

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

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

7:00 PM

January 30, 2023

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Beth Moreau, City Councilor; Greg Mahanna, James Hewitt, Jayne Begala, Members; Andrew Samonas, Alternate

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ALSO PRESENT: Peter Stith, Planning Manager; Nicholas Cracknell, Principal Planner(via zoom); Rick Taintor, Consultant

MEMBERS ABSENT: Peter Harris, Member; Joseph Almeida, Facilities Manager

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SPECIAL MEETING 7:00 pm

Timestamps denoted in brackets []

Meeting began at 7:02 pm.

[6:09] Chairman Chellman called the meeting to order and announced that Mr. Harris would not be in attendance, Mr. Samonas would sit in his place and vote.

I. CITY COUNCIL REFERRALS – PUBLIC HEARING

A. Presentation on ADU Amendments

[7:34] Rick Taintor, who has been working with the Land Use Committee and Planning & Sustainability Department Staff, came to present on the topic of ADU amendments.

This presentation focused on the changes proposed for amendments for ADU regulations. These are broadly aligned with removing barriers and providing more flexibility, strengthening provisions for neighborhood compatibility and making the ordinance easier to understand and apply. Proposed changes include, but are not limited to, folding in the Garden Cottages into detached ADUs, modifying the Table of Uses for ADUs revising parking standards, applying standards to all ADU's along with Attached and Detached ADUs, changes to architectural design standards, post-approval requirements, definitions,

etc.

- B. Phase II Regulatory Amendments** – The Planning Board will consider a recommendation to City Council to adopt amendments to Article 8 Supplemental Use Standards: Section 10.440 Table of Uses, Section 10.814 Accessory Dwelling Units, and Section 10.815 Garden Cottages; Article 11 Site Development Standards: Section 10.1110 Off-Street Parking; and Article 15 Definitions related to Accessory Dwelling Units and Garden Cottages.

PUBLIC HEARING

[26:27] Chairman Chellman opened the public hearing.

[26:49] Esther Kennedy of 41 Pickering Avenue asked for clarification on the allowed size of the units, citing that 1000 sf seemed large.

[29:20] Roy Helsel of 777 Middle Road Unit 22 asked if ADU's would be allowed to be within five feet of the property line and if abutters would be noticed about ADU proposals.

[29:53] Petra Huda of 280 South Street asked how sewer services and occupation would be verified, objected to the large allowed sizes for ADUs, she appreciated the building height standards but wanted wording changed, pointed out a contradiction that seemed confusing for the footprint standards, wanted more details in the parking section and noted contradictions on the abutter mailing requirements and the administrative approval section.

[39:05] Eliza Hewitt of 726 Middle Road noted that she would like to see one parking spot per bedroom for the parking regulations and would like to see more discussion on the lot area changes.

[41:06] Elizabeth Bratter of 159 McDonough Street expressed her concern over the proposed ADU size change to allowing 1000 sf which she feels would be too large.

[43:57] Evan Mullen of 82 Austin Street noted that the proposed changes were a big step forward and in general were helping to reduce some of the restrictions on ADUs that are currently in the zoning. Mr. Mullen mentioned that under the right circumstances it would be reasonable to consider a waiver to the parking requirements in certain neighborhoods. He noted that some of the items under the architectural standards were too restrictive.

[45:42] Zelita Morgan of Richards Avenue questioned whether the larger size allowances met the definition of accessory in terms of an accessory dwelling unit and she expressed

concern for ADU impacts on the environment and sewage as well as affordable housing and the character of neighborhoods.

[1:47:15] Chairman Chellman announced that members of the public could come up to speak once again.

Elizabeth Bratter reiterated the importance of the land use committee's task of making it easier to get ADU's without having the hassle of multiple meetings. The issue of concern for her is making abutters aware and the mailing process.

[1:49:03] Petra Huda spoke again and asked for clarification on the drainage requirements in the DADU section and for clarification on contradictions for size and gross floor areas of DADU's.

DISCUSSION AND DECISION OF THE BOARD

[48:32] Mr. Mahanna wanted to see the district zoning codes in the definitions and wondered why the zoning ordinance number was seven digits when all others are usually five. He also mentioned that the use of 'shall' instead of 'should' in the architectural standards section seemed overbearing.

[52:36] Mr. Samonas wanted to see examples of single-story homes that have an additional story for an ADU as seen written in the design standards. He also noted that the 1000 sf size is getting away from the higher density standards that the City is trying to move towards. He inquired about whether or not full drainage plans would be required for each application. He would also like to see more illustrations in this section for better comprehension.

[1:01:51] Ms. Begala asked how the public's questions would be addressed and had some comments on the section for purpose and eligibility for ADUs, specifically on how it should be more explicit on no short term rentals or commercial uses. She noted that the topics of parking and neighborhood characteristics are important issues to talk about in terms of ADUs. She also noted that she was in agreement with all of the public comments and believed that the allowance for up to 1000 sf should be dropped from the amendment and it should be capped at 750 sf. She also expressed concern for parking in the front yard as it may change neighborhood characteristics but this regulation would end up being stricter than State rules and actually allows parking to be between the front of the building and the street.

[1:06:10] Chairman Chellman noted that there were multiple board members who also reside in the Land Use Committee and that the Planning Board needed to approve of and feel comfortable with the draft amendments before it is sent to the City Council. He mentioned that the maximum size of 1000 sf seemed too large. He expressed concern about the permitted administrative approvals because it denied the public the chance to come to a Planning Board meeting to speak on proposals. He also expressed concern for

allowing two-room units and the potential neighborhood characteristic changes and asked for clarification on regulations for doors. He noted that there may be a missing clause in 814.612 which would not allow the Planning Board to waive parking which he believes should be allowed unless waived by the Planning Director.

[1:11:15] Mr. Hewitt asked about abutter notices and whether or not that covers mailing abutters and if it was certified mail. He also inquired whether the City had a minimum square footage for minimum dwelling spaces which are likely set in the building code standards.

[1:14:11] Vice Chair Clark asked for clarification on if a single story building with the addition of a two-story garage with an ADU on the second floor would be allowed which it would not be. He also brought up that it may be better off if a permitted use would be allowed in certain lot sizes.

Mr. Cracknell reiterated from Zoom that the 1000 sf size was created to be more clear because many applicants were coming in for waivers previously to build larger than 750 sf. The subordination requirements really limit the ability to get over the 750 sf limit and the 75% existing volume of the principal structure constraint. Staff may be able to prepare some examples for a subsequent meeting if needed and Mr. Cracknell agreed that visuals would also help and could be incorporated. He noted that he will sit down with Mr. Taintor to go over the comments from this meeting and potential changes to be made.

[1:51:06] Mr. Mahanna made a motion to continue the public hearing until the February 16th, 2023, meeting. The motion was seconded by Mr. Hewitt.

It is the board's hope that the Land Use Committee will have sufficient time to go over the questions, concerns, and changes addressed at this meeting and will be able to address those issues at the February meeting.

[1:52:37] Vice Chair Clark reiterated the point that building permits do not require abutter notification if they meet the requirements and associated ordinance regulations and some of the issues brought up tonight were what previous ADU applicants had considered onerous, such as the notification process. Vice Chair Clark does not want to see Portsmouth become more like a homeowner's association.

[1:55:06] Mr. Hewitt reiterated the purpose of making this process easier for the end user and the importance of simplifying it.

[1:56:03] Councilor Moreau noted that the handbook will help with this process of simplifying the steps for the homeowner.

[1:56:56] City Manager Conard noted that a new employee started working that day, Mr. Howard Snyder, who would be at the upcoming Land Use Committee meetings.

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[1:57:20] Chairman Chellman called for a vote. The motion passed unanimously.

II. OTHER BUSINESS

III. ADJOURNMENT

[1:57:28] Chairman Chellman adjourned the meeting.

The meeting adjourned at 8:59 pm.

Respectfully submitted,

Kate Homet,
Acting Secretary for the Planning Board