Review of Zoning Ordinance Amendment Priorities

Chairman Legg commented that at the last meeting they handed out a proposed list of amendment considerations in suggested priority order. The Board did not give any feedback about adding anything or changing the priority order. The proposed list shows the order in which they should consider the amendments. This will not happen until the City hires new Planning Director.

Vice Chairman Moreau questioned if they could add chickens to the list. Ms. Walker responded that there were some items that are on the Planning Department's housekeeping list and that is one of them. Chickens can be added to the list to discuss if they would like. Chairman Legg commented that they should not add it now because there were probably a whole series of minor items that needed to be addressed. The Board should work to address this list first then add more.

Chairman Legg acknowledged the work Planning Director Walker has done for the City's Master Plan and Zoning Ordinances. Ms. Walker made the city of Portsmouth better place to live. Chairman Legg wished her the best.

City Manager Conard commented that Ms. Walker did a wonderful job mentoring the Planning Board and staff.

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**From:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**Sent:** Wednesday, August 11, 2021 9:33 AM

**To:** 'Robin Husslage' <rhusslage@hotmail.com>

**Cc:** 'kquintans@comcast.net' <kquintans@comcast.net>; Nicole <nicoleglapierre@hotmail.com>; Private General <qatoday@yahoo.com>

**Subject:** RE: Rezoning Hill Street Area

Hello Robin,

Thank you for your kind note. As it happens, the Planning Board is going to be reviewing a number of pending zoning amendments at their next meeting, one of which is the zoning amendments we started pre-COVID. I anticipate that they will discuss a schedule for restarting that process, so stay tuned.

All of the prior work is still posted on the Planning Department web page - <https://www.cityofportsmouth.com/planportsmouth/current-zoning-amendments>.

Best,

*Juliet T. H. Walker, AICP*

*Planning Director*

*Planning Department*

*City Hall*

*1 Junkins Ave*

*Portsmouth, NH 03801*

*(603) 610-7296*

*www.cityofportsmouth.com/planportsmouth*

*Twitter: @PlanPortsmouth*

*Facebook: @plan.portsmouth*

*Office Hours: M 8-6, T-Th 8-4:30, F 8-1*

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**From:** Robin Husslage <rhusslage@hotmail.com>

**Sent:** Wednesday, August 4, 2021 8:14:08 PM

**To:** jthwalker@cityofportsmouth.com <jthwalker@cityofportsmouth.com>

**Cc:** 'kquintans@comcast.net' <kquintans@comcast.net>; Nicole <nicoleglapierre@hotmail.com>; Private General <qatoday@yahoo.com>

**Subject:** Rezoning Hill Street Area

Dear Juliet,

Firstly, I'd like to say how very sad I am to hear that you will be leaving the Portsmouth Planning department. I have really enjoyed working with you over the years and I wish you all the best with your next adventure.

I have been meaning to write to you for some time to resurrect the work we started pre-Heineman sale and pre-COVID around the Hill Street area -- see attached. This area is in desperate need of a transition zone. While it is doubtful we can get this done prior to your September departure, we are hoping we can at least get it started again and to a point where someone else can take over this work.

Thanks so much, Juliet!

All the best,

Robin

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**From:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**Sent:** Monday, March 16, 2020 12:06 PM

**To:** Robin Husslage <rhusslage@hotmail.com>

**Cc:** Nicole <nicoleglapierre@hotmail.com>; kquintans@comcast.net <kquintans@comcast.net>; Private General <qatoday@yahoo.com>

**Subject:** RE: Planning Board Work Session for Re-Zoning Foundry Area March 26, 2020

Due to the evolving COVID-19 situation, this meeting has been postponed until further notice.

*Juliet T. H. Walker, AICP*

*Planning Director*

*Planning Department*

*1 Junkins Ave*

*Portsmouth, NH 03801*

*(603) 610-7296*

*www.cityofportsmouth.com/planportsmouth*

*Twitter: @PlanPortsmouth*

**From:** Robin Husslage [mailto:rhusslage@hotmail.com]

**Sent:** Monday, March 16, 2020 8:02 AM

**To:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**Cc:** Nicole <nicoleglapierre@hotmail.com>; kquintans@comcast.net; Private General <qatoday@yahoo.com>

**Subject:** Re: Planning Board Work Session for Re-Zoning Foundry Area March 26, 2020

Thanks, Juliet! We will wait to hear from you:-)

Best,



Robin

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**From:** Juliet T.H. Walker <[jthwalker@cityofportsmouth.com](mailto:jthwalker@cityofportsmouth.com)>

**Sent:** Monday, March 16, 2020 6:41 AM

**To:** Robin Husslage <[rhusslage@hotmail.com](mailto:rhusslage@hotmail.com)>

**Cc:** Nicole <[nicoleglapierre@hotmail.com](mailto:nicoleglapierre@hotmail.com)>; [kquintans@comcast.net](mailto:kquintans@comcast.net) <[kquintans@comcast.net](mailto:kquintans@comcast.net)>; Private General <[gatoday@yahoo.com](mailto:gatoday@yahoo.com)>

**Subject:** Re: Planning Board Work Session for Re-Zoning Foundry Area March 26, 2020

Robin,

Thanks for checking in. I think it is likely all non-time sensitive meetings and items will be postponed, but I will know more after today. We will be sure to update you at that time.

Best,

*Juliet T. H. Walker, AICP*

*Planning Director*

*Planning Department*

*1 Junkins Ave*

*Portsmouth, NH 03801*

*(603) 610-7296*

*[www.cityofportsmouth.com/planportsmouth](http://www.cityofportsmouth.com/planportsmouth)*

On Mar 15, 2020, at 8:30 PM, Robin Husslage <[rhusslage@hotmail.com](mailto:rhusslage@hotmail.com)> wrote:

Dear Juliet,

I just wanted to touch base with you about the planned Re-Zoning Work Session for the Foundry area which was to take place on March 26th. We are hoping a virtual meeting will be possible that will enable our community to contribute to this work session.

If you could please let us know what the plan is for this meeting given the restrictions for in person meetings due to the coronavirus, that would be greatly appreciated.

Thanks, Juliet, and I hope you and staff are and remain healthy!

All the best,

Robin

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**From:** Nicole LaPierre

**Sent:** Monday, February 17, 2020 1:11:59 PM

**To:** [mekoepenik@cityofportsmouth.com](mailto:mekoepenik@cityofportsmouth.com) <[mekoepenik@cityofportsmouth.com](mailto:mekoepenik@cityofportsmouth.com)>

**Subject:** Re: 361 Hanover

To: Dexter Legg, Chairman of the Planning Board

cc: Planning Board Members

Re:361 Hanover Street

2/17/20

Members of the Planning Board:

I am writing in regards to the Madbury Developers proposal they will be presenting for the development of 361 Hanover Street on 2/20/20. I am a direct abutter and live at 44 Rock Street (corner of Rock and Hanover). In the 15 years I have lived in our home, Heinemann Publishing has been an excellent neighbor. Now that they have outgrown the space, our neighborhood is faced with the pressures of yet another development. Our location between downtown and the West End has put our neighborhood in a very difficult position with the many development projects we are juggling that directly impact our neighborhood and quality of life.

I feel very strongly no decisions should be made in regards to the Madbury Developer's request until city council has voted and implemented the updated zoning. As you know, the zoning requires revision and is currently being worked on but is not finalized. It is neglectful to move ahead with this project until the zoning is properly corrected. Prior zoning was passed not with malice but definitely in haste. We as a neighborhood are suffering the consequences of that.

If I leave you with one thought, I would like it to be this: We are not downtown! We are not the West End! We are the Islington Creek Neighborhood! Emphasis on neighborhood! It is indeed, a neighborhood with homes that would be dwarfed by the current proposed monolithic structures of great density. I do appreciate the work of volunteer public servants, please do not think otherwise. But what for you is a work cycle and for a developer a paycheck becomes for us a reality that will affect the rest of our lives. Large scale buildings are not easily erased. This is a make or break for our neighborhood.

Sincerely,

Nicole LaPierre

44 Rock Street

Islington Creek Neighborhood Association Member

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

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

**7:00 pm**

**JANUARY 23, 2020**

**ACTION SHEET**

**MEMBERS PRESENT:** Dexter Legg, Chair; Peter Whelan, City Council Representative; Karen Conrad, City Manager; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Jody Record; Jeffrey Kisiel; Corey Clark, Alternate, and Polly Henkel, Alternate

**ALSO PRESENT:** Juliet Walker, Planner Director; Nick Cracknell, Principal Planner

**MEMBERS ABSENT:** Elizabeth Moreau, Vice Chair and Jay Leduc

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**I. PUBLIC HEARING – ZONING AMENDMENT**

- A. Proposed Zoning Ordinance Amendments to Article 4 and the Zoning Map for certain properties located along **Hanover Street and Foundry Place** to modify the location and boundaries of the North End Incentive Overlay District and the Downtown Overlay District, modify Building Height area requirements, and re-zone from Character District 5 to Character District 4 and Character District 4-L1. Properties directly impacted by these proposed amendments are 361 Hanover Street (Tax Map 138, Lot 63), 89-99 Foundry Place (Tax Map 138, Lot 62), 126 Bridge Street (Tax Map 125, Lot 16), 66 Rock Street (Tax Map 138, Lot 61) and Foundry Place property at Tax Map 125, Lot 17-1. Amendments are also proposed to Article 5A Incentive Overlay District requirements to require granting of a conditional use permit by the Planning Board.

The Board voted to close the public hearing and asked for staff to schedule a public meeting and a work session with the Planning Board to discuss further revisions

Excerpt from [Meeting Minutes for January 23, 2020](#):

City Council Representative Whelan commented that the feedback from the residents was good and it is important to protect Hill St. especially. There are a lot of smaller homes in that area and they should look to protecting the neighbor. There should be a transition zone between them. Parking is a huge issue in that area. They should continue to work on this.

Ms. Record agreed with the majority of the proposed changes, but some parts could be revised more. It is necessary to maintain the character of the neighborhood.

Mr. Gamester commented that this was a tough area. The garage is big and the Heinemann building used to be 7 stories. It's a dense area. Finding the right balance for transition is important.

Ms. Walker suggested having a public work session as a Planning Board to allow more of a dialogue. No decisions would be made, but they would have an opportunity to have a discussion. They could present some revisions and talk through them. Then they would do another public hearing after that. Chairman Legg agreed that a work session would be helpful and requested that the Staff incorporate some of the feedback they heard from the abutters to bring to that session. Ms. Walker commented that the public work session would be advertised to the public to come give input.

Mr. Gamester moved to close the public hearing and asked for staff to schedule a public meeting and a work session with the Planning Board to discuss further revisions, seconded by Mr. Kisiel. The motion passed unanimously.

## **II. ADJOURNMENT**

Mr. Gamester moved to adjourn the meeting at 8:29 p.m., seconded by Ms. Record. The motion passed unanimously

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Proposed Zoning Amendments, City of Portsmouth for January 23, 2020 Planning Board Meeting:  
[http://files.cityofportsmouth.com/files/planning/zoning/Hanover\\_FoundryPlace\\_Ordinance\\_rev012320.pdf](http://files.cityofportsmouth.com/files/planning/zoning/Hanover_FoundryPlace_Ordinance_rev012320.pdf)

**Proposed Zoning Amendments  
City of Portsmouth, NH**

The following amendments are proposed to the City of Portsmouth Zoning Ordinance relating to Article 4, Article 5A, and the Zoning Map. The amendments to Article 4 and the Zoning Map include modifying the location and boundaries of the North End Incentive Overlay District and the Downtown Overlay District, modify Building Height area requirements, and re-zoning selected properties from Character District 5 to Character District 4 and Character District 4-L1. In addition, amendments are proposed to Article 5A Incentive Overlay District requirements to require granting of a conditional use permit by the Planning Board.

The proposed Zoning Map amendments are as follows:

- A. Article 4, Section 10.421.10 – DISTRICT LOCATION AND BOUNDARIES of the Zoning Ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended to remove a portion of the property located at 361 Hanover Street at Assessors Tax Map 138, Lot 63 that fronts on Hanover Street from the Downtown Overlay District, re-zone this same portion from Character District 5 to Character District 4-L1, and re-zone the remaining portion that fronts on Foundry Place to Character District 4.
- B. Article 4, Section 10.421.10 – DISTRICT LOCATION AND BOUNDARIES of the Zoning Ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended to re-zone the property at 89-99 Foundry Place at Assessors Tax Map 138, Lot 62 and the property at 126 Bridge Street at Assessors Tax Map 125, Lot 16 from Character District 5 to Character District 4.
- C. Article 4, Section 10.421.10 – DISTRICT LOCATION AND BOUNDARIES of the Zoning Ordinance of the City of Portsmouth, the City of Portsmouth Zoning Map 10.5A21B – BUILDING HEIGHT STANDARDS be amended to remove the property located at 66 Rock Street at Assessors Tax Map 138, Lot 61 from the Downtown Overlay District and the North End Incentive Overlay District.
- D. Article 5A, Section 10.5A21.10 – CONTENTS OF REGULATING PLAN and the City of Portsmouth Zoning Map 10.5A21B – BUILDING HEIGHT STANDARDS MAP be amended to add a building height area of 2-3 stories (40' max) along the entirety of Foundry Place.
- E. Article 5A, Section 10.5A21.10 – CONTENTS OF REGULATING PLAN and the City of Portsmouth Zoning Map 10.5A21B – BUILDING HEIGHT STANDARDS MAP be amended to change the building height area along the entirety of Hill Street from 2-4 stories (50' max) to 2-3 stories (40' max).

The proposed amendments to Article 5A, Section 5A46 are as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

F. In Section 5A46 – INCENTIVE OVERLAY DISTRICTS amend as follows:

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, **a conditional use permit may be granted by the Planning Board for** certain specified development standards ~~to~~**may** be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable. **In granting a conditional use permit, the Planning Board may modify specific standards set forth in Sections 10.5A46.10 and requirements listed in 10.5A46.20.**

G. In Section 5A46 – INCENTIVE OVERLAY DISTRICTS, insert a new subsection as follows:

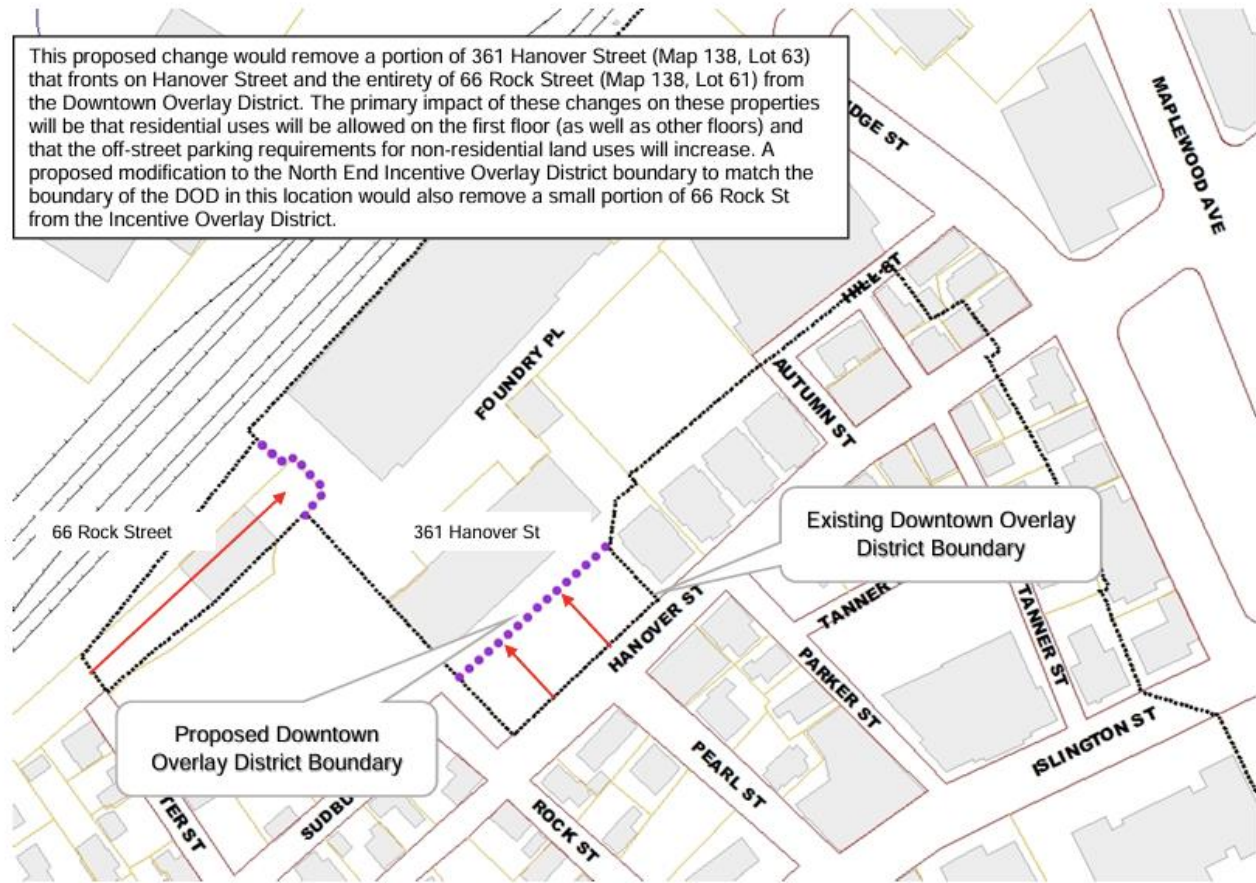
**10.5A46.30 Planning Board Findings for Granting of a Conditional Use Permit for Incentives:**

**10.5A46.31 The proposed project (and any conditions of approval) satisfies the requirements in 10.5A46.20;**

**10.5A46.32 The proposed project is consistent with the purpose and intent set forth in 10.5A11.**

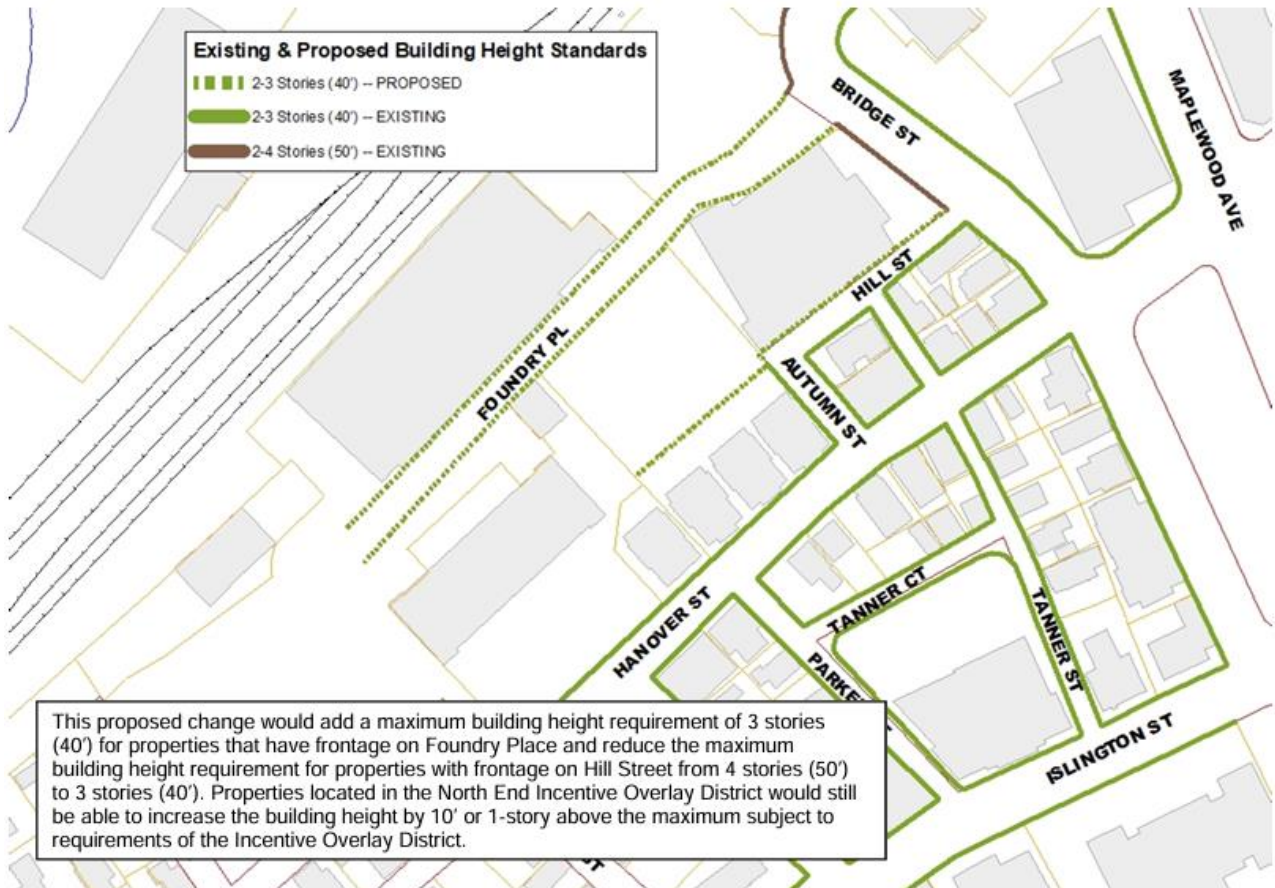


This proposed change would remove a portion of 361 Hanover Street (Map 138, Lot 63) that fronts on Hanover Street and the entirety of 66 Rock Street (Map 138, Lot 61) from the Downtown Overlay District. The primary impact of these changes on these properties will be that residential uses will be allowed on the first floor (as well as other floors) and that the off-street parking requirements for non-residential land uses will increase. A proposed modification to the North End Incentive Overlay District boundary in this location would also remove a small portion of 66 Rock St from the Incentive Overlay District.



**Existing & Proposed Building Height Standards**

- 2-3 Stories (40') -- PROPOSED
- 2-3 Stories (40') -- EXISTING
- 2-4 Stories (50') -- EXISTING



This proposed change would add a maximum building height requirement of 3 stories (40') for properties that have frontage on Foundry Place and reduce the maximum building height requirement for properties with frontage on Hill Street from 4 stories (50') to 3 stories (40'). Properties located in the North End Incentive Overlay District would still be able to increase the building height by 10' or 1-story above the maximum subject to requirements of the Incentive Overlay District.



This proposed change would re-zone the properties at 126 Bridge St, 89-99 Foundry Pl, and the portion of 361 Hanover St that fronts on Foundry Pl from CD-5 to CD4 and the portion of 361 Hanover St that fronts on Hanover St from CD-5 to CD4-L1. The primary impact of these changes would be a reduction in the maximum building footprint/coverage for the properties in the proposed CD-4 and a significant reduction in building footprint/coverage requirements and limiting of land uses to office and residential only for the portion in the CD4-L1. All of the properties proposed to be re-zoned to CD4 are located in the North End Incentive Overlay District and would still be able to increase the building coverage up to 30,000 sf subject to the requirements of the Incentive Overlay District. Properties labeled in red are the proposed properties for re-zoning.



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### 3rd Meeting with Juliet Walker December 16, 2019

Meeting with Juliet Walker and Islington Creek Residents took place at Portsmouth Town Hall in Planning Department Conference room on December 16, 2019 at 5:00pm. We asked for this follow-up meeting with Juliet to present her with zoning changes that we would like to see related to 181 Hill Street and 361 Hanover Street for the January 2020 Planning Board meeting: [Zoning Changes Requested by Islington Creek Residents](#)

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### 2nd Meeting with Juliet Walker October 7, 2019

Meeting with Juliet Walker and Islington Creek Residents took place at Portsmouth Town Hall in Planning Department Conference room on October 7, 2019 at 5:00pm. We asked for this follow-up meeting with Juliet as we were very concerned about potential large developments in our neighborhood – 181 Hill Street and 361 Hanover Street and we wanted to understand how we could go about requesting changes. Juliet Walker recommended we put together our requested changes on zoning, overlays, and heights that we would like to see for zoning changes in this area of our neighborhood.

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## 1<sup>st</sup> Meeting with Juliet Walker September 19, 2019

Meeting with Juliet Walker and Islington Creek Residents took place at Portsmouth Town Hall in Planning Department Conference room on September 19, 2019, at 5:45pm. We asked for this initial meeting to better understand how zoning works, what character districts are, what determines building heights, etc... and how citizens can ask for changes to proposed developments. She also let us know that we, as citizens, can request changes to zoning. Juliet was very helpful in explaining the basics of everything to us.

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**From:** Robin Husslage <rhusslage@hotmail.com>

**Sent:** Monday, September 9, 2019 9:10 AM

**To:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**Subject:** Re: 361 Hanover St & 0 Hanover Street

Dear Juliet,

Thanks for your quick response. Yes, I'd like my letter shared with the Planning Board and also the Board of Adjustment. I would like to emphasize the need for how to best provide a reasonable transition between large commercial projects in the North End and small residential neighborhoods in the West End which share the same street. Without this being handled properly, the negative impact on these residential neighborhoods is obvious and should be given careful consideration before simply approving zoning amendments and adjustments. I implore you to please consider our neighborhood's needs and the impacts of these decisions for commercial uses that will forever change our neighborhood's quality of life, parking (which is already at a critical point), light, noise, and many other resulting impacts.

Thanks again for your consideration, Juliet.

All the best,

Robin

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**From:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**Sent:** Monday, September 9, 2019 8:13 AM

**To:** Robin Husslage <rhusslage@hotmail.com>

**Subject:** RE: 361 Hanover St & 0 Hanover Street

Robin,

Thank you. As to the proposed zoning amendment, the Planning Board has referred that back to staff. Given the current workload, I don't anticipate this will come back before the Planning Board for a few months. At which time there will be another public hearing and more opportunity for public input. If you would like this letter to be shared with the Planning Board, I would recommend we hold it in the file and distribute when the zoning amendment is back in front of them. Please let me know if that is okay with you.

As to the variances requested from the Board of Adjustment, that petition will be back before them later this month. Would you like me to submit this letter to the Board for their information?

Best,

*Juliet T. H. Walker, AICP*  
*Planning Director*  
*Planning Department*  
*1 Junkins Ave*  
*Portsmouth, NH 03801*  
*(603) 610-7296*  
[www.planportsmouth.com](http://www.planportsmouth.com)  
*Twitter: @PlanPortsmouth*

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**From:** Robin Huslage

**Sent:** Sunday, September 8, 2019 7:06 PM

**To:** [jthwalker@cityofportsmouth.com](mailto:jthwalker@cityofportsmouth.com) <[jthwalker@cityofportsmouth.com](mailto:jthwalker@cityofportsmouth.com)>

**Subject:** 361 Hanover St & 0 Hanover Street

Subject: Concerns over Zoning and Incentive Overlay Districts for: (1) 361 Hanover Street (Heinemann Building property) and (2) 0 Hanover Street (aka 181 Hill Street)  
Dear Juliet,

I attended the Planning Board Meeting on August 22<sup>nd</sup> during which requests were made by the owner of 361 Hanover Street (Heinemann Building) to increase the building height to 50' and because it is currently within the North End Incentive Overlay District, this could mean an eventual height of 60' (or possibly higher?). Compounding this extraordinary height is the fact that the Heinemann building sits on a hill which will boost its height even more, dwarfing the parking garage across the street which is already of landmark height in the city...not to mention how it will tower over our residential West End neighborhood comprised of 2 to 3 story homes surrounding this property.

I also attended the Zoning Board of Adjustment Meeting on August 27<sup>th</sup> during which requests were made by the owner of 0 Hanover Street (aka 181 Hill Street, next door to 361 Hanover Street) to extend their approval for an incentive-based 62-foot height building (also due to being within the North End Incentive Overlay District) which, according to the submitted drawings will result in a 6-story, 72 foot tall building (from Foundry Place Drive). In addition, they wish to change the use from a residential apartment building to a transient use as a hotel, which is not appropriate for a residential neighborhood. What also came to light during the meeting was that 14 of their required 86 parking spots are not for use by this proposed hotel but are committed to neighboring properties.

Both of these properties are in our West End neighborhood with small 2-3 story homes across the street. This is not a North End Commercial corridor, with similarly large buildings nearby with the exception of the very large parking garage which was not a welcome addition to our neighborhood and now seems as though it was the entrance card for even larger 6-story hotels and commercial

buildings! This is not transitional zoning that this area calls for and that our residential community needs, Juliet. Please take the time to revisit the effects of this combined C5 Zoning and North End Incentive Overlay District for these properties has on our very residential neighborhood that is already being squeezed on all fronts.

I appreciate your consideration in thinking hard about the original intent of character-based zoning and overlay districts – the process of which I participated in and have been pleased with in many of the new developments throughout Portsmouth – but in this case the clash of North End commercial up against West End small residential homes is not being addressed by the current zoning and overlay incentive districts.

Sincerely,

Robin Husslage  
27 Rock Street  
Portsmouth, NH 03801  
Cell: 603-553-1525

----- Forwarded Message -----

**From:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**To:** Private General <qatoday@yahoo.com>

**Sent:** Tuesday, August 20, 2019, 08:24:47 AM EDT

**Subject:** RE: behind on info-questions

The proposed zoning changes would remove the portion of 361 Hanover Street that fronts on Hanover Street from the Downtown Overlay District. That does not change the underlying zoning, which is CD5.

This would be consistent with the properties that abut on either side, which are not in the DOD. One of the effects of removing this portion of the property from the DOD would be that they would be able to have a residential use on the first floor (which is restricted in the DOD). Under the current zoning, the property would be required to have a commercial use on the first floor on Hanover Street, even though the properties on either side are not subject to this requirement. Another effect would be that this portion of the property would no longer be subject to the reduced parking requirements of the DOD for non-residential uses (residential parking requirements are the same in the DOD as elsewhere in the city). The staff is supportive of these changes because it would make the boundary of the DOD consistent with the boundary of the Incentive Overlay District, which currently splits the property, and it would make this property consistent with the properties on either side on Hanover Street. The portion of the property that fronts on Hanover is not located in the Incentive Overlay District, so the corresponding density and height incentives do not (and would not) apply.

The height area amendment would extend the height area that currently applies to properties that front on Bridge and Deer Street to properties that front on Foundry Place. This would clarify the height requirement for properties along this street as the Character District Zoning was adopted prior to the construction of Foundry Place. The height requirement for the properties fronting on Hanover and Hill Street would not change.

*Juliet T. H. Walker, AICP*  
*Planning Director*  
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**From:** Private General [mailto:qatoday@yahoo.com]

**Sent:** Tuesday, August 20, 2019 7:21 AM

**To:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>

**Subject:** behind on info-questions

Dear Juliet Walker,

I'm looking at the proposal to change the zoning and height requirements for 361 Hanover St. **What is being proposed for that parking lot?** It was my understanding the building was sold and residential condos were going in, therefore the only affect on the neighborhood would be there would no longer be free public parking there. I feel like I'm behind the 8 ball! The proposal information provided shows the majority of that area has a max height of 2-3 stories. According to the 3 pages presented to the PB which shows the overlay district and the line move requested, **I would like to know what do they gain by splitting the property?** I am also curious if they are asking to change the zoning from CD5 to something else. The legal notice is very legal sounding and not so clear on what they are asking for. Was not sure what this was: "CONTENTS OF REGULATING PLAN" sounds like they want to rewrite the zoning ordinances.

Please clarify why they are requesting this change. I thought the Overlay District provided more protection from enormous heights and helped where there were conflicts in zoning between multi-zoned areas. I've looked at the usual height info in zoning but as usual its CD5 and the Overlay District which involve incentives, etc. I'm happy the info provided shows what is there presently. **What can be gained by being taken out of the Overlay District? What zoning would that area then become? CD5 or CD4-L1?**

I was only able to find this map of the Overlay District from  
2016: [http://www.planportsmouth.com/Working%20Zoning%20Maps\\_20160711.pdf](http://www.planportsmouth.com/Working%20Zoning%20Maps_20160711.pdf)

Needless to say I'm dazed and confused. Thank you for your time in this matter! Liz