

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

January 16, 2025

MEMBERS PRESENT: Rick Chellman, Chairman; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; James Hewitt; Paul Giuliano; Andrew Samonas; and William Bowen, Alternate

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ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS ABSENT: Greg Mahanna, Vice Chair; Anthony Coviello

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Chair Chellman called the meeting to order at 7:00 p.m. Alternate Mr. Bowen took a voting seat for the evening.

I. ELECTION OF OFFICERS

*Ms. Conard moved to nominate Rick Chellman as Chair, seconded by Councilor Moreau. The motion **passed** with all in favor.*

*Mr. Giuliano moved to nominate Anthony Coviello as Vice-Chair, seconded by Ms. Conard. The motion **passed** with all in favor.*

II. APPROVAL OF MINUTES

A. Approval of the December 19, 2024 meeting minutes.

*Councilor Moreau moved to approve the minutes as submitted, seconded by Mr. Almeida. The motion **passed** with all in favor.*

III. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A.** The request of **One Market Square LLC (Owner)**, for property located at **1, 21 (15) Congress Street** requesting Site Plan Approval to construct an addition onto the previously approved project at 1 Congress Street and re-development of 15 Congress into a mixed-use building with associated site improvements; a Parking Conditional Use Permit from Section 10.1112.14 of the Zoning Ordinance to allow 21 parking spaces where 53 parking spaces are required. Said property is located on Assessor

Map 117 Lots 12-15 and lies within the Character District 5 (CDR-5), Historic and Downtown Overlay Districts. (LU-22-12)

*Councilor Moreau moved that the Board determine that Item A is complete according to the Site Plan Review Regulations (contingent on the granting of any required waivers under Section V of the agenda) and to accept the application for consideration. Ms. Conard seconded. The motion **passed** with all in favor.*

IV. PUBLIC HEARINGS -- OLD BUSINESS

- A. The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** requesting Site Plan Review Approval for the demolition of the existing structures and construction of 4 single family dwellings with associated site improvements. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-22-209)

DECISION OF THE BOARD

Chair Chellman said the petition was contingent on the Board's site walk, which they had not scheduled yet.

*Councilor Moreau moved that the Board **postpone** the application to the February 20, 2025 meeting and schedule a site walk for February 20th at 3 pm. Ms. Conard seconded. The motion **passed** with all in favor.*

Note: The following petition was combined with Petition A, Durgin Square LLC, 1600 Woodbury Avenue, Public Hearings, New Business.

- B. The request of **Durgin Square LLC (Owner)**, for property located at **1600 Woodbury Avenue** requesting an amended Site Plan Approval for the addition of EV charging stations in the existing parking lot with associated equipment and transformer. Said property is located on Assessor Map 238 Lot 16 and lies within the Gateway Corridor (G1) District. (LU-24-182)

*Councilor Moreau moved that the Board combine the petition with Public Hearings, New Business, Petition A, 1600 Woodbury Avenue. Mr. Almeida seconded. The motion **passed** with all in favor.*

SPEAKING TO THE PETITION

[Timestamp 14:12] Dallas Pelland of Selective Site Consultants was present on behalf of the applicant. He reviewed the petition and said they wanted to place the requested EV charging locations in the north corner of the parcel behind the bank. He said all facilities with utilities could support the infrastructure and that the parking lot landlord approved it. He noted that there was a minor change to the plan because the landlord did not want canopies over the EV chargers.

The Board had no questions. Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD [Timestamp 16:48]

Amended Site Plan

*Councilor Moreau moved that the Board find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*

*Councilor Moreau moved that the Board **grant** Amended Site Plan approval with the following conditions, noting that the applicant will not construct the canopies for the EV chargers that are in the plan:*

- 2.1) Keep conduit crossing Durgin Lane 15 feet from any trees and protect trees during construction.*
- 2.2) A license will be required by both Eversource and the applicant for the new utility pole and conduit in the right of way.*

*Mr. Almeida seconded. The motion **passed** with all in favor.*

V. PUBLIC HEARINGS – NEW BUSINESS

- A.** The request of **Durgin Square LLC (Owner)**, for property located at **1600 Woodbury Avenue** requesting a Conditional Use Permit approval for the addition of EV charging stations in the existing parking lot with associated equipment and transformer. Said property is located on Assessor Map 238 Lot 16 and lies within the Gateway Corridor (G1) District. (LU-24-182)

Note: This was combined with Petition B, New Business, Durgin Square LLC above.

DECISION OF THE BOARD

EV Fueling Space Conditional Use Permit

- 1) Councilor Moreau moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.243 of the Ordinance and adopt the findings of fact as presented. Mr. Samonas seconded. The motion **passed** with all in favor.*
- 2) Councilor Moreau moved that the Board grant the Conditional Use Permit as presented. Mr. Samonas seconded. The motion **passed** with all in favor.*

- B.** The request of **One Market Square LLC (Owner)**, for property located at **1, 21 (15) Congress Street** requesting Site Plan Approval to construct an addition onto the previously approved project at 1 Congress Street and re-development of 15 Congress into a mixed-use building with associated site improvements; a Parking Conditional Use Permit from Section 10.1112.14 of the Zoning Ordinance to allow 21 parking spaces where 53 parking spaces are required. Said property is located on Assessor Map 117 Lots 12-15 and lies within the Character District 5 (CDR-5), Historic and Downtown Overlay Districts. (LU-22-12)

SPEAKING TO THE PETITION

[Timestamp 19:23] John Chagnon was present on behalf of One Market Square LLC, along with project architect Tracy Kozak, landscape architect Terrence Parker, and owner Mark McNabb. Mr. Chagnon reviewed the petition. He noted that the Board previously approved the One Congress Street project and that the J.J Newberry building was proposed to be added and that both buildings would be separated by a space. He said they also had a parking Conditional Use Permit application for 19 parking spaces where 53 were required. He reviewed the existing conditions and the demolition plan to remove the rear part of the One Congress Street building and to place the parking lot underground. He said 40 units with a total of 84 bedrooms were proposed, along with restaurant and retail uses. He reviewed the site plan, noting that Haven Court would be lowered and renamed Newberry Way and upgraded to include a pedestrian-friendly corridor. He said Mr. McNabb bought the adjacent Gilley's Diner lot to expand the corridor to Fleet Street. He said the J.J Newberry building upper floor office spaces would be converted to residential. He said the traffic report indicated that there would be an increase of 18 vehicle trips on Saturday midday but a peak net reduction in daily trips during the weekday a.m. and p.m. peak hours. He said no parking would be required for nonresidential uses. He said the applicant would work with the City to relocate a solid waste facility to a portion of the parking garage that was currently used for storage, so no parking would be lost.

[Timestamp 28:29] Ms. Kozak reviewed the building's elevations. She said the only new construction would be the parking lot, and the only addition on the Newberry property would be an elevator stair tower, fire stair, and small lounge area. She reviewed the roof plan and said both parcels would have solar arrays and rooftop mechanicals. She discussed the addition of awnings over the storefront windows and lowering some window sills and grades to make the building more pedestrian friendly. [Timestamp 35:50] Mr. Parker reviewed the landscape features.

[Timestamp 41:27] Mr. Chagnon said the Technical Advisory Committee (TAC) recommended approval on December 3 with the understanding that the two buildings would be separated, which would make the back addition smaller. He said the trash portion of the project potentially might be located somewhere on the Gilley's lot but that it would be an offsite improvement.

[Timestamp 43:14] Mr. Bowen said the parking was portrayed differently in different places and that he would use the GPI report as a baseline for understanding the parking implications. He said 53 parking spaces were required by code, of which there was a 21-space underground parking area in what was a portion of the prior approved project. Mr. Chagnon said that would

also be included in the present project. Mr. Bowen said it replaced a privately-owned lot with about 20 spaces. Mr. Chagnon said the initial count was 19 spaces but it was now 21 spaces. Mr. Bowen concluded that there would be no incremental parking. Ms. Kozak said there would be a net increase in parking of two spaces compared to what was there now. Mr. Bowen said if both projects were viewed together, there were 21 spaces built underground and 19 aboveground spaces going away. He asked if the five spaces on High Street would go away. Mr. Chagnon agreed and said the Fire Department considered those five spaces to be dangerous because they restricted their access. Mr. Bowen said there were be 5-6 fewer parking spaces available and 56 more spaces required. Mr. Chagnon said there were currently 18-19 spaces on the surface lot. He said the City recently did a pilot program where they created four new spaces in Market Square, so there would be less of a parking decrease. He said the five spaces on High Street turned into four spaces in Market Square. He also noted that the bus turnoff was not used anymore and that a lot of the increased parking was due to the conversion from office to residential. He said from a trip generation standpoint, the weekday a.m. and p.m. peak hours generated less traffic.

[Timestamp 50:24] Mr. Samonas asked about the logistics of things like the car elevator, queuing on Haven Court, trash, and so on. Mr. Chagnon said currently the delivery area for the J.J. Newberry building was a back corner, where the delivery trucks came down and backed up. He said there would be enough space for two cars to pass each other in the garage but some cars would have to wait for another car to be brought up or down. Mr. Samonas said he was more concerned about the confliction of uses between the pedestrian space, loading space, and car access and asked Mr. Chagnon if he agreed that the bottleneck would be troublesome. Mr. Chagnon said he did not agree and explained that traffic would be lighter and at slower speeds than Market Street. Mr. Samonas asked about Retail Space No. 5. Mr. McNabb said it was for deliveries and that the deliveries were only for the Thirsty Moose restaurant. He said his development had loading zones and frontage on every street and that they would redirect the limited deliveries that the Thirsty Moose had to the front loading zones. He said the only thing allowed on Newberry Way would be the cars going in and out of the garage. Mr. Samonas asked if that included the newly-created retail stores, and Mr. McNabb agreed. Mr. Samonas asked about the vestibule entrance to Retail Space No. 5 and about trash pickup. Mr. McNabb said the entrance was to eliminate another step stoop off the side and that he was working with the City on a plan for the Hanover Street Garage, otherwise the trash needs would be met on Gilley's lot.

[Timestamp 57:00] Mr. Samonas said the City was facing a parking crunch and that people always asked about parking when renting apartments. He said the plan did not acknowledge grocery, pharmacy, and other needs within the Downtown Corridor. Mr. McNabb said he could not do anything about the built-in parking hardship downtown. He said the downtown area was subdivided before cars were even thought about and that there were a lot of parking spaces at night. Mr. Samonas said the Board did not want to further perpetuate the issue by adding 50 or more cars, and he asked how they would answer the public who perceived it as an added tax. Mr. McNabb said the City made money on parking and that the residents and taxpayers did not fund parking. He said retail, restaurant, and office space required and used more parking than residential. He also noted that there would be parking provided under his building. Councilor Moreau asked what would happen to the rest of the basement level space besides the storage and sprinkler and electric rooms. Ms. Kozak said the only change was moving the stair to the right.

[Timestamp 1:06:40] Mr. Giuliano asked if there was a solution within the project footprint or contractually nearby where the required number of 53 parking spaces could be provided. Mr. Chagnon said there was not. Mr. Almeida said he remained in full support of the project and agreed with the applicant's parking philosophy as it related to the City's urban core. He said cars were introduced to the area when the J.J. Newberry building was built and that the modern-day need for parking was managed and met. He said the activity around the building would remain the same. He said parking garages did create revenue and that the City was discussing a third parking garage. He said the community had been requesting pedestrian passageways in the core more than parking for many years. Mr. Bowen said it wasn't rational economically or architecturally to require each property to provide its own parking and that the most cost-effective way to provide it was to centralize it in a convenient place. It was further discussed.

[Timestamp 1:18:43] Mr. Hewitt said the project would have 40 units and 84 bedrooms, yet the applicant's demand study showed that they only needed 28 parking spaces. Mr. Chagnon said they were providing 21 spaces based on the ITE trip generation for the core. Mr. Hewitt asked Mr. Chagnon to describe what a dense urban use setting was. Mr. Chagnon said downtown Portsmouth was a dense core. Mr. Hewitt compared it to downtown Manhattan. Mr. Chagnon said the nature of transportation and parking demand was proportionally adjustable based on the infrastructure available. Mr. Hewitt asked whether 0.28 spaces per unit was a reasonable estimate in Portsmouth. Mr. Chagnon said the GPI report used that figure and the person who did the study thought it was important. It was further discussed. Chair Chellman said there were three options under the ITE: suburban, dense mixed use urban, and dense mixed use urban with rail, and that he agreed that the chosen middle option for Portsmouth was the option he would pick. It was further discussed. Chair Chellman asked Mr. Chagnon if he had done a comparison for how many parking spaces were used before the building's conversion vs. what would be needed after the conversion. Mr. Chagnon said he would look at the study. Chair Chellman asked Mr. McNabb if the project was only one project or two projects side by side. Mr. McNabb said he preferred to merge and combine the lots and have them as one project inside buildings, but from the outside perspective, they would appear as one project until or if he could merge those lots and do co-living. He said he was simply taking the best path he could in the zoning that was provided by right. Chair Chellman said he had been lobbying to get parking out of the zoning ordinance and thought the applicant's project was a good reason why. He said philosophically he agreed with the applicant and thought adding the new parking garage to the CIP was a good idea, but the Board had to deal with the existing zoning ordinance, and a Conditional Use Permit was their only relief valve. He said a lot of the citizens' parking concerns were from people who didn't live downtown. Mr. Chagnon said the trip generation did not include the existing parking demand vs. the proposed one, but the office trips based on the existing office space were 248 daily trips, and the residential trips proposed were 36, which was a significant reduction. Ms. Kozak said when they calculate building and safety codes, office is calculated at 100 sf per person and 200 sf per person for residential. She said per those calculations, they had half as many people in the buildings and half as many cars.

[Timestamp 1:33:22] Marie Bodi of McNabb Properties said in other areas pertaining to office vs. residential, it was typically four parking spaces per thousand. She said if they were to build

J.J. Newberry in a traditional market, they would have to provide up to 176 parking spaces, so the residential use would need much less parking.

Councilor Moreau said there was bicycle parking provided as well as a nearby parking garage, which added to the Conditional Use Permit analysis indicating that there was adequate parking for people living in an urban core. Chair Chellman referred to the daily trips quoted by Mr. Chagnon and said office use typically had inbound trips in the morning and outbound trips in the evening, unlike a convenience store that had in-and-out traffic all day. He said residential typically had more evening peak than office use. Mr. Hewitt asked the Chair if he thought commercial parking space was synonymous with a residential parking space. Chair Chellman said he did not and that it depended on the use. It was further discussed. Chair Chellman said the City was currently at 95 percent plus occupancy for downtown parking, which he thought was another reason the City had to construct another parking garage. He said it was a very bad public policy for private landowners to build parking downtown.

[Timestamp 1:37:10] Mr. Samonas said when leasing office space downtown that was not assigned, the office tenant could still think it was worth it to lease an office space. He said the tenant of an apartment unit had a higher expectation or greater demand of the surrounding parking area because their life revolved around that, and that it wasn't so much the tax burden but the expectation. He said it was hard to ignore the public's comments about parking and the burden of the parking because it was so expectedly drawn into the living arrangement. Mr. McNabb said he was one of the largest private owners of private parking spaces downtown, at 200 spaces, and he only have seven residential units. He said he leased those 200 spaces and contributed to the broader market by helping with parking solutions. It was further discussed. Mr. Almeida said the project, short of converting the Newberry building into a parking garage itself, would take a significant chunk out of the answer to anyone's concerns with downtown parking. He said the applicant's trip generation data gave him comfort and thought it was a unique situation in the City.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

[Timestamp 1:43:06] Isabella Romero of 425 Islington Street said she supported the project because it would bring more residential opportunities through co-living units. She said the City should be thinking more about the housing deficit than parking. She said she knew people who wanted to live in Portsmouth and would walk to work instead of having a car. She said she currently lived in a fourplex and that they all used public parking and could always find a spot.

Ellie Coakley of 425 Islington Street said the 2022 Portsmouth Housing Authority study stated that the vacancy rates in downtown Portland were a shocking 1.86 percent. She said median rents had skyrocketed and that the City had to focus on where people would live vs. cars. She said affordable housing close to where people work in the downtown area was needed.

Marcio von Muhlen of 303 Thaxter Road said he was in support of the project. He said he lived in co-living for four years after college and would not have been able to afford anything else. He said he did not have a car for many years and biked everywhere. He said co-living made sense in downtown Portsmouth, and he did not think that the lack of required parking should prevent the project. He said many members of his community were asking for more housing vs. parking.

Robin Husslage of 27 Rock Street (via Zoom) said she was not in favor of a parking Conditional Use Permit to allow 21 spots where 53 are required. She said the 84 bedrooms would likely have 84 cars, and she asked where guests would park. She said providing 36 bicycle parking spaces would not make up for the deficit of needed car parking spaces. She said the CUP parking requests that continued to be approved was the reason the City was looking to build a new parking garage. She said the tax burden continued to shift to taxpayers like her who lived in a house and that it was time for big developers to pay for the parking they don't provide.

Logan Roy of 233 Hillside Drive (via Zoom) said he was in support of the project. He said he lived in Portsmouth and had always been able to find parking downtown. He said the skyrocketing prices for downtown housing showed that housing demand far exceeded the supply, and he asked that the co-living aspect of the project also be approved.

No one else spoke, and Chair Chellman closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 1:55:46] Mr. Almeida asked Ms. Conard to explain how a parking garage would impact a taxpayer. Ms. Conard said the City paid the construction bond from the parking fund and that it was a common misconception that the cost would be borne by the taxpayers. She said the City decided to support parking as an enterprise that supports the uses in the downtown, and she thought the applicant's project was a good example of a project that would rely on that enterprise. Mr. Giuliano said the applicant moved the surface parking that provided 18 spaces below grade along with a few spaces and a car elevator, which would be less impactful than having ramps going in and out. He said it was a costly and challenging solution to maintain what was there now and add to it for tenants and that it showed the applicant's willingness to address the parking problem as best as he could. Mr. Stith said TAC reviewed the whole application, including the parking, and had no concerns with the demand analysis. Mr. Giuliano said the zoning ordinance stated that there are more requirements of the Planning Board to be able to approve the Conditional Use Permit. He said the minimum number of spaces and the maximum number would not happen, and he asked how the Board would rationalize approving the Conditional Use Permit. Chair Chellman said the technical number the applicant was looking for was 21 spaces. It was further discussed. Mr. Hewitt asked how four units would share one parking space downtown. He read a few sentences from Perry Silverstein, who said "in his 30 years of apartment leasing downtown, he never had someone in his apartments without a car and that any argument made by Mr. McNabb that his proposed project of high-end residences and businesses will not have cars is absurd." Mr. Hewitt said he agreed and that 84 bedrooms would have 84 adults and each one would have a car. He said the project deficit was not seven spaces but 66 spaces, and there was a wide discrepancy. Mr. Bowen said he looked at the Master Plan

and found that the only mention that addressed it was an acknowledgement of the conflict between the need for cars and the other requirements of downtown, so he thought the Master Plan was silent on whether there should be more housing downtown, and also silent on solving the problem of parking downtown. He said he watched the videos of the Market Square Master Plan meetings and did not find anything to help him understand what the Board should be doing in the Market Square area. He said that project was mostly about pedestrian activity and traffic flow. Chair Chellman said the Board was constrained by the criteria in their ordinance.

DECISION OF THE BOARD

Site Plan Review Approval [Timestamp 2:06:42]

- 1) *Councilor Moreau moved that the Board find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented. Ms. Conard seconded. The motion **passed** with all in favor.*
- 2) *Councilor Moreau moved that the Board grant Site Plan Approval with the following conditions, in addition to the original conditions of approval stated in the Letter of Decision dated February 16, 2023:*
 - 2.1) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
 - 2.2) *Later review and approval of all off-site areas including but not limited to Ladd St, High St and Haven Ct planned improvements will be required in a separate reviewing action.*
 - 2.3) *The City makes no guarantee on the timeline that the proposed Fleet Street utility improvements will be constructed. The applicant must therefore show the existing utilities in Fleet Street and how any proposed work will be incorporated into the existing Fleet St pipe network. A separate sheet should be provided showing the proposed Fleet Street improvement design and how any new improvements on Haven Ct or the Newberry building will eventually interface.*
 - 2.4) *Proposed elevation changes to Haven Ct may affect the foundations, walls etc. of the Hanover Municipal parking garage. Third party review of structures and foundations will be required by the City.*

*Ms. Conard seconded. The motion **passed** with all in favor.*

Parking Conditional Use Permit [Timestamp 2:08:27]

- 1) *Councilor Moreau moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as presented. Ms. Conard seconded.*

[Timestamp 2:08:45] There was further discussion. Mr. Samonas said he could see Mr. Hewitt's points but that the project was near a parking garage and that it was also suburban living. He said people had some expectation of not having parking. He said it was a good opportunity to re-use and further retrofit the buildings into what he thought would be a nice continuation of Commercial Alley or Chestnut Street. Mr. Bowen said it represented a decision to ignore the requirements in the code and not to require parking for a residential area or a project in an area that requires it. He said he worried about the precedent it could set. He said the City was structured by the law passed by the City Council that said 53 spaces, so if the Board approved the Conditional Use Permit, it meant that they were really eliminating the requirement for parking in residential areas downtown. Mr. Almeida said it would be consistent with the decision on any development of that scale in the City's core center and that he would not apply the same ideas to new construction on a green field site that was not in the core. He said he wasn't fooled by the idea that there would not be any cars but knew the core could absorb it because it was a unique situation. He said to comply, a garage would have to be built on the Congress Street site, and the community did not want that. Mr. Bowen said there were two other significantly sized projects in some state of approval in the downtown area that had a parking requirement and that he didn't know how the project's parking could be differentiated from those. Mr. Hewitt said it was a dangerous assumption to assume that all the project's residents would use a parking garage because it cost money and perhaps the people would park in nearby residential areas instead. It was further discussed. Chair Chellman said it was hard to set a precedent on an application like Mr. McNabb's due to the specifics with Haven Court, the adjacent street, and the existing nonconforming size of the use being converted from office to residential. He said all those factors made the project unique and not precedent setting. He said a Conditional Use permit was a means of relief under the ordinance and was a discretionary authority that the Board had from the City Council. He said he understood the concerns, however, and it was further discussed.

[Timestamp 2:17:15]

- 1) *Councilor Moreau moved that the Board grant the Conditional Use Permit as amended, noting existing trip counts for office at 248 and 36 for residential. Ms. Conard seconded. The motion **passed** with all in favor.*
- 2) *Councilor Moreau moved that the Board grant the Conditional Use Permit as presented. Ms. Conard seconded.*

[Timestamp 2:17:55] There was further discussion. Councilor Moreau said she did not think the City had a parking issue, but they had parking that they had to manage. She said parking made the City a lot of money, and most of the money did not come from the residents. She said the parking structures were funded through the City's parking revenues. She also noted that the top floor of the nearby parking garage often did not have one car in it, so she had a hard time imagining that there would be a parking problem. She said the City Council was working toward a solution for people parking in neighborhoods surrounding the downtown and was also looking at micro transit solutions. It was further discussed. Councilor Moreau said she was the president of a condo association of all business units and that they needed parking for employees and

visitors, and that was why the parking demand for an office during the day was an issue. She said businesses and offices created much more of a parking need than the residents.

*The motion **passed** 6-2, with Mr. Hewitt and Mr. Bowen voting against.*

VI. CITY COUNCIL REFERRALS

A. Zoning Amendments

[Timestamp 2:31:05] Mr. Stith said the first amendment was to increase the height of fences along the side and rear lot lines from six feet to eight feet, and the second section was related to mechanical systems and HVAC units that routinely were granted variances by the Board of Adjustment. He said the proposal was to strike that section and add two new sections under Residential and Institutional Residence of Care Uses. He said Section 10.811.60 would allow any lot that contained one or two dwelling units to construct or maintain a one-story detached accessory structure used as a tool or storage shed, playhouse, treehouse or similar use with a square footage not greater than 120 square feet. He said one of those items would be allowed and would not have to comply with certain zoning requirements, such as environmental protection standards, corner lot provisions, and whether it was in the Historic District. He said it did not involve setbacks or building coverage and that it had to be in line with things exempt from requiring a building permit. He said Section 10.811.61 allowed for playground equipment, aboveground pools and hot tubs permitted as accessory structures to single and two-family dwellings as long as they met environmental protection and corner lot vision obstruction standards. He said the City Council referred it to the Planning Board and scheduled a second reading at their February 3 meeting. Councilor Moreau noted that there would be a public hearing at that meeting. Mr. Almeida said the new fence measurement seemed very specific and asked why it was brought to the Planning Board. Chair Chellman said a building permit was needed for a fence that was higher than eight feet. Mr. Almeida said a neighbor could place an 8-ft tall fence on top of a retaining wall so that it was 12 feet high. It was further discussed. It was further discussed. Chair Chellman suggested having a public hearing. He said allowing people to build 120-sf sheds or playhouses on a property line with no permits could result in the neighbor also doing it and having the sheds be side by side.

DECISION OF THE BOARD

*Councilor Moreau moved that the Board schedule a public hearing on the amendments for February 20, 2025. Ms. Conard seconded. The motion **passed** with all in favor.*

VII. OTHER BUSINESS

- A. 815 Lafayette Road** – Requesting a 1-Year extension to the Site Plan Review, Development Site and Wetland Conditional Use approvals that were granted on January 18, 2024.

Mr. Stith said the petitioner would receive a building permit within the next two weeks.

*Ms. Conard moved that the Board grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use permits to January 18, 2026. Mr. Samonas seconded. The motion **passed** with all in favor.*

- B. 1 Congress Street** – Requesting a second 1-year extension to unless the Board grants approval for the updated 1-15 Congress Street project. The first extension was granted on November 16, 2023 and will expire on February 16, 2025.

Note: the extension was not necessary because the petition was approved.

C. Chairman Updates and Discussion Items

Chair Chellman said a workshop was needed to discuss co-living, solar panels, the Hanover Street change, and possibly wetlands. He suggested February 27 as a date at 6 p.m.

Chair Chellman said contract negotiations for the Master Plan were almost finalized and that once the contract was executed, the Board would start to be involved with the Master Plan. Mr. Bowen noted that the State Statute specifically used the word ‘shall’ to state that “it shall be the duty of every planning board established under the regulation to prepare and amend a master plan to guide the development of the municipality”. Ms. Conard said the Board would guide the chosen consultant’s work along with City Staff, the City Council, and the Steering Committee, but that there was management in place to procure services.

D. Board Discussion of Regulatory Amendments and Other Matters

There was no discussion.

VIII. ADJOURNMENT

The meeting adjourned at 9:48 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker