

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

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

7:00 PM

October 20, 2022

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Assistant City Engineer; Beth Moreau, City Councilor; Greg Mahanna; Jayne Begala; Peter Harris; James Hewitt; Andrew Samonas, Alternate

ALSO PRESENT: Beverly M. Zendt, Planning Director; Stefanie Casella, Planner 1

ABSENT: Franco DiRienzo, Alternate

REGULAR MEETING 7:00pm

Meeting started at 7:00pm.

Items in brackets denote timestamp of recording []

[0:05] Chairman Chellman opened the meeting.

I. BOARD DISCUSSION OF REGULATORY AMENDMENTS AND OTHER MATTERS

[0:20] Chairman Chellman introduced the first item on the agenda for a discussion on regulatory and other planning board matters. He wanted to talk about the Planning Board rules briefly and have them amended possibly next month along with anything that Planning Board members might notice.

[1:19] Mr. Hewitt asked if the Chair anticipates that this would be a one-time edit. He expressed concern that the Board hadn't seen the proposed changes yet.

[1:28] Chairman Chellman responded that he was not proposing any changes other than what he sent for changes for findings of fact. The Legal Department has only glanced at them but they will look at them before next month.

[2:33] Mr. Hewitt asked if this was supposed to be voted on annually.

It was determined that an annual vote is required to seat a chair not to adopt the Planning Board Rules and Procedures.

[2:50] Ms. Begala brought up that if members are being appointed by City Council versus the mayor, that would be a very different process for how Board members are appointed. She also had comments on the role of the Board Chair and Board Secretary.

[3:30] Chairman Chellman suggested that Board Members send proposed edits to the Planning Director for them to go over together.

[4:13] Councilor Moreau mentioned that the Governance Committee is looking at how all members of boards are being appointed and that is controlled by the City Council so all they can do is make sure it matches Council policy.

[4:49] Chairman Chellman mentioned that members need to do their due diligence to go over and address Site Plan and Subdivision regulations for the next regular meeting.

[5:25] Ms. Begala brought up the Master Plan and said that according to RSA 674.33 the Planning Board is responsible for preparing, amending and adopting the municipality's master plan. She would like the Board to start to think about and decide if they want to review priority sections at this point and what those would be. A timeline needs to be created along with a master plan committee and a discussion or process for obtaining an independent consultant with experience in master planning.

[6:20] Ms. Zendt mentioned that she has already requested a professional consultant in this year's CIP for both next year and the subsequent year. She has requested \$50,000 for next year

and \$100,000 for the subsequent year. It is helpful to have an expert consult on the Master Plan and there should be a steering committee that will also utilize a strong public outreach component which is an important part of a master plan. Working through existing conditions will be a good initial exercise for informing the new master plan.

[10:20] Chairman Chellman clarified that this was in the CIP but that the CIP still needs TPO get approved and go through the budget and be appropriated by City Council. He also mentioned that he would like to see more public outreach from the Planning Board and more feedback from the public on what they do and do not want or like.

[11:14] Ms. Begala mentioned that having input from groups like the citywide neighborhood committees now rather than later could be very helpful in understanding development and potential growth going forward. Both Ms. Begala and Mr. Samonas would be interested in joining a subcommittee to discuss these engagement topics further.

[12:29] Ms. Zendt and City Manager Conard gave a brief update on where the CIP stands with future meetings, specifically a meeting on citizen requests that will go through an advisory committee, to the Planning Board, and then be recommended to City Council. There will be a new subcommittee this year for the City Council that will act as an advisory committee for resident CIP requests.

II. APPROVAL OF MINUTES

A. Approval of the September 15, 2022 meeting minutes.

[14:41] Mr. Hewitt requested that at timestamp [2:21:31] in the previous minutes, Ben Fletcher's comments and presentation information need to be incorporated. He requested an amendment for the minutes and requested that the presentation from the last meeting be posted to the meeting page.

[16:54] *The Board voted to accept the minutes with the following amendment:*

1) Minutes will reflect the request made by J. Hewitt to have Ben Fletcher's presentation posted to the September 15th meeting page.

Motion: J. Hewitt, Second: G. Mahanna.

Motion passed all in favor.

III. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

A. The request of Randi and Jeff Collins (Owners and Applicants), for property located at 77 Meredith Way requesting Preliminary and Final Subdivision Approval to subdivide one (1) existing lot into two (2) lots.

B. The request of Richard Fusegni (Owner), for property located at 201 Kearsarge Way requesting Preliminary and Final Subdivision approval to subdivide one (1) existing lot into three (3) lots.

[18:08] Chairman Chellman introduced two items (A & B) for determination of completeness. No discussion was had.

[18:37] *The Board voted to determine that the applications are complete according to the Subdivision Regulations, (contingent on the granting of any required waivers) and to accept the applications for consideration.*

Motion: C. Clark, Second: J. Almeida.

Motion passed all in favor.

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 request of Blus O’Leary Family Living Trust (Owner), for property located at 225 Wibird Street requesting Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit. Said property is located on Assessor Map 133 Lot 54 and located within the General Residence A (GRA) district.

(LU-22-174) REQUEST FOR POSTPONEMENT

[18:50] Chairman Chellman introduced a request for postponement for the application at 225 Wibird Street.

[19:16] *The Board voted to **postpone** consideration to the November Planning Board meeting.*

Motion: B. Moreau, Second: C. Clark.

Motion passed all in favor.

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 request of Coventry Realty, LLC (Owner), for property located at 111 State Street requesting a conditional use permit approval in accordance with section 10.1112.14 of the Zoning Ordinance to allow zero (0) parking spaces where 35 are required. Said property is located on Assessor Map 107 Lot 50 and lies within the Character District 4 (CD4) and the Historic District. (LU-22-125)

[20:00] John Chagnon of Ambit Engineering came to speak on behalf of the applicant along with Tracy Kozak. They are requesting a number of parking spaces for this property that is already developed and has no current parking. This building required some renovation which was made clear by the Fire Department which walked through the building and saw multiple code issues that need to be addressed. Life safety, ADA access, and other compliance issues were brought up. Mr. Chagnon mentioned that the ordinance allows for minor building additions to be done to reach compliance. The City requires a parking conditional use permit for this property. There will be a reduction in the restaurant square footage and an increase in residential space which

requires a parking conditional use permit. The required parking from the ordinance goes from 8 spaces to 69 spaces and the existing site has no current parking available. The demand is going from 58 vehicles to 52 vehicles. The peak parking times for restaurants are not considered within this demand calculation. They will be providing ADA access and egress to the second floor.

[29:20] Mr. Hewitt clarified that the lot is currently non-conforming based on the setbacks and that typically in this situation you cannot make a lot more non-conforming.

[29:39] Mr. Chagnon replied that in Article 3 they allow it if the modification is to bring a building into code compliance.

[30:25] Mr. Hewitt mentioned that the property will be increasing the occupied area in square footage.

[31:00] Ms. Kozak said that increase is due to offer access with spaces like corridors, egress, and elevators and the existing attic space would be turned into living space.

[31:35] Mr. Hewitt asked if the occupied area is equivalent to the living area for Portsmouth for tax cards by the Assessor's Office. He wanted to make sure that the increase in occupied space is only due to the egress addition. Mr. Hewitt later apologized for confusing this discussion topic with the billable area for tax purposes.

[33:03] Ms. Kozak responded that the new building would be a little bit larger than the old building as they plan to expand into the existing courtyard with a new egress due to fire code updates requiring a second story staircase. This will not be an increase in the building footprint but instead an increase in occupied space.

[41:04] Ms. Begala asked if the parking calculation included an analysis of the outdoor dining area.

[41:40] Mr. Chagnon responded that the proposed second floor plan shows the proposed restaurant square footage in yellow for 2,827 square feet which is provided by the architect, with no change in the first floor calculations.

42:36] Ms. Begala asked for clarification on the 52 parking spot demands and if they are an additional 52 spots.

[42:46] Mr. Chagnon responded that they will be reducing the parking requirement as the existing property requires 58 vehicle spaces. Although they are reducing the parking demand, the Ordinance states that they still must come before the Board for a Parking Conditional Use Permit.

[43:35] Chairman Chellman asked how they calculated their ITE comparisons for understanding their parking demand and if they used number of units or bedrooms as an independent variable.

[43:50] Mr. Chagnon responded that the parking calculation is based on the Portsmouth Ordinance taking into account unit size and the corresponding requirement for parking. They use the fifth ITE edition land use code 220 for multifamily housing low-rise as their parking demand program which uses dwelling units as an independent variable.

[47:31] Mr. Mahanna expressed concern about not increasing the required provided parking for residents and mentioned that increasing the number of dwelling units but providing no parking for tenants was concerning.

[49:03] Chairman Chellman responded that in order to provide that, the building would have to be removed or parking would have to go underground which would be extraordinarily expensive.

[49:21] Mr. Mahanna brought up how in their discussion and verbiage, the applicants had committed to having the residential use be used by restaurant employees and wanted clarification on whether or not that would be out into a restrictive use in the deed.

[49:43] Mark McNabb answered this question saying that micro-apartments are the hardest to market and the only real use for the additional floors in this building is residential use. They are not required to put in any deed restrictions and they will not be sold that way.

[52:35] Mr. Hewitt brought up how residential and restaurant use parking spots are treated equally but in reality they are vastly different uses. He asked why they should consider a residential parking spot as less intensive than a restaurant use spot.

[53:05] McNabb responded that he could not comment on that other than with what the zoning requires you to provide for different uses according to a table which outlines the allowed number of spaces per use.

[54:20] Mr. Chagnon responded that the Ordinance has a shared use table which outlines how parking spaces have different uses. Residential uses are usually occupied 100% of the time compared to restaurant use which is much less according to him.

[55:20] Mr. Harris said that he did not understand how that can be seen as a reduction in parking spaces when there would be at least five apartments needing spaces for overnight use.

[55:32] Mr. Chagnon responded that the restaurants would not be using those spaces overnight.

[56:40] Chairman Chellman opened the public hearing.

[57:35] Bill Downey of 67 Bow Street spoke to this application. He noted that there has been a long history of residents in this area having no parking. He feels that it would be a great addition to the town to approve this permit and have these extra units available for residents. Mr. Downey felt that the micro-apartments are much needed in Portsmouth and he supported this proposal.

[59:19] Chairman Chellman closed the public hearing.

[59:31] Mr. Almeida discussed how he felt they had a very straightforward application in front of them.

[1:00:27] Mr. Samonas drew a comparison to the condos above the Rosa Restaurant that were constructed without parking and believed this was the least impactful proposal that appeared very straightforward.

[1:03:40] *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.1 and to adopt the findings of fact as presented.*

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

[1:03:48] *The Board voted to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to **grant** the conditional use permit as presented.*

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

B. The request of Neal L. Ouellett Revocable Trust (Owner), for property located at 124 Kensington Road requesting Wetland Conditional Use Permit approval in accordance with section 10.1017 of the Zoning Ordinance for the demolition of a detached garage and the construction of a new attached garage with 59 square foot increase of impervious area totaling 4,320 square feet of wetland buffer impacts on the property. Said property is shown on Assessor Map 152 Lot 20 and is lies within the Single Residence B (SRB) District. (LU-22-138)

[1:04:54] A representative from Altus Engineering spoke on behalf of the Ouellett family. The house was originally built in 1910 and currently has a detached garage that backs up to a wetland. They are proposing to tear down the detached garage and construct a new attached garage. They will take away impervious cover by adding pervious surfaces and enhancing the buffer of the wetland with no direct wetland impacts.

[1:06:48] Ms. Begala asked for confirmation that there would be no further impacts to the wetland and buffer and no impact during the construction of the garage.

[1:07:04] The applicant responded that there would be no permanent new impacts and there would be temporary construction impacts. When all is finished, the project will take the building four or five feet farther away from the wetland.

[1:08:12] Ms. Begala asked if the buffer plantings will include substantial plantings.

[1:08:18] The applicant responded that there would be an addition of 30 shrubs and 84 herbaceous plants.

[1:09:09] Chairman Chellman opened the public hearing. No one spoke. The public hearing was closed.

[1:09:34] *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.*

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

[1:10:38] *The Board voted to **grant** the Wetland Conditional Use permit with the following **condition:***

Conditions to be satisfied subsequent to final approval but prior to the issuance of a building permit or the commencement of any site work or construction activity:

2.1) Signage will be placed within the buffer or wetland itself stating that it is an environmentally sensitive wetland area. Applicant is to contact Peter Britz in the Planning Department to coordinate placement and obtain signage.

Motion: C. Clark, Second: B Moreau.

Motion Passed all in favor.

C. The request of Peter Ward (Owner), for property located at 15 Central Avenue requesting Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit. Said property is shown on assessor Map 209 Lot 4 and lies within the Single Residence B (SRB) and the Highway Noise Overlay Districts. (LU-22-123)

[1:12:26] Attorney Darcy Peyser with Durbin Law Offices introduced this application with their architect Matthew Beebe. The proposed unit would be a 725 square foot accessory dwelling unit above the existing garage. This unit will not increase the building footprint and the owner is currently seeking permits for a separate addition to this garage. The addition will be keeping the same aesthetic of the current home and garage as well as the character and aesthetics of the neighborhood. Mr. Ward (property owner) previously received a variance for this proposed structure. The current lot is a triangular shape and the proposed ADU will be situated within the middle of the property with no abutters close to the structure. There will be no parking impact to the neighborhood and the parking requirement is already met with the existing driveway size.

There will be no possibility for an interior doorway into the ADU which requires a staircase from the outside into the unit.

[1:17:56] Councilor Moreau confirmed that there is no ability to access the ADU from the inside of the garage.

[1:18:03] Ms. Peyser responded that there is no current access from the outside as it is an existing attic space. A previous doorway was blocked off to construct a deck and the attic is now inaccessible.

[1:18:25] Councilor Moreau expressed concern for fire code and egress windows. She wanted to confirm if there would be two ways in and out of the proposed ADU.

[1:18:37] Ms. Peyser responded that yes, there would be egress windows in addition to the proposed access way.

[1:18:44] Ms. Begala asked if the applicant had considered using a covered staircase.

[1:19:01] Ms. Kaiser mentioned that she did not think a covered staircase would be feasible but she would have to double check.

[1:19:32] Ms. Begala asked for clarification for using the ADU for business-related purposes such as an Airbnb.

[1:20:04] Ms. Kaiser did not know but mentioned that Mr. Ward, the property owner, currently intends to use it for extra space and for guests but in the future may potentially want to use it for rental space.

[1:20:59] Chairman Chellman opened the public hearing. No one spoke. Chairman Chellman closed the public meeting.

[1:21:21] *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.814.60 and to adopt the findings of fact as presented.*

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

[1:22:25] *The Board voted to **grant** the conditional use permit with a modification to the requirement set forth in section 10.814.41 to not require an interior door between the principal dwelling unit and the accessory dwelling, and to approve the Conditional Use Permit with the following **condition**:*

2.1) In accordance with [Sec. 10.814.70] 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.

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

D. The request of Randi and Jeff Collins (Owners and Applicants), for property located at 77 Meredith Way requesting Preliminary and Final Subdivision Approval to subdivide one (1) existing lot with 22,463 square feet of lot area and 31.7 feet of street frontage into two (2) lots with associated 73.3 foot road extension as follows: Proposed Lot 1 with 11,198 square feet of lot area with 73.79 feet of street frontage, and Proposed Lot 2 with 11,265 square feet of lot area and 31.61 feet of street frontage. Said property is located on Assessor Map 162 Lots 16 and lies within the General Residence A (GRA) District. (LU-22-61)

[1:23:47] Chris Mulligan from Bosen & Associates presented this project along with the property owners and Jack McTigue from TF Moran. Mr. Mulligan mentioned that the applicants have previously received variances for this proposal, and they have agreed to extend the roadway during multiple Technical Advisory Group meetings. The proposal seeks to demolish the existing house, extend Meredith Way, create two new driveways to service the two new proposed lots, install a rain garden on each new lot for stormwater management, grant the City a turnaround easement for City vehicles and request an easement from the City to put in sewer laterals to tie into the City sewer main.

[1:28:35] Vice Chair Clark asked where the large existing impervious surface calculation on the lot comes from since the existing property is a single dwelling unit and a gravel driveway.

[1:29:15] Mr. McTigue responded that those represent the existing conditions for the driveway and building.

[1:30:02] Chairman Chellman opened the public hearing. No one spoke. He closed the public hearing.

[1:30:19] *The Board voted to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

Motion: C. Clark, Second: B Moreau.

Motion Passed all in favor.

[1:31:16] *The Board voted to **grant** preliminary and final subdivision approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of subdivision plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

2.1) A note will be added to the plan that says a stone drip edge will be provided around both homes that is at least 6" wider than any roof line constructed. The drip edge is to be constructed with an underdrain (french drain) that carries roof runoff to the rain gardens to be infiltrated. The Engineer of record is to inspect these conveyance systems and the construction of the raingardens themselves during their construction to confirm that the soils under the rain gardens are suitable for infiltration and that all construction above that point meets the intent of the design. Engineer to provide the City with pictures and stamped final report guaranteeing that all is built properly and will function in accordance with the design.

2.2) Lot numbers as determined by the Assessor shall be added to the final plat prior to recordation.

2.3) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.4) GIS data shall be provided to the Department of Public Works in the form as required by the City.

2.5) Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council prior to recordation.

2.6) The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.7) Final house plans shall conform the requirements of the zoning ordinance.

2.8) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit

<https://www.cityofportsmouth.com/publicworks/stormwater/ptap>

Motion: C. Clark, Second: B Moreau.

Motion passed all in favor.

[1:31:26] The motion was seconded by Vice Chair Clark. The motion passed unanimously.

[1:31:36] Ms. Begala asked for clarification on stipulation 2.7, that the final house plans shall conform the requirements of the zoning ordinance. She brought up how the two lots have different frontages and are non-conforming and thought that the wording of that stipulation should be adjusted.

[1:32:02] Ms. Zendt responded that the proposed stipulation came from the Board of Adjustment but was shortened but it could be stated verbatim from the original as well.

E. The request of Richard Fusegni (Owner), for property located at 201 Kearsarge Way requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 52,253 s.f. and 205' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 17,125 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 17,406 s.f. and 100.2' of continuous street frontage; and Proposed Lot 3 with an area of 17,723 s.f. and 82.84' of continuous street frontage. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. (LU-22-150)

[1:35:18] Chris Mulligan of Bosen & Associates spoke to this application along with the property owner and John Chagnon of Ambit Engineering who is the project engineer. A very similar proposal came before the Board a few years back with a request for drainage

infrastructure improvements which would require the removal of trees. The property owner did not want to cut down said trees and then hired Mr. Chagnon to slightly modify the plans to avoid the removal of trees. There will be a turnaround easement in favor of the City for access. There also will be a conservation covenant which will be with each of the subdivided property owners that goes hand in hand with protecting the forestry towards the rear of his current property.

[1:38:51] Mr. Chagnon spoke to this application in terms of the proposed structures which will be three single-family homes, with one on each lot. The design is aimed at reducing impacts to trees on the current lot and having driveway improvements for the current neighbor.

[1:40:10] Vice Chair Clark asked for clarification on who will hold the conservation easement.

[1:40:23] Mr. Mulligan responded that all three of the lot owners will hold the covenant and will be able to enforce it, as well as the City in order to limit the use of that area.

[1:41:09] Vice Chair Clark asked if the applicant would be willing to add some sort of signage to educate people on where the easement starts.

[1:41:36] Mr. Mulligan responded that they had previously added that onto the plan and they could add that back into the plans.

[1:42:15] Mr. Chagnon added that there will be a retaining wall that will serve as a pretty good demarcation of where the easement line would be.

[1:43:01] Chairman Chellman opened the public hearing. No one spoke. He closed the public hearing.

[1:43:18] *The Board voted to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

Motion: B Moreau, Second: C. Clark.

Motion passed all in favor.

[1:43:37] Councilor Moreau mentioned that the application is straightforward and she appreciates how the applicant made a change to put in an official conservation covenant.

[1:43:55] Ms. Zendt announced that there were some additional revisions to the Planning Board stipulations that were provided after the publishing date.

[1:44:44] *The Board voted to **grant** preliminary and final subdivision approval with the following **conditions**:*

2.1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat; the corners will need to be in place and evident prior to the issuance of a CO.

2.2) GIS data shall be provided to the Department of Public Works in the form as required by the City.

2.3) The final plat, easements and restrictive covenants shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.4) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>

2.5) Conditions as listed in the February 27, 2020 letter of decision.

*2.5.1) The drainage for lots 2 and 3 shall be incorporated into the back yard areas where they can be maintained without impacting the portion of the property designated to be a conservation area along with the following **conditions**:*

2.5.1-a) Maintenance responsibilities for the storm-tech systems by the homeowners shall be addressed through a maintenance document that outlines the requirements to keep the system functional at all times. That document shall be recorded as part of the conservation easement deed;

2.5.1-b) Plans shall be updated to note stabilized construction entrances shall be installed for all 3 lots; and

2.5.1-c) System installation shall be witnessed by the City DPW during installation. The City will review the subsoils under the system to guarantee any ledge is removed to a point 24" under the system and will

review all the functional parts of the system as a whole to verify the systems will work as designed.

2.5.2) All materials used in the reconstruction of the road shall meet city standards.

2.5.3) The plans shall note that during construction, access will be provided to all existing properties located on Birch Street.

Motion: B Moreau, Second: G. Mahanna.

Motion passed all in favor.

[1:47:10] The motion was seconded by Mr. Mahanna. The motion passed unanimously.

VI. CITY COUNCIL REFERRALS – PUBLIC HEARING

A. The request of Dale Whitaker (Owner) for the restoration of involuntary merged lots at 880 Woodbury Avenue to their pre-merger status pursuant to NH RSA 674:39aa. Said property is shown on Assessor Map 236 Lot 52 and lies within the Single Residence B District. (RIML 22-1)

[1:48:28] Ms. Zendt spoke to the application saying that the applicant had provided preliminary documents that the Assessor had reviewed and typically the Assessor will provide a review and recommendation which was included in the packet.

[1:49:38] The City Assessor appeared via zoom to state the findings of her research and memo, stating that it meets the requirements for the restoration of involuntary merged lots.

[1:50:32] Mr. Mahanna was confused about the December 31st deadline.

[1:50:52] The City Assessor responded that they have removed the deadline and it no longer applies.

[1:51:18] *The Board voted to recommend the City Council restore the property located at 880 Woodbury Avenue to its pre-merger status and direct the City GIS and Assessing staff to update zoning and tax maps accordingly.*

Motion: B Moreau, Second: G. Mahanna.

Motion passed all in favor.

VII. OTHER BUSINESS

A. Chairman's Updates and Discussion Items

[1:51:50] Chairman Chellman reinforced his wishes that the Board continue to work with City Staff on these applications and Board matters.

VIII. ADJOURNMENT

Chairman Chellman adjourned the meeting at 8:52 pm.

Respectfully Submitted,

Kate Homet, Acting Secretary for the Planning Board