

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

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

7:00 PM

January 19, 2023

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; Members, Andrew Samonas, Alternate

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ALSO PRESENT: Peter Stith, Principal Planner

MEMBERS ABSENT:

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REGULAR MEETING 7:00 pm

The meeting began at 7:04 pm.

*Items denoted in brackets indicate timestamps

I. ELECTION OF OFFICERS

[7:50] Mr. Mahanna made a motion to nominate Chairman Chellman as the chair. Ms. Begala seconded the motion. The motion passed unanimously.

[8:18] Mr. Hewitt made a motion to nominate Corey Clark for Vice Chair. City Manager Conard seconded the motion. The motion passed unanimously.

II. APPROVAL OF MINUTES

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

Mr. Hewitt had taken a page and a half of notes based off of the December recording and would like to incorporate his notes as edits in the minutes. These notes were sent out to City staff along with the rest of the board.

Mr. Almeida and City Manager Conard abstained from voting on the edits because they had not yet seen them,

[11:18] Chairman Chellman suggested postponing the adoption of the December minutes until the February meeting.

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. REQUEST TO POSTPONE** The request of **Liberty Mutual Insurance Co. (Owner)**, for property located at **225 Borthwick Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes shoreline stabilization work for two existing ponds on site with erosion impacts. This project proposes stabilizing the slopes with an extensive native vegetation planting plan which will occur along the slope and enhance the vegetated buffer. Said property is shown on Assessor Map 240 Lot 1 and lies within the Office Research (OR) District. **REQUEST TO POSTPONE (LU-22-212)**

[11:57] Chairman Chellman introduced this application.

DISCUSSION AND DECISION OF THE BOARD

[12:12] Councilor Moreau made a motion to postpone this application, City Manager Conard seconded the motion. The vote was unanimous.

Ms. Begala wanted more detail about what was causing the postponement of this application.

Mr. Stith stated that the Conservation Commission needed more information from this applicant before they could proceed so their application is currently considered incomplete.

- B.** The request of **Vieira Family Trust, (Owner)**, and **Edward and Kathleen Vieira (Applicants)**, property located at **12 Regina Road** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of 144 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 10' shed on top of a crushed stone in an area that is 12 x 12' within the wetland buffer. Said property is located on Assessor Map 225, Lot 29 and lies within the Single Residence A (SRA) District. (LU-22-221)

[13:36] Chairman Chellman introduced this application.

SPEAKING TO THE APPLICATION

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[14:14] Kathleen and Edward Viera (property owners) came to present their application. They will be placing a shed in their yard on crushed stone right next to their driveway. They will be supplementing the impervious surface with additional plantings.

[15:04] Mr. Mahanna asked for clarification on where the wetland boundaries were.

PUBLIC HEARING

[16:26] Chairman Chellman opened the public hearing. No one spoke. The public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD

[16:42] Vice Chair Clark made a motion to adopt the findings of fact as presented. Mr. Mahanna seconded the motion. The motion passed unanimously.

Vice Chair Clark discussed that this application was very straightforward and this was the best location for the shed.

[17:13] Vice Chair Clark made a motion to grant a wetland conditional use permit with the following stipulation:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.

City Manager Conard seconded the motion. The motion passed unanimously.

- C. The request of **Torrington Brown LLC** and **Single Venture LLC (Owners)**, for property located at **132-134 Middle Street** requesting a Conditional Use Permit Approval to provide 7 parking spaces where 17 spaces are required as permitted under Section 10.1112.14 of the Zoning Ordinance. Said property is located on Assessor Map 127, Lot 11 & 12 and lies within the Character District 4-L1 (CD4-L1), and the Historic District. (LU-22-232)

[17:39] Chairman Chellman introduced this application. Mr. Samonas recused himself.

SPEAKING TO THE APPLICATION

[18:08] John Chagnon of Ambit Engineering and Haley Ward and Greg Mikolaitis of August Consulting and the representative of the owner. A similar approval was granted for this project that had more extensive renovations back in 2020. This was to provide a conditional use permit to provide seven parking spaces where twenty four were required. In this application, they are asking for seven spaces where seventeen are required because the current owner will just renovate the current units as is and eventually convert the office space to one more residential unit which will add one more parking space that will be required.

The 2020 approval was extended and eventually was left to expire. New property owners came into the mix and were unaware of the conditional use permit and let it expire. The new property manager will assign parking spaces as they are requested by the tenants. They will be adding bicycle racks to the site as many of the tenants have a bicycle as their mode of transport. One existing parking spot will be removed that is currently in front of the building. This spot does not comply with the ordinance so it will be removed.

[24:18] Mr. Harris asked if the residents who request the spaces will have to pay extra. Mr. Chagnon was unsure but they would be issuing passes. Mr. Harris was concerned that the tenants not receiving a parking spot would be parking on the street. Mr. Chagnon confirmed that some current tenants do park on State Street already.

[25:44] Councilor Moreau asked if there was room for another parking space in the corner of the lot as you come in from State Street off the access easement. Mr. Chagnon responded that it would impede the other cars that have to reverse out of the other spaces in the lot.

[26:29] Ms. Begala was confused about the usability of the parking spaces because spots five and six would be blocked in. Mr. Chagnon responded that those are tandem spaces that will have to be assigned to the same unit which means those tenants could coordinate their coming and going. This means that four units would be able to utilize the seven spaces.

[28:10] Ms. Begala felt as though they were missing part of the parking demand analysis where the other off-site spaces would be for additional parking. Mr. Chagnon responded that there are some other adjacent business uses that if the need arose for more parking then tenants could make agreements with those businesses during non-business hours.

[30:28] Mr. Mahanna asked if the bike racks were a condition of the previous approval. Mr. Chagnon responded that he believed they did since it was an ordinance requirement. In 2020 the ordinance had required one bike rack for every five dwelling units. Mr. Mahanna commented that people have tended to be parking more scooters than bicycles and recommended that one of the bicycle racks also be used for scooter parking which is popular.

[32:00] Mr. Hewitt asked if it was true that twenty of the units were currently occupied. Mr. Chagnon responded that nineteen were currently occupied. Mr. Hewitt asked if they could tally up how many cars are associated with each one of the units? Mr. Chagnon responded that there are currently four unit owners that have assigned parking. The other tenants have found other areas for parking. They had provided a parking demand memo that estimated the number of necessary parking spaces.

[34:41] Mr. Mikolaitis confirmed that they are not asking for permission for parking for the whole building but rather only for a permit that sees one commercial unit converted into a residential unit. They are not asking for approval for all twenty two units but rather just for one additional residential unit that will allow a dentist office to convert to residential.

[36:23] Chairman Chellman asked if the units had become smaller. Mr. Mikolaitis mentioned that they would be staying the same size and Mr. Chagnon noted that the units would not be expanding either.

[37:10] Mr. Harris brought up his concern for only having seven spaces available when there are at least twenty one tenants.

[38:12] Mr. Hewitt asked if they could get the data that shows how many cars are currently associated with each tenant because he would rather have a real number than a predicted number. Mr. Chagnon responded that it would not be difficult for the property manager to ask this of the tenants and provide the data to the Planning Board but he is confused how this exact number would change anything. Mr. Hewitt thinks it would be valuable to have a parking demand study in this part of the City.

PUBLIC HEARING

[41:01] Chairman Chellman opened the public hearing. No one spoke. The public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD

[41:28] Ms. Begala still had concerns about the parking demand and how only seventeen spaces are required for this building but only seven are being proposed. She is concerned that there are no clearly stated alternative areas for people to park. She is not in favor of this conditional use permit as it stands.

[43:05] Vice Chair Clark made a motion to adopt the findings of fact as presented. Mr. Mahanna seconded the motion. The motion passed 8-1 with Ms. Begala opposed and Mr. Samonas abstaining.

[44:42] Mr. Mahanna noted that there was some confusion among the board about the existing conditions. They are not changing the existing condition and in fact were asking for less than what was previously approved.

[45:45] Vice Chair Clark reiterated what Mr. Mahanna stated and mentioned that the current parking situation appears to work and they did not hear from any abutters. Just looking at the current situation it appears to work and in the future, receiving the vehicle data from the tenants could be very helpful.

[46:55] Vice Chair Clark made a motion to grant the conditional use permit with the following stipulations:

2.1) Per the requirements of the Zoning Ordinance, the six proposed tandem spaces shall be assigned to the same dwelling units and shall not be used to provide guest parking.

2.2) Owner shall submit data including area of unit, number of bedrooms, number of occupants, and number of cars for the current usage. Owner shall also collect data on where the cars are currently being parked. This data is for information purposes only.

Mr. Almeida seconded the motion. The motion passed 8-1 with Ms. Begala opposed and Mr. Samonas abstaining.

[47:43] Mr. Almeida mentioned that it makes sense that the current parking situation appears to work because he feels strongly that the neighbors and tenants would have spoken up if that was untrue. It is a tight area with a historic building and there is no option to remove part of the building for more parking so it is a reasonable request.

[48:16] Mr. Hewitt asked to modify the second stipulation in the motion to also ask for data on the size, number of bedrooms, number of tenants and number of cars per unit.

IV. CITY COUNCIL REFERRALS

A. Public Hearing for ADU Amendments scheduled for January 30, 2023.

[51:33] Chairman Chellman mentioned that they would be getting a presentation from staff and the consultant at the January 30th meeting. There is an extensive package that everyone should read before that meeting to prepare for the presentation. Councilor Moreau will distribute copies of the pdf document from the City Council if needed. A staff memo will come out next week along with the draft presentation.

[52:47] Ms. Begala requested that the entirety of the documents for the presentation be put into a packet that is downloadable to the iPads to have everything in one place.

[53:32] Mr. Harris noted that he will be unable to attend the presentation on the 30th.

[54:02] Councilor Moreau made a motion to hold a public hearing for January 30th, 2023. Ms. Begala seconded the motion. The motion passed unanimously.

VI. OTHER BUSINESS

A. Chairman Updates and Discussion Items

[54:44] Chairman Chellman asked for the Board's opinion on how to proceed with the discussion items he has compiled.

[55:10] Mr. Mahanna mentioned that he preferred to participate in Planning Board changes than Planning Board approvals and he is in favor of working on the items listed, including in monthly workshop meetings. Mr. Hewitt would also be in favor of this.

[55:33] Ms. Begala mentioned that she was hoping that the January special session would be the opportunity to sit down and plan out the Master Plan which she believes is a priority that should be started in extra session as soon as possible.

[56:05] Mr. Samonas was excited about many of the topics on this list and understands that different board members may feel differently about different items. He mentioned the possibility of breaking these items down so as not to put them all on the Chairman and also so as not to need a quorum for all meetings.

[58:14] Mr. Almeida clarified that some of the items on the list for discussion were items asked of the Chairman to be discussed and so all of the items will need to be fleshed out for prioritization.

[1:00:02] Chairman Chellman will look into scheduling the Council Chambers for a work session on these items.

B. Discussion of Planning Board Rules and Procedures

Chairman Chellman commented that these rules and procedures will likely be discussed in February as they are the low-hanging fruit compared to the other items up for discussion.

C. Board Discussion of Regulatory Amendments, Master Plan and Other Matters

[1:01:17] Mr. Hewitt and Chairman Chellman agreed that these may be more priority topics that can be further divided and talked about in multiple work sessions or meetings.

[1:03:02] Mr. Almeida made a motion to adjourn. Chairman Chellman adjourned the meeting at 8:05 pm.

VII. ADJOURNMENT

Respectfully submitted,

Kate Homet,
Acting Secretary for the Planning Board