

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

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

7:00 PM

November 17, 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; Peter Harris; James Hewitt; Jayne Begala; Andrew Samonas, Alternate

.....

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

MEMBERS ABSENT: None

.....

Items in brackets denote timestamp of recording []

REGULAR MEETING 7:00pm

[5:32] Chairman Chellman opened the meeting.

Chairman Chellman mentioned some small mistakes in the agenda. He noted that the public hearing would not start immediately at 7pm and that the board discussion of ongoing regulatory amendments was an ongoing matter and should really be included in Old Business.

[6:24] *The Board voted to recognize agenda item IV. B as unfinished business to be heard immediately following the approval of minutes.*

Motion: G. Mahanna, Second: J. Hewitt. Motion passed all in favor.

I. APPROVAL OF MINUTES

A. Approval of the October 20, 2022 meeting minutes.

[20:22] Chairman Chellman had one issue with the October minutes. On page 2 at timestamp 2:41 the discussion between him and Mr. Hewitt need to be clarified.

[21:10] *The Board voted to adopt the October 20, 2022 meeting minutes with the following amendment:*

1) An annual vote is required to seat a chair not to adopt the Planning Board Rules and Procedures.

Motion: G. Mahanna, Seconded: J. Almeida. Motion passed all in favor.

B. Approval of the August 8, 2022 work session minutes.

[19:52] Vice Chair Clark wanted to note that the minutes were incorrect as to his absence. He was in fact present for the work session in August.

[21:29] *The Board voted to adopt the August 8, 2022 work session minutes with the following amendments:*

1) Corey Clark was present at the August 8, 2022 work session.

Motion: G. Mahanna, Second: J. Almeida. Motion passed all in favor.

II. 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)

[21:51] Chairman Chellman introduced this topic.

SPEAKING TO THE APPLICATION

[22:22] Arilda Densch of Arilda Design presented on behalf of the applicant along with engineer Alex Ross. Mr. O'Leary was present for the meeting but was hard of hearing so would be listening on his phone. Changes made since the last submission included making the ADU smaller and into a one bedroom, decreasing the size of the connector and removing the handicap lift along the stair. These were included in the addendum drawings and new color renderings were made available. The new design for the attached ADU was reduced from 750 s.f. to 667 s.f. The connector was now 12 feet wide where previously it was 16 feet wide. Patio pavers were made to be pervious for water infiltration, the roofline was changed to be steeper for the connector and now matched the house, double windows were added to the house and dark sky friendly light fixtures were added to the rear of the house. A Massing Study was done which

revealed that the ADU façade was well under the max allowed 40% and was proposed to be only 28.6% of the total existing dwelling façade.

[32:42] Mr. Hewitt mentioned how he appreciated the architectural renderings, and they helped him gain a better understanding of the project. Mr. Harris asked how they researched how their ADU would not decline property values to which Ms. Densch responded that the addition will fit in nicely with the neighborhood and it really shouldn't have any impact on abutting property values.

[34:02] Alex Ross introduced the stormwater management plan that he prepared for this project. The existing house has gutters and downspouts but they concentrate the flow of stormwater which do not allow for great infiltration. They have proposed placing three different infiltration trenches for better volume control and infiltration into the soil. The patio area was changed to be pervious pavers for better infiltration and snow melt. An infiltration trench was also added to the ADU connector which will connect roof runoff. The rate of runoff after installing all the trenches will be lower than what currently exists.

[36:52] Mr. Almeida asked if other properties had stormwater mitigation in place or if this project would be a higher standard for properties within this neighborhood. Mr. Ross replied that this property would be setting a higher standard for the properties in this neighborhood.

[37:50] Vice Chair Clark asked where in the plans they lay out the length of the first three infiltration trenches. Mr. Ross responded that they could be found in drawing #2 in the detail for infiltration trenches which includes the five feet in length for each of those trenches.

[38:50] Chairman Chellman asked about the outlet from the addition that flows toward the shed and asked for greater detail. Mr. Ross responded that the natural flow of the site runs towards the northeast corner of the site so much of the stormwater is collected and infiltrated and then excess is directed towards an outlet in the northeast corner. This area includes a stone outlet protection area for daylighting the stormwater.

[41:19] Councilor Moreau mentioned that the board was sent many photos of a recent rain event that impacted the property and wanted to know if the proposed improvements would help the adjoining property owners. Mr. Ross said that it should improve properties near the northeast corner of the property due to the reduced rate of flow.

[42:00] Ms. Begala asked if the parking spaces were at a higher height than the rest of the ground or if they were pervious. Mr. Ross responded that the three parking spaces will be impervious, of which two are already existing impervious pavement.

[44:57] Mr. Samonas asked Mr. Ross if he could clarify whether the second and third parking spaces were at a higher elevation than the property owner's driveway. Mr. Ross responded that near the property line to the north it was relatively flat. Mr. Samonas asked why there was a reason the connector between the ADU and the home was 12 feet. Ms. Densch responded it was sized to be big enough to fit the staircase and for a wheelchair to be able to maneuver.

[50:08] Chairman Chellman asked if they were proposing to repave the existing driveway. Ms. Densch responded yes. Chairman Chellman then asked that since they are adding 118 square feet of new pavement and so in the repaving he would ask if they could potentially re-pitch the driveway to avoid needing another infiltration trench next to the driveway.

[51:03] Mr. Almeida mentioned that with all of the ground disturbance for the foundation it could be very simple to do a fine grading of the lawn area towards the driveway to potentially improve things.

[51:47] Ms. Densch mentioned that it could be possible to do a pervious driveway to alleviate runoff impacts.

[52:40] Chairman Chellman asked Mr. Ross if he felt that what he designed will not increase surface runoff beyond the boundaries of the site after the project. Mr. Ross responded that there will be a reduction in the rate of runoff leaving this property after the proposed improvements and there is no specific calculation they have made on the exact quantity leaving the property with the improvements.

[55:40] Ms. Begala asked if they had any idea on how long the ADU would take to build and if they had any hours of operations for consideration of abutters. City Manager Conard responded that it would all be dealt with within the building permit process.

PUBLIC HEARING

[57:31] Chairman Chellman opened the public hearing for this application.

[57:45] Mark Anderson and Robin Anderson of 25 Hawthorne Street spoke. They are direct abutters to the applicant. This is their third time speaking on the project during a public hearing. Previously, they argued the ADU would be too large and directly impact their home and that future owners of the property could use it as a rental or Airbnb property. They are currently neither speaking for or against the application but they appreciate the open space of their neighbor but they recognize the latest proposal has added many changes that seem practical such as a reduction in space but the introduction of potential rental properties into residential neighborhoods needs to be very carefully considered.

[1:01:00] Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[1:05:25] *1) 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 amended and read into the record.*

*- The applicant will use pervious pavement for during the reconstruction of the driveway.
Motion: B. Moreau, Second: J. Begala. Motion passed all in favor.*

[1:03:20] Councilor Moreau mentioned how she appreciated the extra work that was done in the stormwater management to address the site drainage issues. She also appreciated the reduced connector and ADU size. She understood the public's concerns with short term rentals but she mentioned that it is currently illegal to do so. She mentioned that this was a major improvement in the project previously presented. Mr. Hewitt and Mr. Mahanna agreed.

[1:04:50] Vice Chair Clark mentioned that he was not present for the last meeting where this project was discussed but he did read the previous transcript along with the packet for the presentation and intended to vote on the project this time around.

[1:05:42] 2) *The Board voted to grant the Conditional Use Permit with the following stipulations:*

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.

2.2) The applicant will use pervious pavement for the reconstruction of the driveway.

Motion: B. Moreau, Second: G. Mahanna. Motion passed all in favor.

III. 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 **Betty Ann Fraser Pettigrew Trust (Owner)**, for property located at **42 Harvard 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 259 Lot 30 and lies within the Single Residence B (SRB) District. (LU-22-176)

[1:06:11] Chairman Chellman introduced this topic. Ms. Begala recused herself from discussion and voting on this application. Mr. Samonas stepped up as a full member of the Board for this application.

SPEAKING TO THE APPLICATION

[1:06:51] Seth Monkiewicz, the general contractor for this project, presented the application. The proposed ADU would increase the current footprint, give an overhang to the front entry door, create a 12 x 26' garage. There is currently also on-street parking to benefit this lot as well.

There will be a deck on the second level that will serve as an egress point for the ADU. The proposed roofline of the ADU would be slightly lower than the main ridgeline of the existing dwelling. All the water lines will be kept within the small footprint of the ADU space.

[1:15:29] Mr. Samonas asked if the garage would still be maintained as a garage space, to which Mr. Monkiewicz confirmed that it would be.

[1:15:37] Councilor Moreau asked how close the this ADU would be to the abutting property. Mr. Monkiewicz responded that on one side it would be 15 feet and the other side setback was 22 feet. The rear setback was about 77 feet.

[1:17:15] Vice Chair Clark asked what the layout would be around the laundry space as it did not appear to show any walls. Mr. Monkiewicz responded that it would be stackable and within the open area.

PUBLIC HEARING

[1:19:26] Chairman Chellman opened the public hearing. No one spoke. The public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD

[1:20:02] *1) 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.

[1:21:53] *2) 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 stipulation:*

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.

IV. OTHER BUSINESS

A. Capital Improvement Plan (CIP) Process Update

[1:22:42] Chairman Chellman introduced this topic that the Planning Director would present.

[1:23:14] Ms. Mesa-Zendt introduced the Capital Improvement Plan Process Update and presented an update for members of the Planning Board. Specifically, addressing what the CIP is, specifics on the CIP update for Fiscal Year 2024 and the process going forward for the Board. The CIP is needed to help identify needs for capital improvements, guiding the allocation of resources, planning for future expenditures, etc. This could include construction or expansion of a public facility, planning studies, land acquisition, vehicle replacements of a certain cost, etc. The City's annual goal for the Capital Outlay funding is no more than 2% of the prior year's budget, this helps prevent major tax rate spikes. The goal for Net Debt Service is to remain below 10% of the budget.

This year, there were 104 total requests from citizens with 83 being unique, 46 requests were CIP eligible, and 37 requests were deemed to be better served by a different process or board. Moving forward, future introductions of the CIP will include a list of prior projects that have been removed and the reasoning behind their removal.

[1:37:09] Mr. Mahanna asked if there was a master document of what has been dropped from the CIP. Ms. Mesa-Zendt responded that there would be a discussion of the changes that have occurred in the introduction as well as some more information in the explanatory notes.

[1:38:36] Councilor Moreau thanked all the staff for their work on CIP material and capturing those CIP items that are going into the new introduction.

[1:39:17] Mr. Hewitt asked why the CIP could not continue to move projects forward until they are completed. Particularly, if a project was able to stay on the CIP until it was built so that it would show as being active. Ms. Mesa-Zendt responded that they are trying to demonstrate funding limitations and to keep them in could be confusing. By accounting for the items that are migrating off the CIP or no longer being considered will not have any funding numbers attached to them that could be showcased in the CIP. It could be confusing to include things that are no longer being considered as they would not be included in the CIP budget tables. City Manager Conard mentioned that they could always do a better job of discerning the difference between items that need funding from the CIP and items that are in various stages of funding or in progress, but at this point in time there is a distinction. It was discussed further that more may need to be said in the CIP document on past projects that have received previous funding and where they are in the pipeline, this could include different approaches such as more visuals and graphics.

B. Board Discussion of Regulatory Amendments and Other Matters

[6:42] Chairman Chellman along with other members of the board brought up the importance of discussing ongoing matters towards the beginning of each meeting. It was also discussed that they likely will need a workshop to go over all the responsibilities and delegations such as the Master Plan Update to further discuss. This could include land use items that are not necessarily coming up through the land use committee such as site plan updates, rules and procedure updates, possible zoning changes, wetland buffers, EV chargers, etc. This could also include collaboration with the land use committee in terms of helping with research and development of potential regulation ideas and changes to be handed off to the committee to further explore.

Minutes, Planning Board Meeting, November 17, 2022

[15:32] Councilor Moreau mentioned that the City Council recently voted to send the draft for ADUs back to the Planning Board for review. She feels that more should not be added to the plate of the Planning Board for land use issues until that goes back to City Council. The Land Use Committee's December meeting has been canceled to provide a break. They are in the process of hiring a Community Housing Navigator as well as a technical consultant will help to achieve Phase III of the Land Use Committee's plan.

Staff will send around a poll for potential workshop meeting dates.

C. Chairman's Updates and Discussion Items

No action taken by the Board

Meeting was adjourned at 8:47 PM.

Respectfully submitted,

Kate Homet,
Acting Secretary for the Planning Board