

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

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

**7:00 PM**

**June 17, 2021**

**MINUTES**

**MEMBERS PRESENT:** Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Peter Whelan, Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; and Polly Henkel, Alternate

**ALSO PRESENT:** Juliet Walker, Planner Director

**MEMBERS ABSENT:** None.

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**I. APPROVAL OF MINUTES**

A. Approval of the Planning Board minutes from May 20, 2021 meeting

The May 20, 2021 meeting minutes were **approved** as presented by unanimous vote.

**II. PUBLIC HEARINGS – OLD BUSINESS**

**A. REQUEST TO POSTPONE** Request of **Stone Creek Realty, LLC, (Owner), and CPI Management, LLC, (Applicant)**, for property located **53 Green Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the demolition of an existing building, construction of a 5-story mixed-use building and renovation of an existing parking area that will result in 98 square feet of impervious surface in the 25' to 50' tidal wetland buffer zone and 8,425 square feet of impervious surface in the 50' to 100' tidal wetland buffer zone representing an overall net reduction of 3,058 square feet of impervious surface in the tidal wetland buffer areas from the existing condition. Said property is shown on Assessor Map 119 Lot 02 and lies within the Character District 5 (CD5) District, the Historic District, and the North End Incentive Overlay District. **REQUEST TO POSTPONE**

**DECISION OF THE BOARD**

It was moved, seconded, and passed unanimously to **postpone** the public hearing to the July Planning Board meeting.

- B. REQUEST TO POSTPONE** Request of **Brora, LLC, Owner**, and **210 Commerce Way LLC, Applicant**, for property located at Shearwater Drive (at intersection of Portsmouth Boulevard and Market Street) for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for an after the fact approval for cutting of vegetation on 88,700 square feet in the wetland and vegetated buffer areas. Said property is shown on Assessor Map 217 Lot 2-1975 and lies within the Office Research (OR) District. **REQUEST TO POSTPONE**

### **DECISION OF THE BOARD**

It was moved, seconded, and passed to **postpone** the public hearing to the July Planning Board meeting.

### **III. PUBLIC HEARINGS – NEW BUSINESS**

- A.** Request of **City of Portsmouth, NH, Owner**, for property located at **99 Peirce Island Road**, for Site Plan Review approval for demolition of the existing bath house and pump house buildings and construction of a new bath house and a new chemical storage building. Said property is shown on Assessor Map 208 Lot 1 and lies within the Municipal District.

### **SPEAKING TO THE APPLICATION**

City Facilities Manager Joseph Almeida, Director of Public Works Peter Rice, Director of the Recreation Department Todd Henley, and Ken Weston and Wade Lippert of Oak Point Associates were present to speak to the application.

Mr. Almeida said the Peirce Island pool and pool house would be renovated and repaired and that the project was also presented to the Recreation Board and the Peirce Island committee and that the pool would remain open throughout the construction duration.

Project Manager Ken Weston said they wanted to demolish the existing bath house and pump house and build a new bath house of 3,340 square feet, with a portion of it being the new 7,075-s.f. pump house. He said the bath house would have a changing room, a filter room with aquatics to operate the pool, and a pump well for the pumps, and the new 280-s.f. chemical storage building would be adjacent to it. He said they would do repairs to the pool by fixing the gutter and main drains, replacing the liner and pool deck, and improving accessibility.

Mr. Chellman asked what the proposed schedule for construction was, and Mr. Weston said it was targeted for September.

Mr. Clark noted that the site plan called out the use of top soil seed and fertilizer. He asked, given the presence of children and others laying on the grass around the pool, if an organic fertilizer was considered or not using a fertilizer at all. Mr. Weston said they did not consider it but it was a good suggestion. Mr. Clark said the sidewalk shown on the plan looked generic. He said the area got a lot of bike travel and asked if the sidewalk could be widened to allow bike access. Mr. Weston said they discussed bicycles but didn't consider widening the sidewalk in

that area for bicyclists or pedestrians. He said it was a good suggestion. Mr. Lippert said they would want the bike lane to be separate from the walkway, like a striped lane coming onto the island as in the same direction as vehicle travel. He said they were just looking at improvements in the pool vicinity and the existing walkway for now. He noted that pedestrian traffic was dumped into the road currently, so they were providing a sidewalk going to the new pool and further down. He said the other challenge was trying to minimize the disturbance on the site and not to create additional impervious surfaces. He said they were reducing them on the tidal buffer zone by 3,800 square feet, and by widening the road, they would be increasing the impervious surfaces in that area, which would require stormwater and permitting ramifications. Mr. Rice said the removal of the building will help with the site distance or visibility of bicycles. They planned to put sharrows in the area as well as additional signage.

Mr. Chellman asked if the chain and pillar to narrow the sidewalk over the bridge would be changed. Mr. Rice said the plan was to leave the chain along that section, noting that it significantly improved pedestrian safety because it kept pedestrians in the sidewalk. He said it was narrow but would be made wider when the new bridge was built.

Vice-Chair Moreau noted that several parking spots were being removed. Mr. Lippert said 10 spots would be removed, but the Tree Island parking lot was expanded by 30 parking spaces, so it would result in a net increase of 20 spaces.

Ms. Henkel asked what material the concrete apron around the pool would be. Mr. Lippert said they were still evaluating it but wanted something more attractive than the current one and would probably do another type of surface, depending on the budget.

## **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

## **DECISION OF THE BOARD**

Vice Chairman Moreau moved to **grant** the site plan approval as amended, seconded by Mr. Gamester with the following **stipulation**:

- 1) The applicant shall use the organic fertilizer in place of conventional fertilizer applications.

Vice-Chair Moreau commented that it was a great project. She said she looked at all the details of the set-up inside and thought it made a lot of sense. She said many people used the facility and the new pool house would be a great addition and make it much more comfortable.

The motion passed unanimously.

- B.** Request of **Andrew M. Harvey, Owner**, for property located at **710 Middle Road**, for Conditional Use Permit approval in accordance with Section 10.814 of the Zoning Ordinance for the construction of a Detached Accessory Dwelling Unit of 749 square feet gross floor

area to be located above a newly constructed detached garage and utility room. Said property is shown on Assessor Map 232 Lot 46 and lies within the Single Residence B (SRB) District.

### **SPEAKING TO THE APPLICATION**

Attorney Bernie Pelech was present on behalf of the applicant. He said the applicant Andrew Harvey was also present, along with project engineer Erik Poulin. Attorney Pelech said the home was a 120-year-old, 20,409-s.f. single-family residence with 2-1/2 stories. The proposal was to construct a 4-car garage behind the home with an ADU above it. He said the first floor would have a utility and laundry room, and the second floor would have a workshop. He said the ADU would have a kitchen, bath, bedroom, and living room and would be 749 square feet. He said the structure was designed to be in compliance with the provisions of the zoning ordinance as a detached ADU, or DADU and met all the requirements of the zoning ordinance, including lot coverage, open space, and parking. He addressed the criteria and said the project complied with only having a DADU on a lot that has a single-family dwelling. The project complied with lot area setbacks, off-street parking, and building height. He said it was owned by the same person and one of the units would be occupied by the owner. He said the structure would not be used for any business purposes. He said the DADU complied with the minimum lot area for the SRB zone and had only one bedroom, and the façade was less than 40 percent of the combined façade of the ADU and the single-family residence. He said the height was less than the single-family residence and that the two structures would be architecturally consistent, with more than 20 feet between the single-family residence and the proposed ADU. He said the ADU would be hardly noticeable from the street, and no part of it would be within the front yard setback. He said the structure was designed to comply with all the requirements and there was no question that it did.

Regarding the June 3 response letter and the building coverage table, Mr. Clark said the table showed an existing condition main structure at 1,875 square feet and a proposed condition of 1,680 feet. He said he couldn't see on the plan where that 200 square feet was going. Mr. Poulin said the only structure that would be removed, as depicted on the boundary plan, would be the small shed on the property, which was located in close proximity to the bottom left corner of the proposed structure. He said the main structure on the plan showed the existing footprint of the existing building, the proposed footprint of the proposed building, and the attached decks and shed, and the one part of the building being removed was the shed, which was a building coverage percentage of 19.9 percent. Mr. Clark said the plan didn't take into account the shed as part of the main structure. Mr. Poulin said they were looking at the main existing structure, but an enclosed porch was added which made for 2,107 square feet. He further explained the various square footage and said the proposed condition was the new structure, not the total. Vice-Chair Moreau said the plan indicated that the barn is being removed on the adjacent property, and she asked if it had been removed yet. Mr. Harvey said it was currently standing, noting that Jim Vera, who surveyed the neighboring properties, had applied in the past to have it rebuilt but the permit was denied, so it was listed as being removed for that reason.

Mr. Pezzullo said the city would require a lateral sewer connection using at minimum a 6-inch diameter PVC pipe, but the applicant showed a 4-inch one. He said the city only allowed a one-metered water service that would have to come off the existing house. Mr. Poulin said they always had their contractors verify all existing utilities that they tied into and coordinate with all

municipals prior to construction. He said he did a preliminary layout of the utilities on the easterly side of the existing house to see if there was enough room. Mr. Pezzullo commented that the water service was a 1-inch diameter pipe right now and thought the existing house didn't have that pipe size, so it might have to be upgraded. He asked if the applicant considered doing any mitigation for additional runoff or stormwater for drainage for the structure because there was quite a bit of structure and impervious surface from the roof runoff, and even a simple foundation drain along the building's perimeter would be good. Mr. Poulin said they did consider it but didn't do it because of the lack of proximity to wetlands. He said Gove Environmental Services did a survey of the potential wetlands in the area but didn't find any. He said they could look into it, however, and see if it was something that could be quickly integrated. Mr. Pezzullo said the city had prior issues with runoff going into neighboring properties and it had to be contained. Mr. Poulin said they could do that. He noted that the small driveway was proposed to connect and was designed to tip back into itself and drain south. He said they didn't want sheet flow water across the existing driveway and was sure they could do a gravel drip edge.

Mr. Chellman said the plan Jim Vera stamped is called the monumentation sketch and he says it's not for submittal to regulatory agencies. Mr. Poulin said it is a boundary sketch and their survey department did some checks. He spoke with Mr. Vera and was comfortable with the boundary footprint he provided. Mr. Chellman said he was curious as to why Mr. Vera called it a sketch, and normally there was an engineering stamp on the final plan instead of a survey stamp. Ms. Walker said the Planning Department didn't require survey plans as part of the submission and that the monumentation sketch was something at a higher level than they typically received and they were thankful that the attempt was made.

## **PUBLIC HEARING**

Chairman Legg opened asked if anyone was present from the public to speak to, for, or against the petition.

## **SPEAKING AGAINST THE PETITION**

Lisa Hewitt of 726 Middle Road said she was the next-door neighbor. She submitted a letter to the Board and spoke to it. She said the applicant's request was for a detached ADU, but she argued that it was a request for a 4,000-sf, 2-1/2-story warehouse with a 750-sf one-bedroom apartment. She said it was too big, too offensive, too contrary to the spirit of the ADU ordinance and out of character with the neighborhood. She pointed out that the application did not meet the ADU criteria in many ways, including that the DADU was not subordinate to the principal home in scale, height, and appearance, was contrary to the spirit of the ADU ordinance because the applicant did the maximum size structure allowed that will be used primarily for storage, the ADU's height was five inches shorter than the home, and the ADU's 1,680-sf footprint was not subordinate to the main home's 1,875 square feet. She said the ADU was as big as most home in the neighborhood. She asked why an ADU needed 1,629 square feet of storage space. She said she saw a 5-car garage, not a 4-car garage. She challenged the Board to find a previous approved DADU of this size. She reminded the Board that in 2019, Mr. James McSherry applied for approval of a building that size at the back of his home, which was denied because it wasn't in keeping with the neighborhood. She said the proposed ADU had a 368-sf laundry room that

would have to be heated and is attached to the unit by a staircase, pointing out that heating space is living space and is counted in the home's square footage, so the total ADU square footage is 1,116 square feet and will affect her quality of life. She said the existing barn on their property did not exist but there was an old stone foundation below grade that couldn't be seen. She said there was nothing accessory about the project and the ADU request is a shell for an apparent warehouse, with its overwhelming size suggesting possible future expansion. She concluded that the building as proposed did not fit the neighborhood in size or architectural integrity and it was too big, too offensive, and too contrary to the spirit of the ordinance and should be denied.

Jim Hewitt of 726 Middle Road distributed some material to the Board. He said the DADU ordinance called for the proposed ADU's front wall to be entirely behind the single-family dwelling, but the plan showed that it wasn't, so the location was not in compliance with the DADU regulations. He referred to the right-of-way easement and whether the proposed use was allowed under the easement granted from Ellen Ham to Fred Ham in 1912.

*At this time, Chairman Legg called for second-time speakers, and Mr. Hewitt continued.*

### **Second-time Speakers**

Jim Hewitt said that Fred Ham, which was now himself, was responsible for keeping and maintaining the right-of-way 50 feet south of the area marked on the plan, so he was responsible for the pavement and maintenance on the driveway. He said he didn't authorize any new pavement in that area, nor the new wear and tear on the driveway. He referred to the photos he gave the Board showing how the project would impact his property from the backyard. He said the project was too big and too out of character and should be denied.

Attorney Pelech said Mr. Hewitt misconstrued the proposal and misquoted. He pointed out that the ordinance said the DADU or the front wall of it shall be set back at least ten feet further from the front lot line than the existing front wall of the single-family dwelling, meaning that the front wall of the detached ADU has to be ten feet further back from the front lot line than the front wall of the single-family dwelling. He said he had stated that the proposed ADU's front wall is set back behind the entire single-family dwelling, noting that it's not only ten feet further back but it's behind the entire ADU by more than 20 feet, so it complies. He said it complies with all the requirements of the zoning ordinance and is consistent with all of the requirements of the DADU portion of the zoning ordinance. He said the 4-car garage was allowed and met the zoning requirements and all the setbacks. Regarding the shared right-of-way, he said both the owner Mr. Harvey and the Hewitts have a right to use that, even though Mr. Hewitt has to maintain it because it went back to the 1912 deed, and it wasn't within the Board's purview as to whether it was a violation or an overuse of the shared right-of-way. He said the Hewitts may not like the way the DADU looks or think it's out of character, but it complies with the ordinance and the DADU criteria. He said the Board had to determine whether or not the DADU met the criteria, and he had not heard from any Board member that it did not meet it.

### **Third-time Speakers**

No one else spoke, and Chairman Legg closed the public hearing.

## **DISCUSSION AND DECISION OF THE BOARD**

Vice-Chair Moreau said the common space listed on the plan was common space for the laundry, and she didn't believe that the Board counted common space because it was common space for both units and both units could use it. Ms. Walker agreed but said it was unique in this case because it's common space that's not connected to another unit, and she recommended that the Board think hard about that.

Vice-Chair Moreau moved to find that the applicant meets the requirements of Section 10.814.60 and to grant the Conditional Use Permit as presented, with the following **stipulation**:

1. Gravel drip edge shall be installed for drainage along the driveway.

Mr. Gamester seconded.

There was further discussion. Vice-Chair Moreau said that technically, she agreed that the project met all the requirements but when the Board wrote the ordinance, they knew there would be items that pushed the limits of the ordinance. She said her biggest issue was the overall size of the ADU being subordinate to the main dwelling. She said it was just inches lower, but the ordinance didn't say how much lower it had to be. She was glad it was 749 square feet but was concerned that the Board didn't have the ability to stop the applicant from doing further expansion and making the ADU a full other residence taking over the whole second floor. She said it would be a concern in the future for her, where the ADUL was not put in place for that kind of structure, and she was torn.

Mr. Chellman said it was shoehorning things in. He said he looked at Mr. Vera's plan and it seemed that it was close to the 20 percent building coverage but he thought maybe a survey needed to be done because a slight shift could make a difference. He said the survey was called a monumentation sketch and that the engineers looked at it and accepted it, but it was really close and he didn't see an area related to stipulation it on Mr. Vera's plan. Chairman Legg said a stipulation could be made.

Chairman Legg said he was also having trouble with the common utility space because and it's 40 feet away from the main structure and there is nothing common to it. He said it was part of the ADU because it also has a direct stairway to it. He suggested a stipulation stating that it will remain vacant space and not a utility space if the application went forward. He said it was on the edge but below every specification in the ordinance and he couldn't point to anything in the ADU to deny it, but the Board could be clear that the proposed ADU is less than 750 square feet.

Mr. Chellman asked how the square footage of the ADU building itself was measured. Ms. Walker said it's the interior space and has to be living space. She said the ordinance as written didn't provide additional guidance for a situation like this, where you have an accessory building being constructed that has a small portion of it as the ADU. She said when they created the ordinance, they tried to limit the overall size of the ADU but not the overall size of the building that contained the ADU. Mr. Chellman said the ordinance said 'the gross floor area' but not 'the

ADU's gross floor area'. Ms. Walker agreed and said it didn't distinguish living area from gross floor area, meaning that the 750 square feet was actually the gross floor area.

Mr. Gamester said he thought the applicant met almost everything and that it's close but not subordinate enough. He said he could be swayed to approve it if it was based on the subordination but didn't like the common utility room. He said it was clever, but the separation to the main structure bothered him and the entrance to the utilities was the common laundry room. He said if it were separated, it might be different. He said if the applicant wanted to stick with the 749 square feet and eliminate the common area that's the laundry room, it might be an opportunity to shrink the building down a bit, in which case it would pass with flying colors, at least to him.

Mr. Chellman asked what would happen if a garage was proposed with no residential component to it. Ms. Walker said they didn't have maximum footprints on accessory buildings. She said the gross area was supposed to be the actual part that is the DADU. She said in the applicant's case, it was hard to distinguish where that boundary ends. Chairman Legg said the Board had several similar applications where a bigger building was created and some of it was for storage space, but it was clear that it was within the 750 square feet of what was interpreted as living space for the ADU. Mr. Chellman said he thought there was a 750-sf limitation for gross floor area, which is the size of a building if it had a residential component, so if it didn't, that criteria would not pertain because it could be like a garage. Ms. Walker said the Planning Department staff thought this is specific to the portion of the building that is the ADU and that's the gross floor area we're referencing, not the entire building. Chairman Legg said maybe the wordage had to be tightened in the ordinance, but out of the 33 ADUs the Board had reviewed in the past three years, 750 square feet was associated with the living area, not the building area. Mr. Chellman asked for an example. Ms. Walker said Orwell Avenue had a garage constructed, with an ADU a portion of it, and the Board restricted the ADU to 750 square feet and stated that it couldn't be expanded anywhere else in the building. Mr. Chellman asked if the footprint was a lot larger. Chairman Legg said it was a 3-bay garage. Mr. Chellman said it seemed like a lot for the property but thought it might just make it, depending on the actual size of the lot. Mr. Clark said he agreed with common space comments. He said the ADU was architecturally inconsistent with the beautiful New Englander, and if the ADU had more of a barn feel, it would have more architectural character. He said it looked like a modern bar but took away from the 1900 character of the main house. He said he was wrestling a bit with some of those requirements.

Vice-Chair Moreau said she could amend her motion to read that, in addition to adding the gravel drip edge, a full detailed survey would be required, with confirmation building coverage to the Planning Department, and the laundry room would be required to remain empty storage space and not actual heated space. Chairman Legg also noted that Mr. Pezzullo's recommendations about the 6-inch sewer pipe and the one-metered water service should be included as stipulations.

## FINAL DECISION OF THE BOARD

Vice-Chair Moreau moved to **amend** her motion, seconded by Mr. Gamester, to find that the applicant meets the requirements of Section 10.814.60 and to **grant** the Conditional Use Permit with the following **stipulations**:

1. In accordance with Section 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 relevant standards of the Ordinance and shall renew the certificate use annually.
2. Inclusion of gravel drip edge for drainage or as otherwise approved by Portsmouth DPW.
3. A full detailed survey plan that includes final building coverage calculation shall be provided to the Planning Department prior to building permits being issued.
4. The common laundry room shall remain as unheated storage space.
5. A six-inch PVC sewer line and one-inch water line from the main house will provide service to the accessory structure as articulated by Portsmouth DPW standards.

Vice-Chair Moreau said she would vote for it but was unhappy with the overall size. Mr. Gamester agreed, noting that the ordinance did not specify what the term ‘subordinate’ meant size-wise. Chairman Legg said he wished the applicant hadn’t pushed the edge, but there were within the ordinance. He said the saving grace was that the ADU was behind the property and separated, but if it read like a barn, it would be much easier to support. He wished the ordinance was a bit more strongly worded. Mr. Chellman said he would not support the project because it didn’t fit the ordinance and there were opportunities to make some modifications.

Chairman Legg asked for a roll call vote. The motion **passed** by a vote of 5-4, with Mr. Clark, Mr. Whelan, Mr. Chellman, and Mr. Harris voting in opposition.

- C. Request of **The Fritz Family Revocable Living Trust, Owner**, for property located at **0 Patricia Drive** for amended subdivision approval to revise the roadway design and stormwater treatment for a previously approved subdivision that proposes to subdivide a lot with an area of 137,549 s.f. and 414.15 of continuous street frontage on a private road into two (2) lots as follows: Proposed lot 1 with an area of 92,908 s.f. and 150 ft. of continuous street frontage on a private road; and Proposed Lot 2 with an area of 44,641 s.f. and 264.15 ft. of continuous street frontage on a private road. Said property is shown on Assessor Map 283 Lot 11 and lies within the Single Residence A (SRA) District.

## DECISION OF THE BOARD

It was moved, seconded, and passed unanimously to **postpone** the application to the July meeting.

- D. Request of **The Fritz Family Revocable Living Trust, Owner**, for property located at **0 Patricia Drive** for amended wetland conditional use permit approval under Section 10.1017 of the Zoning Ordinance to revise the roadway design and stormwater treatment for a previously approved subdivision which will result in 5,718 square feet of temporary wetland buffer impact. Said property is shown on Assessor Map 283 Lot 11 and lies within the Single Residence A (SRA) District.

## DECISION OF THE BOARD

It was moved, seconded, and passed unanimously to **postpone** the application to the July meeting.

#### IV. PUBLIC HEARINGS – CITY COUNCIL REFERRAL

- A. Request of **David Higgins and Julia Higgins, Owners**, for the restoration of involuntarily merged lots at **344 Aldrich Road** to their pre-merger status pursuant to NH RSA 674:39-aa. Said property is shown on Assessor Map 166 Lot 50 and lies within the Single Residence B (SRB) District.

#### DECISION OF THE BOARD

It was moved, seconded, and passed unanimously to **postpone** the request to the July meeting.

- B. Request of **Marcie Shearman, Owner**, for the restoration of involuntarily merged lots at **635 Lincoln Avenue** to their pre-merger status pursuant to NH RSA 674:39-aa. Said property is shown on Assessor Map 148 Lot 38 and lies within the General Residence A (GRA) District.

The application was **withdrawn** by the applicant.

Mr. Gamester recused himself from the following application.

- C. Request of **Vincent Zingariello and Monica Abruzzese, Owners**, for the restoration of involuntarily merged lots at **135 Thaxter Road** to their pre-merger status pursuant to NH RSA 674:39-aa. Said property is shown on Assessor Map 166 Lot 15 and lies within the Single Residence B District.

Ms. Walker said she received a late email from the applicant requesting to postpone to the July meeting.

#### DECISION OF THE BOARD

It was moved, seconded, and passed unanimously to **postpone** the application to the July meeting.

#### V. OTHER BUSINESS

- A. Notification of Separation of Contiguous Lots at 67 & 69 Porpoise Way

Ms. Walker said it was just an information item for the Board.

- B. Report on Accessory Dwelling Unit Approvals

Ms. Walker said the report summarized the number of ADUs that were processed since adopting the ordinance. She said many had been approved and a few had not proceeded. She said some revisions were made to the zoning ordinance, including adding a limitation of how long the ADU would last. Overall, in terms of its original intent, which was to provide the ADU option for property owners and to make it reasonable for the neighborhood context, she thought they had

been fairly successful. Chairman Legg agreed and said it was important to update it annually. He said it told a mixed picture, and the Board had concerns when they originally looked at it in 2016 that there would be an overwhelming number of ADUs coming before them. He said it was a fairly robust ordinance with strict requirements and thought it had served its purpose well. Since it was intended by the State to increase the number of housing units, he said he was happy the Board has been consistent in how they interpreted the ordinance and how the Board and City Staff has dealt with it overall.

Vice-Chair Moreau commented that she was part of the group that drafted the ADU ordinance, and they knew there would be changes but kept the ordinance under their control so they could monitor changes and act quickly to make necessary adjustments. Chairman Legg said he was interested to see if the 2019 approvals got built out or not. Mr. Chellman said the idea of ADUs was a fabulous one, but one of the problems was when that concept was combined with a different one, and he suggested discussing how the ordinance could be fine-tuned so that the concept could be defined more explicitly.

**C. Request from Chuck and Allison Dudas, Owners, for property located at 32 Monteith Street for a 1-year extension of the Wetland Conditional Use Permit granted on June 18, 2020.**

#### **SPEAKING TO THE APPLICATION**

The applicant Chuck Dudas said he wanted a one-year extension due to the cost increases and contractor availability issues.

#### **DECISION OF THE BOARD**

Vice-Chair Moreau moved to **grant** the request for extension, seconded by Mr. Gamester. The motion passed by unanimous vote.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Joann Breault,  
Acting Secretary for the Planning Board