

**PLANNING BOARD and HISTORIC DISTRICT COMMISSION  
WORK SESSION**

**PORTSMOUTH, NEW HAMPSHIRE  
LEVINSON ROOM - PORTSMOUTH PUBLIC LIBRARY  
175 PARROT AVENUE, PORTSMOUTH NH**

**6:00 PM Work Session begins**

**February 21, 2024**

**WORK SESSION/SPECIAL MEETING**

**PB MEMBERS PRESENT:** Rick Chellman, Chairman; Greg Mahanna, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager (via Zoom); Beth Moreau, City Councilor; James Hewitt; Jayne Begala; Paul Giuliano; Andrew Samonas; William Bowen, Alternate

**HDC MEMBERS PRESENT:** Reagan Ruedig, Chair; Margot Doering, Vice Chair; Martin Ryan, Dave Adams, Jon Wyckoff (via Zoom), Larry Booz, Dr. Dan Brown; City Councilor Rich Blalock

**ALSO PRESENT:** Peter Stith, Planning Manager; Jilian Harris, Principal Planner; Izak Gilbo, Planner 1



**I. Solar Panel Zoning Amendment Discussion Workshop with Historic District Commission**

Planning Chair Rick Chellman said the Planning Board and the Historic District Commission (HDC) were charged by the City Council to come up with a consensus on how to address solar panels and appurtenances in the Historic District, and if they reached a consensus as a workshop group, a Planning Board meeting would then be convened to make a recommendation to the City Council. He said he and HDC Chair Reagan Ruedig would then receive the City Council's input and then come up with regulations. He said the specific motions that the City Council put forth for the Planning Board and HDC to consider ranged from doing nothing to getting involved and considering different neighborhood contexts in the HDC. He said there could be different grades of solar panel use, like those that were permitted more easily and those that might require more review. Chair Ruedig agreed and said she wanted to ensure that solar panels in the Historic District were used in an appropriate way to protect the District but still allow a use that citizens wanted to do with their properties. She said solar panel applications came before the HDC more frequently, and some were easy but others were difficult, and the HDC could try to make their guidelines simpler for applicants so that they knew what to expect.

City Councilor Blalock said there had been numerous applications before the HDC for solar panels and a lot of residents were frustrated and did not think that it was part of the HDC's purview. City Councilor Moreau said the frustration was the fact that some panels were okay to approve and some weren't, and she asked what needed to be adjusted. Mr. Adams said one thing that made solar panels less egregious to a historic fabric of a building was the visibility of them and the 360 degree nature of a building, and another one was the non-standard way that some historic properties were constructed or added onto over time. He said the HDC wasn't just for the preservation of some particular part of a building but also concerned about the building's aesthetics. Planning Board Vice Chair Mahanna asked if there were exceptions for the sides and back of a building. Mr. Adams said the HDC had to consider the impact of appurtenances and so on because buildings needed ventilation. He said the HDC tried to find the best aesthetic decision and encourage applicants to keep the front of the building pristine, but it wasn't quantified in their ordinance. Dr. Brown said he liked the idea of alternate energy methods and agreed that there were different degrees of the Historic District neighborhoods. He asked what percentage of the problem it was and if a whole new proclamation from the law or from the Council was needed. Mr. Gilbo said structures in the HDC comprised only 13 percent of all the structures in Portsmouth and parcel sizes comprised about 16 percent, so 93-96 percent of Portsmouth residents could put solar panels on their roofs any way they wanted to. He said several of the streets in the HDC ran east-west, which meant half the houses on a street could place their solar panels in the back and reduce the percentage close to one half percent. Dr. Brown said putting shiny black panels on all the roofs would not be appropriate.

Joe Almeida (via Zoom) defended the HDC and their role in the City and thought the motion should be taken down. He said there was a robust set of guidelines that the HDC had worked on for years that could be updated to address developing technologies. He said a historic building owner had a responsibility when presenting anything that could potentially harm the Historic District and that just owning and maintaining a historic building put the owner in a category of a preservationist and environmentalist. Mr. Ryan referred to Councilor Blalock's comment about citizens not thinking the HDC should have purview over solar panels. He said there were zoning regulations and building codes, and solar panels were an option and weren't like vents. He said he found the City Council's request that the HDC not have purview over solar panels extreme because it wasn't just about the location of the solar panels but the fact that the panels were foreign to the concept of natural and historic materials in the HDC. He said the HDC could explain to the public what the HDC wanted in terms of preserving the historic environment while in some cases still allowing the solar panels to be installed. Mr. Wyckoff (via Zoom) said the City Council's renewable energy policy of March 2018 was to promote solar panels, and he thought those panels should not be visible on defining structures in the HDC but should be allowed on other houses if the resident follow certain procedures, like painting all conduits the roof and siding color, not removing chimneys or dormers when installing the panels, and so on.

He explained how solar shingles should be installed and said they looked like solar panels except they weren't as thick and didn't go up as high and were more expensive.

Chair Chellman said other questions had to be addressed like whether ground-mounted solar panels were appropriate. Chair Ruedig said that would be a rare application because it would require a lot of space, which the south end and other areas in the HDC did not have. Vice-Chair Doering said the HDC's current guidelines had not caused a lot of solar panel request denials and she thought it was inappropriate for the City Council to remove the purview of solar panels from the HDC based on the perception that the HDC was blocking solar panel requests. She said it was true that some were blocked because the panels faced the street or didn't face the sun, but circumstances and not the current guidelines were causing the bulk of the turndowns. She said the HDC could make some changes to the guidelines, like dealing with the issue of perpendicular roofs or making an exception for a back accessory building. She said the purpose of the HDC was to protect the structures in the Historic District and create an aesthetic, and solar panels affected that aesthetic, so the HDC was trying to find a balance. She said there were things the HDC could do to improve the use of solar panels in the Historic District and make it easier for people to figure out what they could or could not do without removing the HDC's authority and oversight from the process. Mr. Hewitt said the idea of removing the HDC's authority on solar panels was an insult and that he would not recommend any changes.

[Timestamp 32:50] Mr. Samonas said having the solar panel ordinance in place for the HDC to review was a safe measure, especially from an aesthetic perspective. As a reasonable alternative to solar panels in the HDC, he said a conversation could be had with the property owner to review the overall sustainability of their property. He said a metric could be figured out to see if the panels could move forward or not, which might take a site visit, and the home's orientation and rooflines would change the way the panels are affected. He asked how old housing stock could be made better, including mitigating issues like rising water and energy costs. Larry Booz said he thought it was a slippery slope to take away the power from the HDC over any item just because people didn't like what the HDC said. He cited other towns that had strict solar panel guidelines. He said people came to Portsmouth because it was a beautiful historic town, and he thought there were other ways to encourage energy conservation beyond solar panels, like replacement windows. Ms. Begala said what she was hearing was a balance trying to be achieved between historic preservation and visual integrity of older buildings for the town and the clean energy transition. She said the question posed by the proposed amendment was really about who was going to review this balance. She said the best people to set clearer guidelines about solar panels were the HDC in order to apply it within the Historic District context and that she couldn't imagine removing it from their approval, because if it was removed, there would be no "we". Vice-Chair Mahanna agreed that it had to stay with the HDC and that they were qualified to assess types of panels, appurtenances, hardware, and so on but that they should plan for the future. He said an applicant could be required to have an energy audit done before submitting an

application for solar panels. Chair Chellman said there the south end was very different than Middle Street or the downtown and asked if different sections of the Historic District should be treated differently from a solar panel perspective. Mr. Adams said he remembered when there were Historic A and B Districts but didn't recommend going back to that. He asked if an average person coming into town would understand the difference in the architecture of Middle Street compared to Gate Street. Mr. Samonas asked why it wouldn't be good to have A or B Districts or tiers. Mr. Adams said it could create an opportunity for a person to ignore the HDC's recommendations and think he should have what he wanted and hire a lawyer. Mr. Wyckoff said at one time chimney caps were just as controversial as solar panels. He said times changed and the HDC had to change with them, and as long as the structure of a historic building didn't change, there would still be the Historic District. It was further discussed.

Mr. Giuliano asked how solar panels would be incorporated discretely into a structure and how an array of them on different structures would look like if they had contrasting colors and different patterns. Chair Chellman said the issue from the City Council was that solar panels would be flush-mounted on the roof with no HDC review. He said the first motion was very broad and he had concerns with it because if solar energy issues were removed from the HDC authority, buildings could be removed for solar access. He said the charge for the Planning Board and the HDC was to take some refinement to the City Council. He thought it made sense to treat different areas of the Historic District differently. Chair Ruedig said the HDC looked at every application and property on its own, so it might be difficult to lump a whole group of properties in an area together and say that they were not as important as others. She said the HDC's ordinance also had exemptions for things like wooden storm doors or play structures. She said there were certain things that the HDC could look at and have a work session or a subcommittee look through their guidelines and ordinance and say that something like a tall flat roof on a commercial building downtown could be an exemption. She said the guidelines could be updated as technological trends and thought processes changed. She said the current solar panel guidelines were basic and clear in some instances but not so clear in others, and she would like to make the approach to solar panels clear. Councilor Moreau said she looked at the HDC's exemptions and saw one about putting electrical or mechanical equipment out of public view. She said the HDC could come up with a similar exemption about solar panels. Vice-Chair Doering said the HDC had been saying for some time that the guidelines should be rewritten, and now they had to improve them and be specific. She said the HDC could recognize that there would be exceptions for different properties and that some requests could be administrative approvals and others would have to be looked at more carefully. It was further discussed.

Chair Chellman asked if there were any items that could be brought to the Council that the HDC would like to add to the list. Vice-Chair Doering said a short list would include refining the definition of the back-of-the-house when there's a roof structure that lies perpendicular to the road; quantifying things that hang off the side of the building; placing solar panels on accessory

structures that face the south; and adding things that would be a definite no, like if a roof appurtenance that obstructs a key feature of a house or something that would be permanently damaging. Mr. Ryan said there should be a least a graphic-oriented page or two of guidance about solar panels given to the public instead of a large guideline book that would only confuse the public more, and that the same could be done with windows. He said solar panels had such an impact on a home that the HDC would be irresponsible not to judge them in a meeting. He said an administrative approval should be for something like replacements in kind, but he thought the board could improve the process by educating the public in what to expect when coming before the HDC. Mr. Booz said if someone could drive by a home and see panels, that could be an automatic no. Mr. Wyckoff said the back-of-the-house rule didn't work all the time because people could still see the panels from public views. He noted that people had never told him that they thought the HDC should allow solar panels in the Historic District. Mr. Bowen asked if any prior projects with solar panels had fire safety issues. Mr. Adams said the fire department needed a walkable surface around the panels to get access to the roof. Councilor Blalock said the Fire Department would prevent someone from installing solar panels if they weren't south facing or safe. It was further discussed.

Chair Chellman said a concern was also to preserve discretion and that it couldn't get quantified down to slopes and angles and so on. Chair Ruedig said she agreed with all the suggestions but also thought the HDC could go a bit further with modern sustainability and include doors, windows, insulation, etc. and also treat downtown commercial buildings differently. Mr. Wyckoff said it all went back to subjectiveness and where you could place the panels and where you couldn't, and that's why he thought the panels should be allowed in the Historic District. Mr. Hewitt said he had meant that he didn't want any changes made to the HDC's authority on solar panels but believed there could be more guidance on the HDC's website. He suggested a document called Energy Efficiency, Renewable Energy, and Historic Preservation: A Guide for Historic District Commissioners and said it could be customized for Portsmouth. It was further discussed. Chair Chellman said the city could look at doing solar farms and give people in the Historic District access to them. He asked about Chair Ruedig's idea about commercial buildings in the HDC being treated differently. Councilor Moreau said sometimes it made sense and it didn't because some old Victorian buildings were businesses. Chair said that could be a criteria, and it was further discussed. Councilor Moreau asked if energy audits could be enforced legally if people wanted to install solar panels, or if people could be forced to look at other aspects of their home that weren't visible. Mr. Booz said there could be a small questionnaire that stimulated that thought process on the part of the resident. Mr. Ryan said it could be incorporated into the permit process since new homes and renovations had to meet energy codes. Chair Chellman said properties with an energy audit that had a certain score could get an administrative approval, and then a more full review might have to be done. Mr. Wyckoff said it would require people to have an energy audit of their home done before they could ask for a

building permit for anything. He said an ordinance could be passed that would require all new flat-roof buildings in the Historic District to have solar panels. It was further discussed.

Chair Chellman said they had a list of items, which included definitions like the back of the house, things hanging from the side of a building, accessory structures, a list of NO items, the front of the house being off limits including siding, anything that would permanently damage the roof, having a 1-2 page guidance document describing how to do solar in the Historic District and maybe address windows at the same time, commercial buildings with flat roofs having a simpler process, and perhaps an energy audit as an option. He said it was a good framework for the HDC to further discuss. Chair Ruedig said the Commission could meet in March and come back to the Planning Board and the Legal Department to move it forward.

## **II. Adjournment of Workshop**

Chair Chellman closed the workshop.

## **III. Convene Planning Board Meeting**

Councilor Moreau said she could review the list of ideas from the workshop and decide how they wanted to make the process better for the public and the HDC and look at ways to have an exemption like other mechanicals, add the one-sheet guidelines, and so on, as well as as a few ideas based on what the HDC would bring back as concrete principles and ideas that could improve the process. She said the Planning Board could review it and bring it to the City Council and get their feedback to make sure the Planning Board was going in the right direction. Chair Chellman said the Planning Board had to have an interactive discussion with the City Council and give them the chance to ask questions. Ms. Begala confirmed that it should be the HDC's purview to control the implementation of solar panels within the Historic District. Councilor Moreau agreed and it was further discussed.

## **IV. Consider Recommendation to Council regarding Solar Panel Zoning Amendment**

*Ms. Conard **moved** to recommend that the Planning Board develop an update that Councilor Moreau can give on behalf of the Planning Board at the March 4 City Council meeting to let them know how the meeting transpired and that the Planning Board has a sense of what the HDC is going to work on in the next two months, and then report back through the Planning Board to the Counsel. Vice-Chair Mahanna seconded the motion. The motion **passed** unanimously.*

## **V. Adjournment**

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Joann Breault  
Planning Board/HDC Recording Secretary