



City of Portsmouth
Planning Department
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Memorandum

To: Planning Board

From: Peter Stith, Planning Manager

Date: February 29, 2024

Re: Recommendations for the February 29, 2024 Planning Board Meeting

I. PUBLIC HEARINGS – NEW BUSINESS – CONTINUED FROM FEBRUARY 15th MEETING

*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.** Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Business (G1) as follows: from Office Research (OR): Map 267 Lot 4, Map 267 Lot 5, Map 267 Lot 6, Map 267 Lot 7, Map 267 Lot 8, Map 252 Lot 1, Map 252 Lot 1-7, Map 233 Lot 145, Map 234 Lot 3, Map 234 Lot 7-7, Map 234 Lot 2; from Garden Apartment/Mobile Home Park (GA/MH): Map 291 Lot 1-1 and Map 285 Lot 1; from General Business (GB): Map 234 Lot 7-6, Map 234 Lot 5, Map 234 Lot 6, Map 234 Lot 51, Map 174 Lot 12, Map 174 Lot 13, Map 175 Lot 11, Map 175 Lot 4, Map 175 Lot 5, Map 236 Lot 35, Map 236 Lot 34, Map 236 Lot 33 (portion of), Map 236 Lot 36, Map 236 Lot 39, Map 237 Lot 56 (portion of) and Map 237 Lot 57; from Single Residence B (SRB): Map 243 Lot 66, Map 229 Lot 6, Map 229 Lot 6A, and Map 268 Lot 97; from Mixed Residential Business (MRB): Map 217 Lot 1 (portion of) and Map 217 Lot 2A (portion of); from General Residence A (GRA): Map 174 Lot 14; from Industrial (I): Map 273 Lot 5; from Industrial (I) and General Residence A (GRA): Map 173 Lot 9.

Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Mixed Use Center (G2) as follows: from Single Residence B (SRB): Map 246 Lot 1.

Amend the Zoning Map to change the zoning designation to Garden Apartment/Mobile Home Park (GA/MH) as follows: from Gateway Neighborhood Business (G1) and Office Research (OR): Map 215 Lot 9.

Background

The Land Use Committee (LUC) was created to look at diversifying Land Use Regulations within the City. It was established by the prior Council on February 7, 2022 to look at diversifying land use regulations within the City. The LUC was tasked with reviewing current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi-modal transportation. The Committee was charged with reporting back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City’s Goals.

Over the past 2 years, amendments were made to building height standards, Accessory Dwelling unit regulations and workforce housing incentives in the Character Districts as initially recommended by the Committee. In the late summer and fall of 2023 the Committee looked at potential parcels to rezone to Gateway to create more opportunities for housing development.

The LUC reviewed the current Gateway zoning and identified parcels adjacent to existing Gateway parcels that could extend or connect the district. There was a broader discussion about eliminating some of the outdated districts such as OR and GB. The LUC identified close to 60 parcels for consideration and split the list into short-term and long-term, with the short-term list consisting of parcels the LUC came to a consensus on rezoning. The list of consensus parcels was presented to City Council on January 16, 2024 and referred to Planning Board for a recommendation back per the action below:

31. Gateway Rezoning – Voted to request that an ordinance amendment be drafted to change the zoning of the “consensus properties” as described in the memorandum and that the drafted ordinance amendment be sent to the Planning Board for its consideration and recommendation in February with the intention to bring back an ordinance amendment for first reading at the City Council meeting in March.

Additional Background

This section will provide additional background and supporting information from the Master Plan and the Land Use Committee.

Below are some excerpts from the results of the public outreach process for the current Master Plan that are relevant to the map amendment discussion:

Page 24 states the following:

“The Study Circles described the need for diversity in the form of mixed-use neighborhood zoning, housing that meets the needs of all ages and incomes, and less reliance on tourism as an economic driver. Specific priorities included:

- Equity throughout the community, with as much focus on the neighborhoods as downtown.*

- *A diverse supply of housing for all economic levels and types from young to old; single or families; abled or disabled;*
- *A diverse built environment, not just replicating the past, but authentic to Portsmouth, new and old;*
- *Diverse modes of transportation that is affordable, intermodal and regional; and*
- *A balanced local economy that includes opportunities for small businesses and entrepreneurship as well as tourism.*

Page 26 states the following:

Participants responded to three potential strategies to increase the availability of housing in Portsmouth and marked on maps where each strategy should be used:

Redevelopment of gateway commercial areas;

Densification with second units or parcel splits;

Greenfield development on unbuilt parcels.

Residents overwhelmingly supported redevelopment of existing commercial areas over greenfield development or increasing density in existing neighborhoods. Some residents spoke in favor of in-law or accessory dwelling units as a strategy for both providing affordable housing and increasing income for residents with larger homes and fixed incomes.

During the corridor development meeting, participants consistently gave higher ratings to more activated streetscapes, with multistory buildings close to the streets, landscaping, and bicycle and pedestrian amenities (Page 27).

Every group chose to include a mix of residential and commercial uses on their site, and most designs were at least two stories tall and placed buildings closer to the street than existing development (Page 28).

The Master Plan contains a section on Corridors on pages 121 – 133 which speaks to promoting more mixed-use development along the corridors. See link below to the Master Plan to review this section.

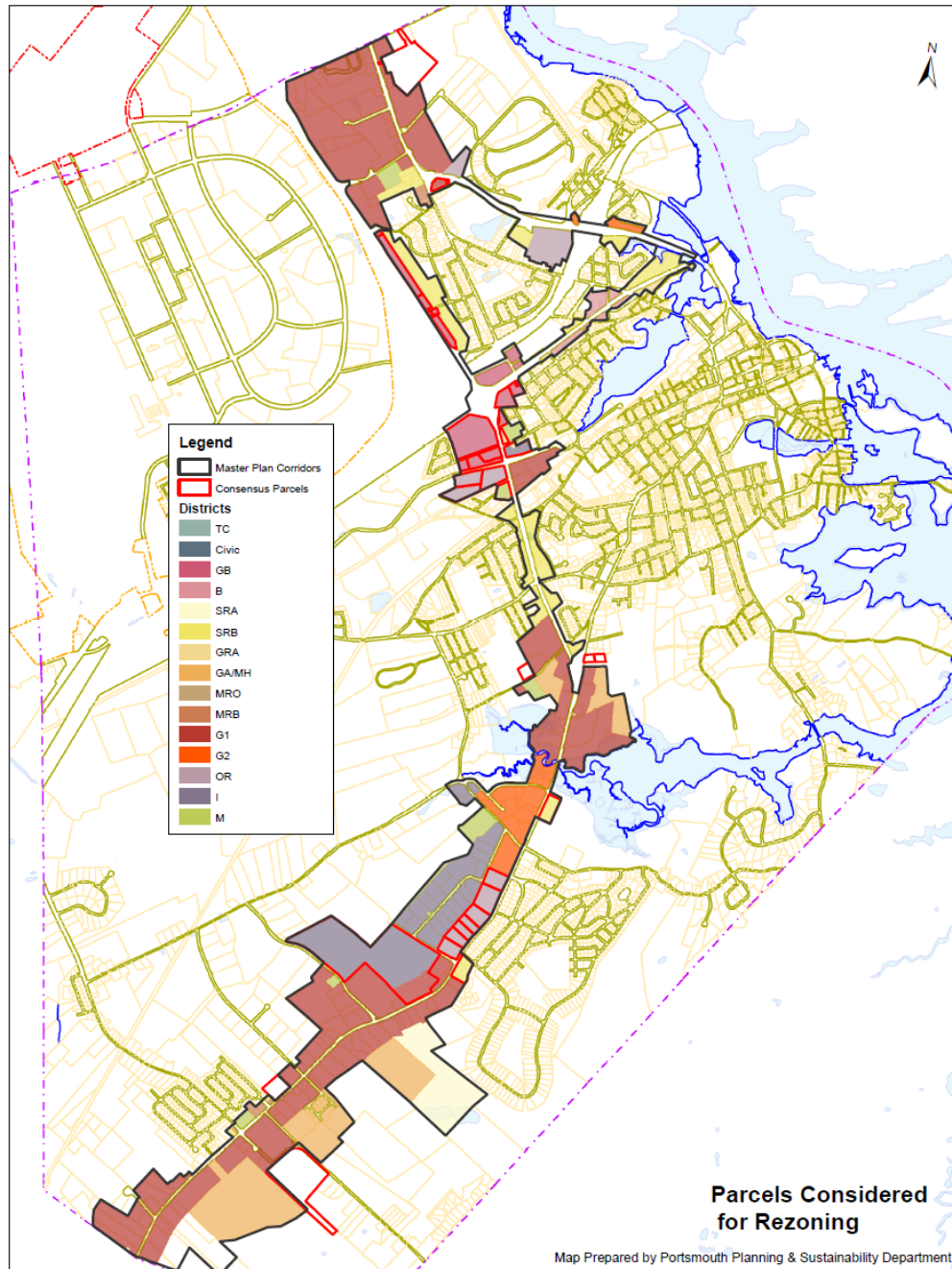
<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

Among the goals in the Corridor section, Goal 1.2 below supports mixed-use development along the commercial corridors.

- *Goal 1.2 – Encourage walkable Mixed-use development along existing commercial corridors.*
 - *1.2.1 Encourage mixed-use development in existing commercial areas by adopting new and enhancing existing flexible zoning techniques such as Gateway Planned Development option.*

- 1.2.2 Promote redevelopment along the Route 1 Bypass north of the traffic circle that is compatible with adjoining neighborhoods.

The map below shows the subject parcels in relation to the corridors outlined in the Master Plan. The corridor boundary in the Master Plan is broad and not parcel specific. Most of the parcels fall entirely within the corridor areas, and several are located adjacent to the corridor areas. These proposed amendments are a continuation of the rezoning efforts the Board and Council have been engaged in the past few years which implement recommendations of the 2025 Master Plan, which also include corrections to the zoning map.



The table below includes the subject parcels with the current zoning, current use and address and approximate acreage. Those parcels that have split zoning just represent the acreage that is proposed to be rezoned. Attached to the memo is a comparison of permitted uses in each district.

MAPLOT	Curr_Zone	Prop_Zone	Comments	Phy_Address	Acres
0173-0009-0000	I/GRA	G1	Car dealership	500 Route 1 Bypass	3.56
0174-0012-0000	GB	G1	Vacant/Storage	153 Boyd Rd	1.26
0174-0013-0000	GB	G1	Billboard parcel	No Address	0.07
0174-0014-0000	GRA	G1	Dental Office	185 Cottage Rd	0.91
0175-0004-0000	GB	G1	Hotel	300 Woodbury Ave	1.81
0175-0005-0000	GB	G1	Hotel parcel	304 Woodbury Ave	0.13
0175-0011-0000	GB	G1	Hotel/Restaurant	580 Route 1 Bypass	3.68
0215-0009-0000	G1/OR	GA/MH	Oriental Gardens	Oriental Gardens	20.61
0217-0001-0000	G1/MRB	G1	Rite Aide	1303 Woodbury Ave	1.51
0217-002A-0000	G1/MRB	G1	Rite Aide out parcel	Rite Aide parcel	0.14
0229-0006-0000	SRB	G1	Dental office	545 Lafayette Rd	0.97
0229-006A-0000	SRB	G1	Greek Church vacant lot	Off Ledgewood	1.00
0233-0145-0000	M	M	Municipal	Off Rt 1 Bypass	2.73
0234-0002-0000	OR	G1	Public Service Co	Off Borthwick Ave	4.77
0234-0003-0000	OR	G1	Public Service Co	Off Borthwick Ave & Rt. 1 Bypass	5.13
0234-0005-0000	GB	G1	Hotel	505 Rt 1 Bypass	2.58
0234-0006-0000	GB	G1	Granite Group	100 Coakley Rd	1.23
0234-0007-0006	GB	G1	Hotel	650 Borthwick Ave	2.97
0234-0007-0007	OR	G1	Public Service Co	Off Borthwick Ave	4.29
0234-0051-0000	GB	G1	Car dealership	549 Rt 1 Bypass	18.07
0236-0033-0000	GB	G1	Car dealership	120 Spaulding Tpke	2.90
0236-0034-0000	GB	G1	office w apartment	155-157 Farm Ln	0.42
0236-0035-0000	GB	G1	Commercial	150 Spaulding Tpke	0.22
0236-0036-0000	GB	G1	Strip of land	Off Spaulding Tpke	0.12
0236-0039-0000	GB	G1	Car dealership	180 Spaulding Tpke	1.25
0237-0056-0000	GB	G1	NE Marine	200 Spaulding Tpke	5.90
0237-0057-0000	GB	G1	4 Unit Apt.	201 Spaulding Tpke	0.35
0243-0066-0000	SRB	G1	Crossroads	200 Greenleaf Ave	1.94
0246-0001-0000	SRB	G2	Church	1035 Lafayette Rd	4.15
0252-0001-0000	OR	G1	Eversource	1700 Lafayette Rd	4.23
0252-0001-0007	OR	G1	US Army	Lafayette Rd	6.32
0267-0004-0000	OR	G1	Service Credit Union Bank	2032 Lafayette Rd	3.83
0267-0005-0000	OR	G1	Service Credit Union	2010 Lafayette Rd	2.91
0267-0006-0000	OR	G1	Employment Security	2000 Lafayette Rd	2.27
0267-0007-0000	OR	G1	Two office condos	1950 Lafayette Rd	2.14
0267-0008-0000	OR	G1	Medical Buildings	1900 Lafayette Rd	3.98
0268-0097-0000	SRB	G1	Westerly	2075 Lafayette Rd	4.15
0273-0005-0000	I/G1	G1	Water Country	2300 Lafayette Rd	74.27
0285-0001-0000	GA/MH	G1	Patriots Park front section	Freedom Circle	4.40
0291-0001-0001	GA/MH	G1	Service Credit rear lot	Off Lang Rd	26.69

The recommendation below removes a parcel that is owned by the City and was shown as being zoned OR, however per Section 10.421.20 below, the property has been changed to the Municipal district and is recommended to remain and not be changed to Gateway.

10.421.20 Any property owned or leased by the City of Portsmouth and not shown on the Zoning Map as being in the Municipal or Natural Resource Protection district shall be deemed to be in the Municipal district, and when so identified shall be placed in that district.

Four small parcels that were originally considered by the LUC were not included in the January list the Council referred to the Planning Board. These parcels were included in the notice and are called out in the recommendation below.

Three map and lot numbers from the January referral were corrected for the notice and are called out in the recommendation below.

Planning Department Recommendation

- 1) *Vote to recommend to City Council the map amendments as follows:*
 - 1.1) *Remove Map 233 Lot 145 because it is municipally owned.*
 - 1.2) *Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.*
 - 1.3) *Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 7-1 and Map 268 Lot 97.*
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V. CITY COUNCIL REFERRALS

- A. Request to rezone Salter Street from Waterfront Business to General Residence B.**

Background

Included in the packet is a letter from Marcia MacCormack, who resides at 53 Salter Street, requesting all of Salter Street be removed from the Waterfront Business district. Also included is the City Manager's memo regarding this request that was brought before the Council in January with input from the legal department. The Council referred the request to the Planning Board at their February 5, 2024 meeting per the action below:

17. Report Back on Request to Remove Salter Street from Waterfront Business District – Voted to refer Marcia MacCormack's January 7, 2024 letter requesting Salter Street be rezoned from Waterfront Business to General Residence B to the Planning Board for its recommendation in a report back to City Council.

There are 45 parcels in the City that are designated as Waterfront Business, with 51% of those being used as residential, which is not permitted in the district. The request before the Board is for the 5 properties along Salter Street to remove the Waterfront Business designation. All of the 5 properties are residential. A request such as this may be better addressed through the Master Plan process to evaluate the waterfront designations in the City.



Planning Department Recommendation

- 1) *Vote to recommend to City Council to leave the existing zoning for Salter Street as Waterfront Business and to evaluate the waterfront designations through the Master Plan process.*
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B. Electric Vehicle Amendments

Background

At their May 2, 2022 meeting, The City Council referred draft zoning ordinance amendments for Electric Vehicle Charging Stations to the Planning Board for a referral back for first reading. Attached is the draft sent by Council to the Planning Board. Staff reviewed the proposed amendments and provided a redlined version for consideration and discussion.

Following the January 25, 2024 meeting where the Board last discussed these amendments, the Chair and staff have been working on the draft amendments included in the packet.

Currently, an Electric Vehicle Charging station as a principal use is allowed by special exception in the GB, G1, B, CD4-W and I zones as a motor vehicle service station. As an accessory use, EV charging station are currently allowed as an accessory use to any permitted principal use.

The proposed edits add several definitions related to electric vehicles, setbacks for support equipment, and adding electric vehicle charging as an accessory use to both residential and commercial uses.

With the speed of change in the industry, having broad definitions that will not become obsolete is the best approach. For example, when the Board began discussion of this topic there were Level 1, 2 and 3 chargers. Now there are level 4 chargers, fully automated battery exchange stations and soon there may be wireless charging. The proposed amendments capture EV charging and infrastructure that should be relevant with the future technology in electric vehicles.

Planning Department Recommendation

- 1) *Vote to refer to legal and schedule a public hearing at the March regular meeting.*

VI OTHER BUSINESS

VII. ADJOURNMENT