

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

SEPTEMBER 20, 2018

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Rebecca Perkins, City Council Representative; Colby Gamester; Jody Record; Jeffrey Kisiel; John P. Bohenko, City Manager; Ray Pezzullo, Assistant City Engineer; Jane Begala,

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I;

MEMBERS ABSENT: Jay Leduc and Corey Clark, Alternate

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the August 16, 2018 Planning Board Meeting;
- B. Approval of Minutes from the August 23, 2018 Planning Board Meeting;

Vice Chairman Moreau moved to approve the minutes from both the August 16, 2018 meeting and the August 23, 2018 meeting as presented, seconded by Mr. Gamester. The motion passed unanimously.

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II. PRESENTATIONS

- A. Informational Presentation on FY 2019-2024 Capital Improvement Plan Process and Schedule

Juliet Walker spoke to the Capital Improvement Plan (CIP.) This presentation kicks off the CIP cycle every year. All of the information from this presentation is on the Planning Department web page. The City Charter requires the City Manager to submit a 6-year CIP plan 6 months before the budget approval. This is ultimately part of the budget process and schedule. The CIP includes a list of all the improvements, cost estimates, methods of finance, and estimated annual maintenance costs. The Planning Board has the authority to oversee the CIP. It is a non-regulatory function of the Planning Board. It supports responsibilities and informs the budget. The CIP is advertised for October, and the Planning Department is asking for citizen input. There is a form on the web page that can be downloaded and filled out. It includes all of the information that a department is required to fill out for a CIP project request. This process

allows citizens to provide input for projects. The form submittal deadline is October 15, 2018. The Planning Board public information meeting will be in November. It will review what has been submitted to that date. In December a Planning Board Advisory Committee will evaluate the requests. In January the final CIP will be adopted and sent to City Council. City Council will hold a public session and then adopt the CIP. Requirements for a CIP are consistent across communities. It can include land acquisition, the construction or expansion of a new facility or utility, non-recurring rehabilitation of a facility provided the cost is \$50,000 or more, design work or planning study related to a capital project or implementation of the Master Plan, any item or piece of equipment, non-vehicular in nature, that costs more than \$50,000 and has a life expectancy of five or more years, and the replacement and purchase of vehicles which have a life expectancy of more than five years or cost more than \$50,000. Non-citizen requests go through the City Departments and go to the City Manager. Existing projects in the CIP and new projects are evaluated. The application form requires a statement of need, location, justification, cost, operating budget and implementation schedule. The CIP will be evaluated for current projects and assess if adjustments are needed. The citizen project requests are due earlier than the department requests because the citizen requests get filtered to the appropriate department and are rolled into their proposals. This is because a citizen could request a pothole repair. It could be rolled into a road rehab project and included in that recommendation. The City keeps a record of City requests and provides the status of them. It will show if the request was rolled into a project or put on hold. The City also receives requests through the Click and Fix app. The justification criteria are laid out for people to identify if their requests meet the criteria. The CIP is made up of citizen requests, Click and Fix app submittals, federal or state mandates, and normal infrastructure and facility updates. The Master Plan or specific direction provided by the City Council also helps to form the CIP. The City performs a sidewalk assessment inventory and reviews regional and state regulatory improvement plans to help inform the scheduling based on funds. There are a variety of ways for funding. The CIP requests are evaluated by identifying the costs of a project, evaluating its life expectancy, and whether or not it is eligible for any additional funding. The intent is not to overburden the City investments. Once the CIP requests are submitted the Finance Department works with the other departments to identify the funding revenue sources. The departments need to think about how much of a priority each request is, whether or not it is a requirement, and if how soon it needs to be implemented. The goal is to strategically align projects with other projects. The overall public value for the final project and public support for the project also need to be considered. The idea is to categorize the priority levels.

Chairman Legg noted that the Advisory meeting would be in December with 3 Board members. If more members have interest they can let him know.

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B. Informational Presentation on Historic Properties Climate Change Vulnerability Assessment

Peter Britz spoke to the Historic Properties Climate Change Vulnerability Assessment. The full report is available on the Planning Department web site. Funding was received from the National Park Service to look at Portsmouth’s Historic District vulnerability. This is an

expansion on the original project that looked at coastal flooding and sea level rise. This project used the 13.5-foot flood elevation, which is the 100-year coastal flood in 2050. Mr. Britz showed a map of the flooding that would occur in this event. The first step of the project was to put together a local adaptation committee. This committee met five times in 2017 to look at four different areas in the City and evaluate strategies. The parcels were given a score based on their historic value, tax value, resource value and calculated risk score. All of these scores were combined into a composite score. The scores were based on a scale of 1-5. The highest score was a 5, which meant that the property had either very little restorations or historically sensitive restorations. A score of 4 meant that there were more alterations. A score of 3 meant that the property had lost some integrity and/or had modern materials used in a restoration. A score of 2 meant that there were even more modern restorations. A score of 1 meant that the property had been completely redone. The historic valuation showed that over half of the parcels are high or very high risk. The next quarter were in the medium range. Portsmouth has a pretty intact Historic District. The Committee worked to look at the values of different areas. The very high areas included Strawberry Banke and the waterfront. The South End and area around the South Mill Pond were less high. The Committee put together a composite with all of the total scores. The calculated risk scores were based on those. The flood map showed the risk of flooding vulnerability based on depth. The flood map and composite maps were combined to show a risk and value score map. Adaptation strategies were developed to adapt to flooding or climate change. The Committee looked at 16 candidate locations. They were grouped by neighborhood and action type. The Committee tried to show adaptation action for each strategy area. A story map was developed so users could scroll to learn about each adaptation action. Some actions include flood-proofing structures, structure elevations, voluntary buy out programs and sea walls. Some actions would not happen right away, but all are being considered. The Committee looked at planning emergency actions that were recommended for the study. The Master Plan includes key points that point to resilience. This is a starting point. Local design guidelines were outlined in the project. There are regulatory options for a flood plain district. People can request a variance and look at ways to get better flood proofing. Design guidelines that work with the Historic District. A Historic District flood adaptation plan was developed. The extended flood hazard overlay district was looked at. The flood zone requires people to build above the flood elevation. An option could be to require building a foot or two above the flood elevation. Another thing to consider is the water and sewer line. Those resources will need to be protected. Emergency management recommends that a hazard mitigation plan be updated every 5 years. There are ways to incorporate hazard planning in the CIP. The last item discussed with this project was the ground water infiltration and impact. A UNH study identified that ocean tides can have an inland impact up to two miles. Repairs could be needed more frequently as a result. There is ground water impact at Strawberry Banke already. One of their properties sees flooding at high tides. They had to repair a basement. Measures have to be taken to keep the museum intact. The Committee wanted to look at collaborating on the monitoring and tracking of how ground water impact changes over time. The Fellow this summer implemented a survey to 200 residents in the Historic District to talk about what impacts they have seen. The sump pumps in the basements make it hard to determine the real impact. UNH will monitor Strawberry Banke to see how the water comes in at high tide.

Vice Chairman Moreau questioned if the Planning Board could do more from a site plan regulation review standpoint. Mr. Britz responded that the biggest thing would be elevating

structures in the flood plain. That would be a good first step. Ms. Walker commented that this study has been in the works for a while. The Planning Department has been considering what to do with zoning regulations based on the first flooding study. There will be some updates coming through. The Department is also looking at the wetland regulations.

City Manager Bohenko requested a staff report showing the different values assigned to the properties in the report. That way it would be available for easy reference. Mr. Britz confirmed that could be done.

Ms. Walker commented that it was nice to know the Planning Department had the ability to do proactive planning. Mr. Britz and Mr. Cracknell have been co-managing this project and went to a conference last fall. Annapolis has done a lot of proactive planning. The report was very well received among peers.

City Council Representative Perkins commented that members of the public would be comforted to know how much work went into this, and questioned if there was an opportunity to engage the public more. Chairman Legg noted that the Historic District hosted a presentation. The web site has all of the information. It is very informative and interactive.

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III. DETERMINATIONS OF COMPLETENESS

A. SITE PLAN REVIEW

- 1. The application of **Foundry Place, LLC, Owner**, for property located off of **Deer Street on the future Foundry Place (“Lot 2”)**

Mr. Gamester moved to determine that the application for site plan is complete according to the Site Plan Review Regulations and to accept it for consideration, seconded by Vice Chairman Moreau. The motion passed by **an 8-1-0 vote**. Mr. Kisiel had recused himself.

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IV. OLD BUSINESS – ZONING AMENDMENTS

*The Board’s action in these matters has been deemed to be legislative 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. Proposed Amendments to Article 12 of the Zoning Ordinance – Signs. The proposed amendments include deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 12, 2018.

Chairman Legg noted that this item was discussed at the last meeting. A Public Hearing was held and closed. The Board and Public gave suggestions to the Planning Department.

Ms. Walker noted that a lot of the changes made were to be in compliance with the law about content neutrality. Real estate and election signs were the items that the Department received the most feedback about. The ordinance focused on regulating timing not content. The maximum number of signs was eliminated from the ordinance. The number of days a sign could be on the property has been extended for both. The real estate for an active development or property for sale has been extended from 60 days to 90 days. Election signs have been extended to 60 days prior to the election and 7 days after the election.

Mr. Gamester questioned if a permit would be needed if someone wanted to put an election sign out earlier than 60 days. Ms. Walker responded that the Planning Department was open to input on the sign duration regulations. Mr. Gamester commented that the 7-day timeline for signs post election made sense. The duration for before an election would depend on how early people start campaigning. It may not be appropriate to set a limit. Chairman Legg commented that any sign could go up in that time period. It does not have to be an election sign. Ms. Walker commented that real estate signs did not have a limit under the previous temporary signs ordinance. Now that the City can't regulate a sign's content the Department had to figure out a different way to regulate the sign. This change opened up regulation of more temporary signs. Overall the City only has one enforcement officer and signs are not the only item to be enforced. This probably will not be overly regulated unless there are complaints.

City Council Representative Perkins thought that a 60-day time limit would work well for local elections. There may need to be a longer period for State or Federal elections. Mr. Gamester agreed and noted that presidency campaign signs could go up next year. City Manager Bohenko responded that the City tries to be reasonable about campaign signs. If it is an obstruction, then the owners will be informed. If there were a sign that is a true obstruction, then it would be returned to the campaign. If this continues to be a problem, then it could be re-addressed.

Chairman Legg questioned if there was a better length of time other than 60 days. Mr. Gamester responded that it could be increased to 90 days. Chairman Legg commented that if 90 days were onerous, then the Board would have the ability to amend it. Mr. Gamester understood that the goal was to regulate signage not content. Would a permit be required if a person signs a listing agreement and it goes one day outside of the allowed window. Ms. Walker responded that a timeframe could be eliminated for any lot that is actively for sale. That is how the ordinance is set up for active developments. It allows a sign while a lot is actively under development. Mr. Gamester agreed with that change.

Ms. Walker commented that an amendment was initially added to address illumination signs. Sometimes illuminated signs are projected onto a City right of way. The ordinance was changed to allow projected signs via illumination as long as it was on the property. Ms. Begala agreed that was a reasonable change. Ms. Walker commented that if there were a lot of issues with this change, then it could be amended. Ms. Walker noted that Mr. Taintor needed to confirm whether or not the change about restricting signage advertising for a service that was not provided on the lot was content regulation. These amendments will be forwarded to the City Council along with

the suggestions from this discussion. Mr. Gamester questioned if the billboards would be grandfathered in. Ms. Walker confirmed that it would.

Mr. Gamester moved to recommend approval of the proposed amendments to the City Council, seconded by City Manager Bohenko. The motion passed unanimously.

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V. 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 application of **Foundry Place, LLC, Owner**, for property located off of **Deer Street (“Lot 2”)** on the future **Foundry Place**, requesting Site Plan Review approval for the creation of a community space meeting the requirements of Article 5A of the Zoning Ordinance and a Conditional Use Permit approval for banking of community space under Section 10.5A46.23 of the Ordinance with related landscaping, utilities, easements, and other site improvements. Said property is shown on Assessor Map 125 as Lot 17-1 and lies within the CD5 and Downtown Overlay (DOD) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Kisiel recused himself from the application.

Attorney Denis Robinson of Pierce Atwood LLP and John Chagnon from Ambit Engineering were present to speak to the application. Mr. Robinson provided a general overview of the site plan for Lot 2 located between the new municipal parking garage and the proposed hotel. Lot 2 will be dedicated community space to allow the Lot 3 and Lot 6 projects to receive height and density bonuses. The applicant has prepared the plan to a certain point. The plan is to not prepare a fully engineered plan and turn Lot 2 over to the City with a payment of \$140,000. That way the City will construct the space.

The first sheet in the plan set shows the existing conditions plan. There is no development on the property. The next sheet in the plans shows how Lot 2 is divided between Lot 3 and Lot 6 for community space. The middle section is devoted to Lot 3. That is the space that allows Lot 3’s density and height bonus. The lower area of the lot is the community space for Lot 6. The area above is excess space not required for either lot. The intent is to reserve that for Lot 4 or Lot 5. The size of the reserved area would be 1,260 square feet. The community space for Lot 3 is 3,900 square feet. The community space for Lot 6 is 3,370 square feet. The plan packet includes a site plan and landscaping plan. The plan is pretty far along in development to give a sense of what the space may look like. The space in the lower area is an outdoor seating area for the café in the hotel building. There are plenty of walkways and landscaping. The process is laid out in

the staff memo. The applicants anticipate transferring Lot 2 to the City at the time Lot 3 and Lot 6 are completed. It would be no later than fall of 2022. The applicant would pay \$140,000 to cover the cost of Lot 2 improvements. It would be bonded and required to be completed before the building permit issuance. Chairman Legg noted that the payment was listed as \$145,000 in the application. Mr. Robinson responded that \$10,000 of that would be used for art.

City Council Representative Perkins questioned if there would be an overhead bridge at all. Mr. Robinson responded that there would not be. City Council Representative Perkins commented that the café seating would create an open feel. City Council Representative Perkins questioned what the light gray shading below the café outdoor seating was. Mr. Robinson pointed out the lot line. The sidewalk would flow with the exit from the garage. Mr. Chagnon added that the shaded area would be green space between the curb edge and the sidewalk.

Ms. Begala questioned how the amount of \$145,000 was arrived at. Mr. Robinson responded that the cost included the hardscape and landscaping estimated by the applicant in the amount of \$135,000 and \$10,000 for art. Ms. Begala questioned what the cost of the design would be. Mr. Robinson responded that the design was 98% complete. The City should not have to incur design costs. Ms. Begala commented that it seemed unequal to get an extra floor by trading off community space for \$145,000. Mr. Robinson responded that the land itself has value. The total area is 8,500 square feet.

Vice Chairman Moreau questioned what was between the lawn area, brick and gardens. Mr. Robinson responded that there would be pavers and a walking scape. Vice Chairman Moreau questioned if the park would all be one level. A vertical interest in the center would be beneficial. There could be walls for people to sit on. Mr. Chagnon responded that there was a brick area for the public space that could be used by the café. The garage entrance is there to allow for gathering. There is some interest with a tree to scale the space. The back will have seating on wooden benches with granite ends. Landscaping will be interspersed to give the lot interest. The rest of the lot would be a walking area around a section of lawn. The rail road edge will have fencing with landscaping. It would all be one level. Vice Chairman Moreau noted that raised plant beds would be a nice visual interest. Mr. Chagnon responded that would be incorporated. The plan would balance with what the City wants to do to ensure it is appropriate for future maintenance.

Ms. Begala questioned if this would come back to the City for final approval to give the opportunity for further adjustments. Ms. Walker noted that the site plan still needed to be approved by the Board before moving forward with lot 3 and lot 6. Ms. Walker recommended that this application come back for final input and approval. This is an engineered concept and coming back would give the abutters opportunity to have input. Ms. Walker suggested adding that as a stipulation. Ms. Begala questioned if that would include the opportunity for a community design effort. Ms. Walker responded that could be considered. The foundation would be this plan. There could be a public hearing. The design could not stray too far from this plan because the Board would be approving the concept tonight.

Chairman Legg commented that part of the process of designing the garage included neighborhood events where the developers sought input from abutters. Chairman Legg

questioned if the \$145,000 included an inflation factor. Mr. Robinson responded that it did not. Chairman Legg pointed out that this would not be built for 4 years. Mr. Robinson responded that the thought was that it would not cost the City as much as it would a private developer. Chairman Legg commented that the monetary amount should include an inflation factor. Mr. Robinson understood the Chairman's concern. Ms. Walker questioned if the Chairman would be comfortable if the Planning Department negotiated that. Chairman Legg confirmed that would be fine.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Begala did not think that banking community space was a good idea. The City is not a developer should manage that growth. The Board should be careful to not set a precedent.

Vice Chairman Moreau questioned what the trade-off was. Ms. Walker responded that the Board would have to see what the Applicant comes forward with for a proposal. The Applicant would only be able to use incentives for building height or coverage. They would have to come back to the Planning Board for that part of the project.

City Council Representative Perkins questioned if the prospective development agreement would be presented to City Council or the Planning Board. Ms. Walker responded that it would be completed between the Planning Department, Legal Department and the Applicant.

Vice Chairman Moreau grant Site Plan Approval, seconded by Mr. Gamester with the following stipulations:

1. The future community space shall be transferred to the City on or before the issuance of a certificate of occupancy for Lots 3 or 6 (whichever occurs later) but in any event no later than September 9, 2022.
2. The applicant shall provide a financial contribution of \$145,000 to the City, payable on or before the time the City commences construction of the improvements shown on the plans (as may be amended,) \$10,000 of which shall be placed in escrow by the City and used to pay for art work to be displayed on Lot 2, as mutually agreed to by the City and Applicant.
3. Prior to issuance of a building permit for either Lot 3 or 6, the Applicant shall provide a surety bond or letter of credit to ensure payment from the Applicant as stipulated in item 2 above. The Planning Board shall approve the release of the payment bond or letter of credit without payment from the Applicant if construction of the improvements on Lot 2 is not developed substantially in accordance with the plans (as may be amended) by the City within Three (3) years of the transfer of Lot 2 to the City.
4. The Applicant shall provide to the City all of the preliminary engineering design plans and survey data that have been produced for the property by the Applicant to date.

- 5. The easements from the City to the Applicant shall be reviewed and approved by the Planning and Legal Department and approved by City Council. These easement deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 6. Amended plans shall be presented to the Planning Board by City staff for final approval prior to commencement of construction.

The motion passed by an 8-0-1 vote. Mr. Kisiel recused himself from the application.

Vice Chairman Moreau moved to grant Conditional Use Permit Approval to allow the excess community space as marked on the submitted plans as “Community Space to Benefit Lot 4 (Tax Map 125, Lot 17-2)” to be credited to the developer or as its assigned to be used for development approvals for lots 4 and/or 5 according to the requirements in section 10.5A46.23, seconded by City Council Representative Perkins with the following stipulations:

- 1. The terms of the conditional use permit for the banking of the community space per section 10.5A46.23 shall be documented in a Prospective Development Incentive Agreement (PDIA) to be entered in between the Applicant and the Planning Department.

The motion passed by a 7-1-1 vote. Mr. Kisiel recused himself from the application. Ms. Begala voted against the motion.

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B. The application of **Robert and Whitney Westhelle, Owners**, for property located at **198 Essex Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12’ X 18’ garden shed, on cement blocks, with 216 ±s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District. (This application was postponed at the August 23, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

City Manager Bohenko moved to postpone the application to the next regularly scheduled Planning Board meeting on October 18, 2018, seconded by City Council Representative Perkins. The motion passed unanimously.

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C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000± s.f. footprint; Proposed Building #2: 150,000 ±s.f. footprint; Proposed Building #3 with a 62,000± s.f. footprint; and two 4-story parking garages, with 55,555 ±s.f. of impact to the wetland, 66,852 ±s.f. of impact to the wetland buffer and a 1,000± l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of

wetland creation. Said property is shown on Assessor Map 305 as Lots 1 & 2 and lies within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the August 23, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

This item was already postponed. No action necessary.

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VI. 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 application of **Kyle Langelier, Owner**, for property located at **304 Leslie Drive**, requesting Conditional Use Permit approval to convert an existing one-story, one room addition to an Attached Accessory Dwelling Unit (AADU), with a footprint of 354 s.f. and a gross floor area of 354 s.f. Said property is shown on Assessor Map 209 as Lot 47 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Property owner Kyle Langelier spoke to the application. The project request is to convert an addition into an ADU. A small addition to the main structure was built to accommodate Ms. Langelier’s mother who is now deceased. It is in compliance with all of the zoning requirements except for frontage. The existing unit is 354 square feet. There is a handicap bathroom, kitchenette and living/sleeping area. There is a separate door for the ADU, a small rain garden and a small side/rear patio. Ms. Langelier has a permit for an in home business, but has retired. The driveway can accommodate four cars. Ms. Langelier’s mother lived there for 10 years and there were no complaints about noise or parking for the services that she required.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to find that the application satisfies the requirements of 10.815.60, seconded by City Council Representative Perkins. The motion passed unanimously.

Mr. Gamester moved to grant conditional use permit approval as presented, seconded by Vice Chairman Moreau with the following stipulations.

1. In accordance with Sec.10.814.70 of the Zoning Ordinance, the ordinance 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.
2. The conditional use permit shall expire unless the initial certificate of use is obtained within a period of one-year from the date granted. The Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

The motion passed unanimously.

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B. The application of **Eric Schroeder and Suzanne Heiser, Owners**, for property located at **1047 Banfield Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 187 s.f. addition to an existing shed, with 180 ±s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 283 as Lot 40 and lies within the Single Residence A (SRA) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Eric Schroeder spoke to the application. The existing shed is 17 feet by 20 feet. The application is to build an addition on to the shed. Mr. Schroeder has a Japanese garden, cutting garden, vegetable garden etc. This requires a lot of storage. The existing shed crosses 14 feet into the wetland. The addition would be built away from the buffer toward the property. For mitigation 8 feet of the turnaround in the driveway will be cut out and turned back into lawn. The entire building will have gutters and rain barrels will be added.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to grant Conditional Use Permit approval, seconded by Vice Chairman Moreau with the following stipulations:

1. The Applicant shall update the plan to include drainage underneath the rain barrels at all four corners of the shed.
2. Applicant shall reduce the turnaround by 8’.

The motion passed unanimously.

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C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1: 132,000 s.f. footprint and 430,720 s.f. Gross Floor Area; Proposed Building #2: 142,000 s.f. footprint and 426,720 s.f. Gross Floor Area; Proposed Building #3: 62,000 s.f. footprint and 186,000 s.f. Gross Floor Area; and two 4-story parking garages, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district.

Chairman Legg read the notice into the record.

Mr. Gamester moved to postpone to the next regularly scheduled Planning Board meeting on October 18, 2018, seconded by Vice Chairman Moreau. The motion passed unanimously.

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D. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Subdivision approval, under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to merge Map 305, Lots 5 & 6 (17.10 acres), Map 305, Lot 1 (13.87 acres), Map 305, Lot 2 (10.18 acres) and a discontinued portion of Goosebay Drive to create Map 305, Lot 6 (43.37 acres). Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district.

Chairman Legg read the notice into the record.

Mr. Gamester moved to postpone to the next regularly scheduled Planning Board meeting on October 18, 2018, seconded by Vice Chairman Moreau. The motion passed unanimously.

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VII. OTHER BUSINESS

A. Staff Report Back on Accessory Dwelling Units

Ms. Walker provided an update on the Accessory Dwelling Units Ordinance. This has been in effect for a year and in that time 11 ADU's have been approved. Two applications have been denied based of the owner occupancy requirements. One went to court and the City won. The other one was postponed. That one may come back. Emery Street did get a variance from the BOA to build. Out of the 11 units approved only two have gone fully through the process to

occupancy. There was not an action time limit on the approvals. A one-year time limit has been added to the ordinance. Some of the approved applications have been delayed for a building permit because of stipulations. The others are in various stages of completion. On October 2, 2018 PS21 is hosting a speaker who speaks on ADU's nationally. The Planning Department is working on amendments for ADUs and those amendments will be brought forward for a public hearing next month. The changes are fine-tuning based on experience to clarify terms and defining an attached ADU more clearly.

Vice Chairman Moreau commented that the attached ADU in 10.81442 talks about gross floor area. Vice Chairman Moreau questioned if the term gross should be used. It could be living area and that would be clearer. The detached ADU section talks about building height and noted that the ADU should not be greater than the principle unit. Ms. Walker noted that the term could be changed to "less than." Vice Chairman Moreau noted that garden cottages can be up to 600 square feet and ADU's can be up to 750 square feet. Ms. Walker responded that there is a reason for that. It will be explained in the presentation.

City Manager Bohenko added that the presenter for the PS21 event would be Cole Peterson from Back Door Revolution.

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B. Proposed Zoning Amendments Update

Ms. Walker noted that a new section of criteria for a CUP not in a wetland would be proposed. There are a number of zoning amendments. Sometimes they clearly outline the CUP criteria and sometimes they do not. The intent is to develop a base list of criteria to make sure it's consistently applied throughout the applications.

There is a zoning web page on the Planning site that shows what the Planning Department is working on. It has a list of the zoning amendments. The Planning Department is looking at the ordinance that regulates multiple principle buildings on one lot. This type of application is coming up more. The intent is to meet the Master Plan goals without over burdening a lot. The ordinance for short-term rental zoning will be adjusted based on new models out there. Food trucks will also be addressed.

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B. Sidewalk Easement for 439 Hanover St

Ms. Walker noted that for the Hanover project a portion of the sidewalk was on private property. An easement was granted so the sidewalk could stay where it is.

Mr. Gamester moved to recommend that the City Council accept a sidewalk easement from the Wirth's across property located at 439 Hanover St., seconded by City Council Representative Perkins. The motion passed unanimously.

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VIII. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 8:45 p.m.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the October 18, 2018 Planning Board Meeting.