



City of Portsmouth
Planning Department
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Memorandum

To: Planning Board
From: Beverly Mesa-Zendt, Planning Director
Stefanie L. Casella, Planner
Date: November 10, 2022
Re: Recommendations for the November 17, 2022 Planning Board Meeting

I. APPROVAL OF MINUTES

- A. Approval of the October 20, 2022 meeting minutes
- B. Approval of the August 8, 2022 work session minutes

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision making process that occurred at the October 20, 2022 meeting and vote to approve meeting minutes with edits if needed.

2) Board members should determine if the draft minutes include all relevant details for the discussion that occurred at the August 8, 2022 work session and vote to approve meeting minutes with edits if needed.

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)

Project Background

The applicant is proposing to build a single story one bedroom 667 SF Attached Accessory Dwelling Unit (AADU) (revised and made smaller with most recent submittal). This will include the construction of a handicap accessible connecting addition onto the back of the existing home. The main entry to the AADU will be through the new connector which will include an open handicap accessible lift. Rear entry to the principal dwelling unit will also be through the new connector.

At the September 15, 2022 meeting, the Planning Board requested that the applicant prepare a drainage report for proposed development on the site and present that at an upcoming meeting. The applicant has submitted the report and will present the report at the November meeting.

Project Review Discussion and Recommendations

City staff have provided an analysis of the proposed ADU. See below for more details.

Staff Review

Attached accessory dwelling units must comply with standards set forth in the following sections of the Zoning Ordinance:

- 10.814.10
- 10.814.20
- 10.814.30
- 10.814.40

In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.40 (below) including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.

Required Standards (10.814.40)	Meets Standard	Does Not Meet Standard	Comments
10.814.41 An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.	√		Door provided in the connector shared space area.
10.814.42 The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area. For the purpose of this provision, gross floor area shall not include existing storage space, shared entries, or other spaces not exclusive to the accessory dwelling unit	√		A one bedroom 667 SF unit is proposed.
10.814.43 Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.	√		<p>The AADU is located to the rear of the principal structure on Wibird. The AADU presents as single family dwelling from the primary entrance on Wibird Street. The existing structure is on a corner lot fronting Wibird and Hawthorn. The view of the AADU from Hawthorn is more discernable as a separate unit but not inconsistent with the extended single family residential forms seen in the neighborhood.</p> <p>No separate entrance for the AADU is visible from street or driveway. The only entrance is in the rear and it is a shared entry in a connecting structure, suggesting a single family residence.</p>
10.814.44 No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.	√		The AADU is located to the rear of the principal structure and is no closer to the side yard than the principal structure.
10.814.451 An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible façade area of the dwelling as seen from that street.	√		The exterior wall of the AADU that faces Hawthorn street is 28.6 percent of the total visible façade. See attached exhibits.
10.814.452 The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.	√		The AADU is proposed as a single story.
10.814.453 The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.	√		The AADU is proposed as a single story addition to the two story existing structure.

Required Standards (10.814.40)	Meets Standard	Does Not Meet Standard	Comments
<p>10.814.454 The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.</p>	<p>✓</p>		<p>The applicant has provided the following details regarding the architecture of the AADU:</p> <ul style="list-style-type: none"> • Clapboard siding to be 4” to match existing. • New window style to match or coordinate with existing historic double hung windows. • New trim and overhangs to match original trim detailing under the existing vinyl and aluminum sheathing. • New roofing material to be architectural grade asphalt roofing shingles to match existing. • Applicant proposes a gabled roof for the AADU and the shared connector space consistent with the principal structure. • Roof pitch for AADU is similar to principal structure: <ul style="list-style-type: none"> ✓ Principal Structure-11:12 ✓ AADU 9:12

Planning Department Recommendation

1) Vote 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.

(Alt.) Vote 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.

2) Vote to grant 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.

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)

Project Background

The applicant is proposing to add a second story over the garage/mudroom for the purpose of constructing a single bedroom accessory dwelling unit and exterior access/egress stairs.

Project Review Discussion and Recommendations

This application went before the Zoning Board of Adjustment. See below for more details.

Zoning Board of Adjustment

The Zoning Board of Adjustment, at its regularly scheduled meeting of Tuesday, September 27, 2022, considered the application for the upward expansion of the existing garage and mudroom to create and attached ADU which requires the following:

1. A Variance from Section 10.521 to allow a 22 foot front yard where 30 feet is required.
2. A Variance from Section 10.321 to allow a nonconforming structure or building to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance.

The Board voted to grant the request with the stipulation below:

1. The lot area shall be 13,039 square feet.

This stipulation reflects the existing condition of the lot and was intended to recognize that the lot is not conforming to the minimum 15,000 SF requirement. This stipulation has been met in the existing condition of the lot.

Staff Review

Attached accessory dwelling units must comply with standards set forth in the following sections of the Zoning Ordinance:

- 10.814.10
- 10.814.20
- 10.814.30

- 10.814.40

In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.40 (below) including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.

Required Standards (10.814.40)	Meets Standard	Does Not Meet Standard	Comments
10.814.41 An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.		√	Exterior stair entry is provided due to limited interior space on both floors.
10.814.42 The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area. For the purpose of this provision, gross floor area shall not include existing storage space, shared entries, or other spaces not exclusive to the accessory dwelling unit	√		A one bedroom 726 SF unit is proposed.
10.814.43 Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.	√		<ul style="list-style-type: none"> • AADU entrance is provided on the side of existing structure still visible from the street. • The addition is not inconsistent with the variety of forms and styles evidenced in the neighborhood.
10.814.44 No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.	√		AADU is proposed to be located above the existing garage and is no closer to the front lot line than the existing front wall of the principal dwelling unit.
10.814.451 An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible façade area of the dwelling as seen from that street.	√		The exterior wall of the AADU that faces Harvard street is 30% of the total visible façade.
10.814.452 The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.	√		The AADU will introduce a vertical expansion of the garage.
10.814.453 The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.	√		No Increase in the building footprint is proposed.

Required Standards (10.814.40)	Meets Standard	Does Not Meet Standard	Comments
10.814.454 The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.	√		The applicant has provided the following details regarding the architecture of the AADU: <ul style="list-style-type: none"> • Vinyl siding will match existing siding in style and color. • New window style to match or coordinate with existing windows.

Planning Department Recommendation

1) *Vote 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.*

(Alt.) Vote 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.

2) *Vote 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.

IV. OTHER BUSINESS

A. Capital Improvement Plan (CIP) Process Update.

Background

The Capital Improvement Plan (CIP) is both a financial and infrastructure planning tool that sets forth a multi-year schedule and financing strategies for accomplishing public capital projects that both maintain safe quality city infrastructure and assist in the achievement of Citywide Goals. Careful development of and adherence to the CIP ensures that needed capital projects are accomplished within the City's financial capability. In combination with the annual City budget, the Capital Improvement Plan has a significant impact on the planned allocation of fiscal resources, and is thus one of the most important documents considered by the City Council.

State/Local Regulatory Context

RSA 674.5: Capital Improvement Program

"674:5 Authorization. – In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years.

...

The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor or selectmen and the budget committee in their consideration of the annual budget."

City Charter

City Charter Section 7.6 - Capital Program:

The Manager shall prepare and submit to the Council a six (6) year capital program at least three (3) months prior to the final date for submission of the budget. The program shall include:

- *A general summary of its content;*
- *A list of all capital improvements proposed during the next six (6) fiscal years;*
- *Cost estimates, methods of financing, recommended time schedules for each improvement; and*
- *Estimating annual operating and maintenance costs.*

The purposes of the CIP is to:

1. Implement needed improvements on a scheduled basis
 - Provides a complete picture of the City's major development needs
 - Coordinates activities of various City departments and agencies

- Assists in implementing recommendations of the City's Master Plan
- 2. Forecast future allocation of fiscal resources
 - Establishes fiscal priorities for projects
 - Aids in the proper utilization of funding sources
- 3. Help plan for future City expenditures
 - Discourages piecemeal improvements and duplication of expenditures
- 4. Ensure capital project needs are provided within the City's financial capability
 - Informs the taxpayers of anticipated future improvements
 - Helps to schedule major projects to avoid large fluctuations in the tax rate

Plan Development Process

The capital planning process is coordinated by the Finance and Planning Departments under the direction of the City Manager. Capital project requests are initially formulated by City Department Heads and submitted to the Finance Department. Members of the public may also submit project requests, which are reviewed by City Departments and incorporated into the departmental project submissions as appropriate. This year's process introduced an additional opportunity for public involvement with the November 3, 2022 CIP Subcommittee meeting where citizens requests were reviewed and additional citizen input was invited.

CIP projects originate from three sources.

- Capital Improvement Plan from the Prior Fiscal Year
- City Staff
- Citizen Requests

Citizen Requests

This year the City received 104 citizen requests, nearly double any previous year. Process enhancements included:

- A simplified submittal form,
- Broader public outreach, and
- More opportunities to submit requests including Viewpoint, QR code and paper submittals.

Of the 104 requests, staff combined duplicative requests to come up with 84 unique project requests. Staff further sorted the requests into those that were CIP eligible (58) and those requests that were better served by other processes (26). At their November 3rd meeting, the City Council CIP Subcommittee took some time to review the citizen requests and receive additional public input on those requests. The Subcommittee provided preliminary feedback on citizen requests to be considered in the draft CIP. The intent of tonight's presentation is to review the process to date, provide an overview of CIP requests, and to discuss the next steps.

Staff Submittals and Updates

Staff works to update the prior year's CIP projects to reflect the current status, project needs and costing. After city departments and residents submit their new requests for capital project, staff works with the City Manager to prioritize them by utilizing the following criteria:

- **Project requirements** – Is the project required to meet legal, compliance, or regulatory requirements?
- **Timing** – How soon does the project need to be implemented to address the needs identified?
- **Strategic alignment** – To what extent is the project aligned with other city projects, policies, processes?
- **Public value** – How much value does the outcome of this project provide to the general public? How much public support is there for implementing this project?
- **Finance planning** – Is the project fundable in the time frame identified, are there available funding sources for this project?

Although the factors above are consistently utilized in the prioritization process, other factors, such as urgent community needs or public health and safety, may also contribute to the final project placement, allowing the process to be nimble and responsive to emerging community needs.

Planning Board Advisory Committee and City Council Adoption

The Planning Board has appointed a three member Advisory Committee to review the projects in the initial draft CIP. The Advisory Committee will meet on December 5, 2022 to review the draft CIP projects. The Finance Department will incorporate the Advisory Committee's recommendations into a revised form of the CIP which is then reviewed by the Planning Board. The Planning Board will hold a public hearing and vote to recommend the adoption of the document to the City Council. The City Council reviews the proposed CIP, holds a public hearing, and adopts the CIP in accordance with City Charter requirements. Once adopted, the CIP is utilized in the development of the annual budget in accordance with RSA 674.5.

Timeline

- August 18, 2022. Planning Board Presentation regarding CIP Process and Schedule Completed
- August 22, 2022. City Council Presentation regarding CIP Process and Schedule

- September 30, 2022. Deadline for citizen project suggestions to be submitted. These citizen requests will be circulated to the appropriate department for consideration. Completed
- October 7, 2022. City Departments submit CIP project requests (new and updated) to Finance Completed
- November 3, 2022. City Council Subcommittee meets to review Citizens Request Projects Completed
- **November 17, 2022. Planning Board CIP Public Information Presentation (@ Planning Board Meeting)**
- December 5, 2022. Planning Board CIP Advisory Committee meets with each department to review and prioritize capital requests
- December 15, 2022. Planning Board votes to recommend the CIP to City Council for adoption
- January. City Council Work Session on the CIP (with Presentation) on CIP
- February. City Council Public Hearing on CIP
- March. City Council votes to adopt CIP

The Capital Improvement Plan presentation can be found in the November 17, 2022 Planning Board meeting packet and on the November 17, 2022 Planning Board meeting page.

Planning Department Recommendation

No action from the Board is required at this time.

IV. OTHER BUSINESS

- B. Board Discussion of Regulatory Amendments and Other Matters**
- C. Chairman's Updates and Discussion Items**

V. ADJOURNMENT