

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

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

6:30 pm Work Session begins

7:30 PM Public Hearings begin

OCTOBER 17, 2019

MINUTES

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester;; John P. Bohenko, City Manager; Ray Pezzullo, Assistant City Engineer; Corey Clark, Alternate, and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I

MEMBERS ABSENT: Jay Leduc; Rebecca Perkins, City Council Representative;

.....

WORK SESSION ON PROPOSED ZONING AMENDMENTS 6:30 pm-7:30 pm

I. Short-Term Rentals

Planning Director Juliet Walker introduced the proposed changes. There is a working draft and the purpose of tonight is to collect initial feedback from the Board. The draft split the Short-Term Rentals into two types of uses: Home-Share Rentals and Short-Term Rentals. Home-Shares would be more like a bed and breakfast and a Short-Term Rental would be renting the whole house. Both would be secondary to a single-family use. This change would eliminate the current bed and breakfast as a principle use. Both of these rental types can be used in a single-family dwelling or condo unit (with the consent of the condo association.) A transient use rental is defined as a rental for less than 30 consecutive days. Currently a rental for less than 30 days is considered a bed and breakfast. There are off street parking requirements in addition to what is already required for the principle use. The Home-Share would require one additional space per bedroom and the Short-Term would require one additional space total. A Home-Share would be rented rooms in a dwelling unit with the primary owner present. A Short-Term Rental would be the entire dwelling. The owner would not be present. Owners would not be allowed to do a Short-Term Rental more than 120 days a year. The rental cannot be combined with an Accessory Dwelling Unit. The proposed Ordinance would allow Home-Share Rentals by right in some district and by special exception in other districts. Special exceptions would go to the Zoning Board of Adjustment. The recommendation is that a Certificate of Use be required only for the Short-Term Rental. Currently a bed and breakfast does not need one, so a Home-share Rental won't either. There were some other housekeeping provisions recommended for this Ordinance as well.

City Manager Bohenko commented that he was concerned about the 120 days a year limit. That would allow an owner to rent every weekend of the year. They should limit how many weekends it can be rented.

Ms. Henkel commented that these changes would make things more permissible than before as long as they meet the requirements. It may be confusing for people. Ms. Walker responded that they had

initial discussions with City Council and the Planning Board and did not get a clear direction for the work session. One suggestion could be to scale back the districts it's allowed in.

Ms. Record clarified that Short-Term Rentals would not be able to rent more than 120 days a year, but Home-Share Rentals would have no limit. It just had to be a rental that was less than 30 consecutive days. Ms. Walker confirmed that was correct. Ms. Record questioned what the mechanism would be to ensure the owner was present for a Home-Share Rental. Ms. Walker responded that was not something they would be able to enforce, which is true of any use. Ms. Record questioned if a bed and breakfast had to renew every year currently. Ms. Walker responded that they did not. They get a permit and it is up to the owner to follow that. If it becomes a problem, then the City can say they are not complying.

City Manager Bohenko questioned if they could require certain insurance on the property that said they were required to comply with all ordinances. Ms. Walker responded that they had discussed making insurance liability requirements, but someone could have insurance for the day they get their Certificate of Use then cancel it. The insurance requirement would be too hard to enforce. Vice Chairman Moreau noted that lenders are notified of changes because they are listed on the policy. If the City's Legal Department could find a way to be listed on the policy, then the City would be notified about a cancelation or incident.

Ms. Walker commented that there is special insurance for rentals. However, this goes beyond zoning. Insurance and financing are not necessarily land use. They have proposed things like this in the past and City Council shoots it down because of that.

Vice Chairman Moreau commented that she has seen 3 bedrooms homes be rented to more than 2 people per bedroom. There is no way to regulate the amount of people. Ms. Walker commented that this is another item that is a question if the City should regulate that or not.

Vice Chairman Moreau commented that there is not a lot of legality to stand on for some items in the ordinance. It is good to make people comply, but it is unclear if they can legally do it. This would be putting a lot on the ZBA that already meets twice a month every month. They need to be cognizant in permitted uses. It would not be a bad idea to get the ZBA in on this work session. This may create a lot of variances and special exceptions. Ms. Walker noted that they used similar wording in the ADU Ordinance. A lot of this is relying on people being honest. Ms. Henkel questioned if someone was not complying and the neighborhood complains, then would the City be able to step in. Ms. Walker responded that a condition of approval would be that they have to comply. If someone doesn't comply, then the City could revoke the approval.

Ms. Henkel questioned if they could add a provision to say they couldn't hold parties or events. Chairman Legg commented that he was happy that the ordinance clarified that ADUs could not be used for this. ADUs were created to make more affordable housing and allowing Short-Term Rentals would defeat that purpose. The Short-Term Rental can be disruptive to the neighborhood because they will have transient people who are not connected to the community. A Home-Share solves both issues. It provides residents the opportunity to rent out rooms in their house and requires that the owner be present. That addresses a lot of issues that could come up if the whole house is rented out. Chairman Legg encouraged the Board to focus on the Home-Share piece as a starting point. The Short-Term Rentals still need more thought. Based on the rental requirements an owner could rent out the house from June 1st to October 1st or every weekend in a year. A 4-bedroom home in a neighborhood could have 8 adults changing night by night or week by week for 4 months of the year. Chairman Legg

questioned how they could ensure the neighborhood stayed intact. The Short-Term Rental draft seems very aggressive. Chairman Legg fully supported the Home-Shares wherever they could make that happen.

City Manager Bohenko agreed with Chairman Legg's concerns about the Short-Term Rentals draft. Ms. Walker responded that they were open to splitting these into two ordinances. City Manager Bohenko commented that he was concerned that a large investor would come in to take advantage of the Short-Term Rentals. Ms. Walker responded that the Short-Term Rental would be an accessory to the single-family home. That would prevent a large investor from doing that. One starting point could be to not allow Short-Term Rentals in all districts. In some places it's ruining residential areas because people are speculative buying and in other places they are restricting in the historic downtowns because it's getting to be a problem. Chairman Legg noted that he has seen cities start broad and then reduce when problems arise. Ms. Record noted that some cities don't allow rentals over 90 days and have big fines if the owners don't comply. There should be a mechanism to make owners feel like they have to be compliant. Ms. Henkel agreed. They should be thoughtful about where this should be allowed.

City Manager Bohenko commented that they should move forward with the Home-Share rental piece and set aside the short-term rental until they have had more time to work on it. Ms. Walker commented that either way another work session on either amendment is recommended.

Vice Chairman Moreau noted that they need to be careful on where this is allowed. Home sharing in the downtown is sort of expected. They should look at where bed and breakfasts are now. They should not take it away from any districts with existing bed and breakfasts. Vice Chairman Moreau agreed with Ms. Record's concerns about the Short-Term Rentals. They should start narrow then build out based on how it works.

Chairman Legg commented that they should focus on the Home-Share piece. There should be another work session with the ZBA to get their feedback.

II. Provisions for Multiple Dwellings on a Lot

Planning Director Juliet Walker commented that these amendments were based on the outcome of 2 applications that came in front of the Board that were a challenge because they had multiple buildings on one lot. There were concerns about regulating public safety because of a long driveway. As land becomes scarcer, they will see more and more lots building out. The City has about 60 lots where this could potentially happen, but not all those lots are 100% developable. Ms. Walker noted that they are proposing to revise how the City controls some of the multi-family dwelling units on the lot for when they come in front of the Board for a CUP. Some are allowed by special exception, some by right, and some by a CUP. These changes would regulate what is allowed and where. CUP criteria would be added. The lot would have to comply with dimensional standards and consistent compatibility. The idea is to give the Planning Board per view about whether it makes sense to have multiple principle uses on a property. The Board can say it's too dense not because of a density requirement, but because of the layout.

City Manager Bohenko commented that the new condos off Sagamore Ave. is all one lot with stand-alone homes. Now they are getting questions after the second buyer comes in. It becomes really problematic. They look like a subdivision, but they are not. Ms. Walker responded that they are trying to address that. They are not prohibiting it but are adding another layer of review.

Vice Chairman Moreau commented that this happens in a lot of other towns. A developer does not want to be bothered with subdividing. Vice Chairman Moreau questioned if they could insist the HOA pay for private trash service and a bank of mailboxes at the end of the street. Ms. Walker responded that the Sagamore Ave. example is set up like that as a private driveway. The City doesn't maintain it. There is a bank of mailboxes at the end. City Manager Bohenko commented that it sets up issues for safety and addresses.

Chairman Legg commented that it may be worthwhile for the City to present to the Board all the issues that have been raised. That will help the Board understand what is working and what is not working. Ms. Walker confirmed they would do another presentation/work session.

Mr. Pezzullo noted that some of the other communities with private driveways have to meet the standards of a subdivision to avoid problems with safety etc. Ms. Walker confirmed that was required unless they had a CUP.

Mr. Gamester commented that there should be a preliminary conceptual plan option to show the design and layout. Someone should not have to go through a fully designed and engineered plan to find out it would not be approved. Ms. Walker responded that was a good point.

REGULAR MEETING 7:30 pm

I. APPROVAL OF MINUTES

- A. Approval of Minutes from the September 19, 2019 and September 26, 2019 Planning Board Meetings

Mr. Gamester moved to approve the minutes from the September 19, 2019 and September 26, 2019 Planning Board Meetings, seconded by Ms. Record. The motion passed unanimously.

II. CIP ADVISORY COMMITTEE

- A. Designation by Planning Board Chair of member of the FY 2019-2024 Capital Improvement Plan Advisory Committee

Chairman Legg commented that Ms. Henkel and Vice Chairman Moreau would join him on the Committee.

III. DETERMINATION OF COMPLETENESS

A. SITE PLAN REVIEW

1. The application of the **City of Portsmouth, Owner** for property located at **680 Peverly Hill Road** requesting Site Plan Review approval.

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

IV. PUBLIC HEARINGS – OLD BUSINESS

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

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

- A. The application of the **City of Portsmouth, Owner** and **GZA Geoenvironmental, Inc., Applicant** for property located at **680 Peverly Hill Road** requesting Wetland Conditional Use Permit approval in accordance with Section 10.1017 of the Zoning Ordinance to construct three multi-purpose recreational fields and associated parking and a solid waste / recycling transfer station on the site of a reclaimed quarry with 489,592 sq. ft. of disturbance in the wetland buffer and 57,512 sq. ft. of direct disturbance to the wetland. Said property is shown on Assessor Map 254 as Lot 8-1 and lies within the Municipal (M) District.

Vice Chairman Moreau moved to hear Old Business Item A and B together and vote on them separately. The motion passed unanimously.

SPEAKING TO THE APPLICATION

City Project Manager David Allen and Phil Corbett spoke to the application. Mr. Allen commented that they were looking for the approval for 2 playing fields and associated drainage and a regional storm water facility that will treat water from the West Road area. That project is a condition of the approval. The new transfer station, a third playing field and some additional snow storage from DPW operations were not part of the approval tonight.

Mr. Corbett commented that they have submitted wetlands permitting for the entire site. That approval is pending based on the mitigation package. In 2010 the City commissioned recreational needs study, which was updated in 2016. There is a substantial demand for recreational fields in the City. Currently there is limited participation because there is not enough field space. Sod fields take too long to recover after rain. The City needs additional field stock in a single field complex. There were 5 other sites identified in the study, but some were too small, others had abutter opposition, or environmental concerns. The City has 17 fields. 7 of those fields are lit and 5 of the lit fields are at the high school. 3-4 new lit synthetic turf fields would go a long way for the City. The City purchased 50 acres and consolidated it with the Public Works facility to create a 60 acre lot. Eventually they will have 3 fields, a storm water treatment facility, snow storage, and a new transfer station on the site. It is a good opportunity to capture storm water and a unique location. All of the fields are proposed in the upland area that is in a reclaimed a gravel quarry. The lot is not close to abutters. Providing multiple fields in one site will give the Recreation Department flexibility programming. The proposed fields would be adjacent to a gravel parking lot and storm water facility. Phase 2 of the plan would involve a paved parking area concession stand and a third field. The large wetland on the site will not be impacted at all. The manmade wetlands on site will be impacted. There is an existing trail system that will be preserved. The natural wetland goes to Pickering Brook the rest goes to Sagamore Creek. A gravel wetland and a bio retention system will be implemented along with a testing program. The fields will be synthetic turf with underground infiltration chambers and gravel wetlands. Main access to the site will be from Community Campus Drive. There is a gated entrance there now. There will also be an operational access for the public works site that will not open to the public. The access drive will be a 20-foot-wide road of hard pack gravel. The estimated parking demand is 38 vehicles per field on a weekday and 59 per field on a weekend. There will be plenty of parking. Traffic will not coincide much with peak hours. Traffic distributes well after the first couple intersections. Water

and sewer are planned for future connection. Lighting is planned for the fields and parking lot. There is significant landscaping planned. The team worked with the City Arborist and incorporated feedback from the Trees and Greenery Committee. A berm will be created at the back of the fields. Trees will be added for screening and shade.

Vice Chairman Moreau questioned why they weren't building all 3 fields at once. Mr. Corbett responded that they did not have enough funding.

Mr. Clark questioned if the existing corrugated pipe should be replaced as part of the storm water treatment improvements. Mr. Corbett responded that was put in as part of the reclamation and it was in good condition. The plan would be to clean up some sediment and leave what is there in place. Mr. Clark commented that he did not see any sort of operations of maintenance plan in the documents. They should add one. Mr. Corbett agreed and confirmed it would be added.

Chairman Legg questioned if there was opportunity for overflow parking if all the spots in the lot were filled. Mr. Corbett responded that there was overflow parking available in the snow storage area.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **grant** Wetland Conditional Use Permit approval, seconded by Vice Chairman Moreau with the following stipulations:

1. City shall maximize the amount of plantings on the side of the fields adjacent to Wetland 1.
2. City shall work to reclaim existing milkweed and soil and replant away from the field.
3. City shall plant pollinator seed mix wherever possible around the site.
4. City shall implement measures to reduce light spillover especially in the area of Wetland 1.
5. Plans shall be updated to include wind screening netting to reduce impacts from dust and to help reduce light spillover.

The motion passed unanimously.

- B. The application of the **City of Portsmouth, Owner** for property located at **680 Peverly Hill Road** requesting Site Plan Review approval for the construction of recreation playing fields with associated lighting, parking, restrooms, stormwater management infrastructure, utilities and other site improvements. Said property is shown on Assessor Map 254 as Lot 8-1 and lies within the Municipal (M) District.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **grant** Site Plan Review approval, seconded by Vice Chairman Moreau with the following stipulation:

- 1) The applicant shall provide an Operations and Maintenance Plan for the Stormwater Infrastructure.

The motion passed unanimously.

V. PUBLIC HEARINGS – NEW BUSINESS

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

- A. The application of **Shannon Harrington & James St. Pierre, Owners**, for property located at **20 Taft Road**, requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a deck for an existing pool, with 223 +/- s.f. of impact to the wetland buffer. Said property is located on Assessor Map 268, Lot 91 and lies within the Single Residence B (SRB) District.

SPEAKING TO THE APPLICATION

Mr. Gamester recused himself.

Owner Shannon Harrington commented that she wanted to add on to her existing deck to extend it around the pool.

Vice Chairman Moreau commented that there was a typo in the plans. It said the pool was 24 inches but it should be 24 feet. Ms. Harrington confirmed that was correct and would be updated. Vice Chairman Moreau clarified that the decks would connect and confirmed that Ms. Harrington would do the plantings recommended by the Conservation Commission. Ms. Harrington confirmed that was correct.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** Wetland Conditional Use Permit approval, seconded by Mr. Kisiel with the following stipulations:

- 1) The applicant shall space the deck boards apart in order to encourage infiltration of rain and stormwater.
- 2) The applicant shall plant a buffer along the 4 ft. back pool area.

The motion passed unanimously.

- B. The application of the **Nalewajk Family Revocable Trust, Owner**, for property located at **350 Little Harbor Road**, requesting a Wetland Conditional Use Permit amendment to a September 15, 2016 approval under Section 10.1017 of the Zoning Ordinance requesting to retain existing stone pavers that would create an impact of approximately 590 square feet in the inland wetland buffer. Said property is located on Assessor Map 202, Lot 16 and lies within the Rural Residential (R) District.

SPEAKING TO THE APPLICATION

Owner Sue Nalewajk spoke to the application. They have constructed a new house and received permits for that in 2016. The driveway was installed in full and they liked the permeable pavers. They decided to seek a change to allow the driveway to stay as is without cutting the ribbons. It would be easier for maintenance and a little bit of an improvement to the environment as well.

Vice Chairman Moreau questioned if they could require a maintenance plan for the porous pavers. Ms. Walker confirmed they could add that as a stipulation.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** Wetland Conditional Use Permit approval, seconded by Mr. Gamester with the following stipulation:

- 1) The applicant shall provide a maintenance plan for the area of stone pavers for review and approval by the Planning Department.

The motion passed unanimously.

- C. The application of **Kenneth Young, Owner**, for property located at **346 Colonial Drive**, requesting a Conditional Use Permit requesting a Conditional Use Permit according to Section 10.814 of the Zoning Ordinance to construct an Attached Accessory Dwelling Unit with 395 s.f. of gross floor area in the second story of a newly constructed garage. Said property is located on Assessor Map 260, Lot 136 and lies within the Single Residence B (SRB) District.

SPEAKING TO THE APPLICATION

Eric Mayer from DTC and Charles Hoyt spoke to the application. The attached ADU is proposed for the owner to have his aging father live with him. Their first request for a variance was denied. They went back to the drawing board and redesigned the space. This proposal would involve demolition and moving the garage forward. The ADU would go above the garage. It would be 395square feet of gross floor living space with a kitchen bedroom and bathroom.

Mr. Hoyt commented that after the variance was denied they worked with the neighborhood to hear their concerns. The ADU was reduced in size and pulled forward. The dormers proposed for the project breaks up the long roof. It's a modest design.

Mr. Mayer commented that the proposal is seeking several modifications for the design criteria. The lot has frontage on 2 sides, which makes for a small building envelope. Technically the ADU will be expanding toward the road in an amount greater than the existing dwelling. The proposed front facade of the ADU will not go beyond the front façade of the primary dwelling. No more than 40% of the façade can face the street. One side of the façade will be predominately the ADU, but that will not be the primary road. They are seeking 2 additional modifications for the expanding building footprint and height. They can't do both. This is a modest expansion of footprint and height. The ADU will be in line with the existing ridgeline. It is not unreasonable. Mr. Mayer believed that this proposal satisfied the criteria. It will be consistent with the principle dwelling. It will be made of similar materials and constructions. There is adequate parking. It is a small lot to begin with and the expansion is modest so there is no material impact to the landscaping. There will not be excessive noise or traffic.

Vice Chairman Moreau questioned if the ADU had to be as tall as it was. Mr. Hoyt confirmed that it did. Taking away the dormers would give very little square footage.

Chairman Legg questioned what the proposed ceiling height in garage and proposed ADU were. Mr. Hoyt responded the garage was 7 feet 11 inches. The ADU will have a 5-foot wall that slopes up. The kitchen and bathroom would not work without the dormer. Chairman Legg commented that the ordinance was written this way to keep the ADU subordinate to the existing house. The proposal creates a dilemma about whether or not to approve this because it may create a standard that others will follow.

Vice Chairman Moreau noted that the existing house has a front door and a side access door to the garage. The proposed changes make it look like the house has two front doors, which makes it look like a duplex. Mr. Hoyt responded that he did not add any more doors than what was there to begin with. The intent was to make the entrance a little more pleasing. The ridge line is as low as it can go for this design.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau commented that the previous door was set back. The door should be recessed to look less like a front door.

Ms. Henkel noted that it was a modest house and a modest ADU. Ms. Henkel noted that she would support it.

Chairman Legg agreed with Vice Chairman Moreau's concern about the door. They should consider alternatives for the entrance to make it look less prominent. It could be recessed. Mr. Hoyt confirmed that he could get rid of the front portico and recess the door 16 inches. Mr. Hoyt questioned if he could add a 2.5-foot gable bracket above the door. Vice Chairman Moreau confirmed that would be fine.

Vice Chairman Moreau moved to grant a modification for the following requirements, seconded by Mr. Gamester:

- 1) Section 10.814.43 of the Zoning Ordinance – to allow an AADU that does not maintain the appearance of a single-family dwelling provided that the proposed portico at the entrance to the addition shall be redesigned to appear subordinate to the principal entrance to the existing building with an overhang that projects no greater than 2.5' from the face of the addition;
- 2) Section 10.814.44 of the Zoning Ordinance – to allow a portion of the AADU to be closer to the westerly front lot line than the principal building;
- 3) Section 10.814.451 of the Zoning Ordinance – to allow the portion of the AADU with an exterior wall facing the street to comprises more than 40 percent of that side's building façade area;
- 4) Section 10.814.452 of the Zoning Ordinance – to allow an AADU that includes an increase in building height as well as an increase in building footprint;
- 5) Section 10.814.453 of the Zoning Ordinance –to allow an AADU that includes an increase in building footprint with a height that is equal to rather than less than the principal dwelling; and,
- 6) Section 10.814.454 of the Zoning Ordinance – due to the uniqueness of the lot and the orientation of the existing single-family dwelling on the lot to allow an AADU with an addition that is not architecturally consistent with the existing principal dwelling.

Vice Chairman Moreau commented that this was a very unique lot and they are doing the best they can. The motion passed unanimously.

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

Vice Chairman Moreau moved to grant the conditional use permit as presented, seconded by Mr. Gamester with the following stipulations:

- 1) In accordance with Sec. 10.814.90 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.814, including the owner-occupancy requirement and shall renew the certificate of use annually.

2) Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds per Section 10.814.80 of the Zoning Ordinance.

Vice Chairman Moreau commented that they have to be careful as a Board when approving these. Due to the size of the house, the shape of the lot and the owner trying to accommodate neighbors this makes sense. Vice Chairman Moreau understood why moving the garage forward was important to the abutters. Vice Chairman Moreau noted that in this particular instance she was willing to support the application. This does not set a precedence.

Mr. Gamester commented that the compromises and concessions have been appropriate and adequate.

The motion passed unanimously.

- D. The application of the **Squires Family Revocable Trust of 2015. Owner**, for property located at **130 Sherburne Road**, requesting a Conditional Use Permit under Section 10.814 of the Zoning Ordinance to convert an existing living area within a single-family home into an attached accessory dwelling unit with 620 s.f. of gross floor area. Said property is located on Assessor Map 260 as Lot 02 and lies within the Single Residence B (SRB) District.

SPEAKING TO THE APPLICATION

Mr. Squires commented that the application was to create an ADU over the garage. The space over the garage was made into an illegal apartment by the previous owners. The City required that the kitchen be removed. There is a bathroom and closets. The proposal is to make it an ADU and bring it up to code.

Vice Chairman Moreau questioned where the access from the ADU to the principle dwelling unit was. Mr. Squire responded that there was a one door entrance into the ADU and they would need to create a second egress. The primary entrance will be through the garage. A set of stairs lead up to the first floor. There will be another entrance off the back porch.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

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

Mr. Gamester moved to grant the conditional use permit as presented, seconded by Vice Chairman Moreau with the following stipulations:

- 1) In accordance with Sec. 10.814.90 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of

Sec. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.

2) Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds per Section 10.814.80 of the Zoning Ordinance.

The motion passed unanimously.

- E. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road**, requesting a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to construct 22 single family homes and an access road with an impact of 4,013 s.f. of inland wetland area and 21,089 sq. ft. in the wetland buffer. Said property is located on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.

DISCUSSION AND DECISION OF THE BOARD

Mr. Kisiel moved to **postpone** Wetland Conditional Use Permit approval until the next regularly scheduled Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

VI. ADJOURNMENT

Mr. Gamester moved to adjourn the meeting at 8:48 p.m., seconded by Ms. Record. The motion passed unanimously