



## CITY COUNCIL MCINTYRE SUBCOMMITTEE MINUTES JULY 15, 2021 MEETING

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The McIntyre Subcommittee held the July 15, 2021 meeting via in-person and Zoom.

**Chair Peter Whelan opened the meeting at 2:08 PM with a roll call.**

### Subcommittee Members Present

In-Person: Chair Peter Whelan and Councilor Paige Trace.

Via Zoom: Councilor John Tabor; Councilor Deaglan McEachern joined the meeting by Zoom at 2:35 PM

City representatives present (In-Person): City Manager Karen Conard, City Attorney Robert Sullivan, Principal Planner Nick Cracknell, and Legal Administrator Synthia Ravell

Also present via Zoom: Russell Preston and Mandy Reynolds of Principle Group

Russell Preston had a discussion with the Subcommittee regarding the mock-up of the presentation and drawing edits, which are in process and forthcoming. Working with Lisa [McCann] on memo and/or slides she is preparing on her perspective on how the current project conforms to the NPS guidelines. Also, executive summary to be prepared by Chair Whelan and/or Nicholas Cracknell, Principal Planner, as an introduction section.

### Public comment:

In-Person: Petra Huda and Stephanie Seacord

Via Zoom: William Downey and Dickie Gamester

William Downey asked when it will be presented, will there be a report back in a timely fashion? In the paper, it was stated that Chair Whelan thought there would be initial feedback from the National Park Service Dennis Montagna and it would take approximately 2-3 weeks. Is that speculative or was it something they declared? Chair Whelan stated

timeline has not been declared yet, but he's going to need to look at it with his team and time to digest it and get back with written comment, and think it is going to take 20 days at least, so probably mid- to late-August.

Mr. Downey asked if the Principle Group plan mentioned by Russell Preston would be made public before it is delivered to Philly. Chair Whelan stated yes, he didn't see why it wouldn't, but would like to get it in the hands of the National Park Service first before making it public, and give them some time to look at it and go through it and schedule some time to review with them; that's the plan at this point.

Mr. Downey asked if Attorney Sullivan was present. Chair Whelan confirmed. Mr. Downey noted his two Right to Know requests about five weeks ago; one was bullet point the underlying data and the other a little more complicated and more diverse. Disappointed they haven't received that. Have done over 10 formal requests, plus the Right to Know. Would think if there were supporting statistical evidence, it would be high up on the flagpole and just want to go on the record of saying he's more than disappointed that he hasn't received it and very telling and very disappointed that it hasn't been received to date. City Attorney Robert Sullivan stated that he has been sending copies of his correspondence, so he knows as much as City Attorney Sullivan does. Mr. Downey thanked City Attorney Sullivan for that, but stated five weeks is a pretty extensive period of time and five days is supposed to be the turn-around time. It doesn't seem like it was given much time and effort, knows it is a complicated City, but structured it for a quick turn-around for the underlying data (names, addresses, potential conflicts of interest). City Attorney Sullivan stated that he does not have any documents to provide, have requested them from anyone that he thought might have anything, and has not received anything yet. Mr. Downey said he is going on the record to let the public know that they've been very patient, not a complicated request, it is well over due, and it's more than disappointing.

Petra Huda, resident, 280 South Street, stated that she read in the paper that this is going to the National Park Service and her question is that at that point in time when we get the response back, what is the plan if we get a yes or a no regarding acceptance. Chair Whelan stated that he's hoping that they're going to accept it and move it forward, but this is just a preliminary plan. Principal Planner Nicholas Cracknell stated that it's not unlikely that the answer would be that we're not quite there and that we would need to make some adjustments to get there, so there's a lot of space between yes and no to lead us to a successful project. Ms. Huda asked if the National Park Service says no then we go back to Mr. Preston and tell him what needs to be done. Mr. Cracknell stated that we're looking for at least a maybe, not a no, but would defer the answer to the Chair, who confirmed he thinks it is an interim process and anticipates the National Park Service is going to do a lot of back and forth and get to a point where there is a program or project that we're happy with and National Park Service is there and what's going to happen is we're going to do a formal application. Before that happens, is we would go to City Council and say we have a formal application, is the Council on board to go ahead with this or not, and there will be a formal vote on it. Ms. Huda asked about the developers' plans or their statements so far say to this. She stated that from what she's read that Mr. Kane has not looked at our plans

and has not moved forward with that, are we going to go back to him or how is that working out?

Chair Whelan stated that two things have to happen. First, City Council vote was that the lawsuit has to be dropped by Redgate/Kane. Second, Redgate/Kane has to make a decision to build this project or not; it is a Portsmouth community project, so is Redgate/Kane going to build it. He doesn't want to speak for Michael Kane, but he's waiting to see if they can build over that one-story post office. He's looked at the plans preliminary, but he doesn't want to spend a lot of time on them until it goes in front of the National Park Service. Chair Whelan confirmed for Ms. Huda that he [Michael Kane] has a copy of them [the plans] and he's looking at them.

Ms. Huda asked if we could possibly expect once we go through all the NPS stuff and all the other procedures that we could move forward rather quickly or? Chair Whelan stated that we're going to move forward as quickly as we can.

Councilor Paige Trace state that we are not submitting a formal application at this specific point in time to NPS and, as Councilor Whelan said, Mr. Kane would have to withdraw his lawsuit as per the specifications and the voting of the City Council. If Mr. Kane is unwilling to withdraw his lawsuit, then by vote of the City Council we can't go further and enter into an application process with him as our partner. Council vote. What is going in front of NPS right now is asking NPS to look at what we would like to present in a formal application and ask if they have any specific serious problems with what we intend to bring in a formal application. What comes back may need to be modified, needs to be discussed, and at some point it will come to the Council for discussion and seriously does not think any major modifications of any sort would happen without the Council being made aware of what was going on in full transparency before a final application has crossed their hands.

Chair Whelan confirmed and said another piece is the financial application to NPS and ground lease with Michael Kane. We have David Eaton on retainer to work on that, but want to get this architectural piece done first.

Ms. Huda stated so that it's clear, the first presentation is the architectural. Chair Whelan confirmed. Ms. Huda further stated we then wait for a yay or nay and the second piece is if we move forward with that is the financial piece. Chair Whelan said and the formal architectural, it's the complete package. Councilor Trace stated that if they say we're good with it, then we start the formal application, and once they give the okay on design, architectural, as a community project, then we can take that design part and financial part, put it all together and put it into a formal application to be formally submitted. Chair Whelan confirmed that will come before the Council before it's actually submitted.

Ms. Huda said that as a resident, she would like to get clear in her mind that are we still online or a timeline for the building being turned over to the City at the end of September. Chair Whelan stated he doesn't know and asked City Manager if she had any further updates on that, but the FBI is the last tenant in the building and we've got a form of a

lease, or a license agreement with GSA. As soon as they vacate, Chair Whelan thinks they will turn it over to Portsmouth. Ms. Huda asked if this license is new or if it was in the past and we're still looking at the same kind of timeline. City Manager Conard stated that she thinks it's a function of how soon and when the FBI moves out, we haven't received any new information from GSA, but when we do we will certainly share it. Ms. Huda stated the last we were expecting in January, then we were expecting March and now it's September. City Manager confirmed it is not in our control, but every time they've given data, we've been pushing it out, too. Chair Whelan also stated is that the FBI is building a new building in Hampton, and it's got to be bullet proof glass and all kinds of security stuff, so they're not going to leave their location at McIntyre until that's done. City Manager asked Chair if it would be more appropriate to take this up further after Principle Group is done and we have a hard stop and can come back to this. Chair Whelan concurred.

Chair Whelan asked Councilor Tabor if he had any questions of Mr. Preston on the application or anything moving forward. Councilor Tabor said he'd be interested in knowing how we'd make the case for the construction over the Post Office wing. Interested in how we're going to make that case. Mr. Preston responded that part of what he thinks the answer is in three ways. Part of the goal is get a package together ahead of the meeting, so preparing it with the NPS as the audience in mind. Part of that is making the case for why that proposal, proposed addition makes sense under the NPS guidelines, but also it is beneficial for us to lay out how we arrived at that solution. There are a number of things at how we arrived at that solution: one being the continued community interest and request for observation deck; second the interest in how housing downtown is needed, specifically affordable housing and the space above that one-story section of the McIntyre would address that concern brought up by the community; seemed illogical to leave that air above that one story vacant, when a complimentary but entirely different addition could be shaped above that and set back to preserve the views from the major vistas around the site and compliment the needs of other elements of the building. Just getting into the fact to the Chair's point earlier, or Mr. Cracknell's, to make sure that we come out of this with a maybe that's strong enough that it's a really interesting approach to this. The architecture will be refined and improved once we get the NPS's input on that.

Councilor Tabor commented that there is clear separation in the design of the three stories over the postal wing from the monument, there's a big gap and that allows views of the monument and the 2018 plan had five stories in front of the monument, now it's lowered down and that was always a concern of the Park Service, so there's more view, trying to protect views of the monument.

Mr. Preston stated that working with Lisa, going through the checklists and guidelines and address them one by one, and that they've done that in their office. From his perspective, it meets those guidelines but it is going to be a conversation with all the staff there and hoping that the overwhelming community support for this plan and structuring it around that.

Chair Whelan affirmed Mr. Preston's point and discussions by Mr. Preston and Ms. Reynolds with Lisa McCann who stewarded the first application, and she is a former NPS

employee and knows everyone down there, so there's been a lot of back and forth to make sure that this is complimentary to the monument and carry the pieces over. Mr. Preston and Ms. Reynolds have been revising some of the drawings and doing different things, so the NPS can look at it to make sure it can get to a yes or close to a yes as we can.

Councilor Trace loves the word "complementary" but would be mindful that "subservient" to the monument goes a long way to the NPS standard for the monuments program, but that building, anything around the monument must be subservient to the monument itself. Then the question arises is that addition part of the monument or because it's set back is it standing alone even though it once was part of the monument is it now considered a completely different building? It's great that it's set back, but the weird part is that it is still part of the monument because there will be the spine going to down the monument itself and the addition of the Post Office. As a member of the Subcommittee, she would really like to see at some point what has been done thus far, and thinks that would be potentially appropriate.

Mr. Preston said the activity right now is repackaging this and writing some original text specific to the NPS. There are some edits that Lisa brought up that, from her view, might be minor edits beneficial to the conversation with NPS, but overall those details being illustrated are not an evolution or further additional design at this point. Councilor Trace understands, but would like a better understanding of what's going on and confirmed would like to review the presentation, which Mr. Preston confirmed he would like them to review it and would like everyone's brainpower in the room to weigh in on it and the timing of that just needs to be coordinated.

Councilor McEachern joined the meeting by Zoom at approximately 2:35 PM.

Mr. Preston confirmed with Councilor Trace that the word "subservient" is important and thinking about that consistently with that addition. Councilor Trace considers the work done brilliant with the mass but it's not obvious, and the green space, and is thrilled with the addition above the Post Office, appreciates the mass but it's not overwhelming.

Councilor Tabor stated that it's a finely balanced proposal and managed to reduce the volume on the back half of the building by 55% and yet still provide a reasonable amount of leasable space. Thinks the balance of giving more public space and more green space is a strong argument to make, less giant buildings blocking the monument, and it all balances.

Mandy Reynolds shared a bullet point on strategy for a focus on priorities:

- Outline of presentation
- Goals & Strategy:
  - Does it make sense to include the history in the packet? Respond to comments on what is an entirely different project?
  - Are we planning on this presentation being a continuation of the previous project or will NPS consider this an entirely new project?
  - Ultimately, what's the best way to present the project?

Chair Whelan confirmed that he believes this is a brand new project and thinks it's brand new because we had 14,000 hours of community input and hired the Principle Group to come in and, essentially, revamp and start fresh. Mr. Preston confirmed that's what he thought. Reading through all the previous materials from NPS, think it can be addressed indirectly by talking about the new project appropriately. Councilor Trace stated that the reality is that this will be a brand new application, it may contain parts of the old application as applicable, but it is a new application and the application can't go in until the development partner drops his lawsuit, so that would also belie a brand new agreement and a brand new draft form of a ground lease. It's a community project and it is brand new.

Councilor Tabor confirmed it is a new project, and it's new because it's based on what the residents want. We pretty much have what the public wants into this project.

Councilor McEachern said that its somewhat semantics if it's a new project or an extension of the previous project, it's a new application, as much history as possible to set up where we are today, and somewhat of the stakes of where we are today, what happened previously, where we find ourselves after the work we've put in to get to this point. It's an important thing to share with the National Park Service. He would also say what we've learned about the National Park Service and that process, potentially through the previous application would be useful and positioning the mass and density. It's important to recognize what the previous project laid out and alternatively where that mass and density would go. The last point is they are charged with preserving the monument, but the entire area is a part of a distinction in the National Historic Record and how this better unifies the City in that area would be very helpful, specifically some of the history of the neighborhood and where this fits in, and if you give the Park Service that understanding of the neighborhood and how it benefits the monument and the historic character and connecting parts of the City that were disjointed by a painful process; it's a really good thing, and that only happens from an economic feasibility standpoint if there is some building on top of the Post Office to be able to get us closer to where we were before.

Chair Whelan looks at this as a new project, a new start for everybody. Chair Whelan pointed out the question on Principle Groups bulleted items "what's the best way to present the project?" Chair Whelan said we would probably have to look at the deck first and then make decision as to who and how and when, but it will be done remotely and will discuss how to present that, which Mr. Preston affirmed. Mr. Preston also stated he thinks there's two parts to this; send it in advance so they have time to review it and it might be the difference between what they're reading and what we're saying, that is really the distinction on how we want to frame this for NPS and get to a collaborative point with NPS for improving the project for the next phase of work.

Chair Whalen sees this as making the presentation to them, but more of a dialogue, questions and answers back and forth, and then they'll take some times afterwards to get back to us on what they like, what they dislike, and believes it's hard to get a commitment that day from NPS.

Councilor Whelan stated that on the commitment, or goal is not to have them 'hey, you guys did a great job, nothing to see here, start building it,' but thinks what the development partner has shared in the press has been pretty binary in terms of how we continue to work alongside them, need some answers from them and we should share some of the importance around that from the Post Office around this and it has to be a part of the presentation in some way around it.

Councilor Trace asked City Manager Conard if we've heard anything more from Post Office. City Manager Conard said we have not. Councilor Trace asked if we should. Councilor Whelan confirmed another overture to the Post Office before this presentation to see if we can get some answers. City Manager Conard that would be done through Senator Hassan's office.

Councilor Whelan asked Mr. Preston about getting a look at the drawing. Mr. Preston stated it can probably be ready the next week. Councilor Whelan confirmed end of next week.

Councilor Whelan confirmed next meeting scheduled for Friday, July 28, 2021. City Manager Conard confirmed she will not be available but meeting could still occur. Mr. Cracknell would be available to attend the meeting remotely.

Councilor Tabor asked if Lisa McCann given her best advice on what's the most effective way to present this as she's been in those chairs, what's her best advice?

Mr. Preston confirmed had a working session with Lisa McCann the previous week and likely going to have a couple more work sessions with her as it is pulled together, leveraging her perspective. Mr. Preston also requested a few photos, such as the loading dock and winter garden atrium entrance.

Chair Whelan confirmed next meeting is scheduled for Friday, July 23, 2021 at 2:00 PM.

**Councilor McEachern moved to adjourn the meeting. Councilor Trace seconded. On a roll call vote 4-0, the motion passed at 2:55 PM.**

Date Approved: \_\_\_\_\_

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Peter Whelan, Chair  
McIntyre Subcommittee

Minutes taken by  
Synthia M. Ravell, Legal Administrator II