

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**Remote Meeting Via Zoom Conference Call**

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-21, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**7:00 pm**

**NOVEMBER 19, 2020**

**MINUTES**

**MEMBERS PRESENT:** Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Jeffrey Kisiel; Jody Record; Colby Gamester; Corey Clark, Alternate; and Polly Henkel, Alternate

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

**MEMBERS ABSENT:** Jay Leduc

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**I. PRESENTATIONS**

**A. Capital Improvement Plan FY22-FY27 Preliminary Review of Projects**

Ms. Walker provided an overview of the CIP process last month, and this presentation is another update on the CIP process. Citizen requests were submitted in October and are filtered to departments to be incorporated in their requests. An Advisory Committee will meet in early December to review the projects. Then a CIP presentation will be held at the Planning Board Meeting in December and from there it will go to City Council. There will be a work session in January, hearing in February and final adoption will happen in March. Ms. Walker reviewed the requirements for a CIP project. They are basically projects that involve a non-reoccurring or infrequent major expenditure. Last year the CIP had 126 projects. Some moved forward into the budget and others were slated for the future. This year the City received 6 citizen project requests, had 9 new project requests, and carried forward 96 projects. It is a total of 105 projects. The projects are distributed according to priority and classified by anticipated completion. Projects are divided into categories to be completed within 3 years, within 6 years, or after 6 years. There are some ongoing projects that require infrequent periodic funding that are repeated throughout the CIP. New project requests for this year include: an overhead door for the fire station, two planning documents for Historic District guidelines, support of the racial diversity equity inclusion plan, a proposed sidewalk on US Route 1 Bypass in the vicinity of Cate St. connector, a water storage tank improvement, and improvements to the Madbury Facility and pumping station on Marjorie St. The CIP includes combined funding projects using the General Fund and bonding. The citizen request piece was implemented some years ago to allow the public to participate in this process. The citizen requests included sidewalks on Elwyn road. The City currently has a project on that road to build a side path on the Urban Forestry side. Residents asked the City to consider extending the sidewalk out to the Rye town line. That will be more complicated because there is not a lot of right of way in that section. At this point the recommendation is to hold on that project until the side path is completed. Another request was to

add bike lanes and traffic calming on Middle Road and Islington St. Bike lanes cannot be added because the road Islington is not wide enough. The rail trail runs parallel to Islington St. in that area, so people can utilize that. Middle Road is part of an existing CIP project for traffic calming and a bike/ped path. Another request was for a bike path in the Pease Trade Port. Some of those roads are Newington's responsibility. That request will need further review with the PDA. That would also be a good project to look for grant funds for. There was a request for sidewalk maintenance on FW Hartford Dr. and Gamester Ave. DPW includes sidewalk maintenance in the CIP every year. Sidewalks are evaluated and updated accordingly. There was a sidewalk request on Mendon Ave. which will also be included in DPW's sidewalk evaluation. The goal for the CIP is to have money allocated from 2% of the prior year's general fund budget. Last year the City came in under that and it is anticipated that it will be the same for this year. The annual target for debt services bonding is under 10% of last year. That will come in under budget for this year as well.

## **II. APPROVAL OF MINUTES**

### **A. Approval of Minutes from the October 15, 2020 Planning Board Meeting**

Ms. Henkel abstained from voting because she was absent at the October meeting.

Mr. Gamester moved to approve the Minutes from the October 15, 2020 Planning Board Meeting, seconded by Vice Chairman Moreau. The motion passed unanimously.

## **III. PUBLIC HEARINGS – ZONING AMENDMENTS**

### **A. Flood Plain Overlay District Zoning Amendments**

Amendments to the Zoning Ordinance, Article 6 – Overlay Districts related to the Flood Plain Overlay District.

Ms. Walker commented that these updates were made in response to the requirements of the National Flood Insurance Program. The City has to comply with FEMA to allow for residents to qualify for flood insurance. All of the changes made were in response to compliance comments. The review is being accelerated because these changes should be adopted by City Council before the amended flood plain maps are adopted at the end of January. The bulk of the changes were made in the last round of amendments. These changes are mostly just small changes to reference the flood plain maps. The maps were adjusted in 2014 and updated based on topography data. There are 452 properties in the amended flood plain maps. 50 properties were added to the maps and 51 properties were removed. Residents were notified if they are either in the flood plain or in the extended flood hazard area. The extended area is specific to City regulations not FEMA. The definition of new construction has to be FEMA's approved definition. There was a clause added about reasonableness.

## **PUBLIC HEARING**

Susan Wallock of 12 Ruth St. requested more information on how these changes would affect her enjoyment of her property specifically. This was the first notification Ms. Wallock ever received.

Chairman Legg noted that this was the Planning Board's first and only public hearing on these proposed changes. If this Board recommends approval. Then it will move on to City Council where there will be 2 sessions and one public hearing. This is an established process that the City and Planning Board follows when making amendments to an ordinance.

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

## **DISCUSSION AND DECISION**

Ms. Walker commented that the notice sent out had information on it about who to contact. Residents can reach out to the Planning Department. Peter Britz is fielding questions. There were links in the notice about how to look up properties to find out how much is included in the Flood Hazard District.

State Coordinator Jennifer Gilbert commented that there is information on the State web site for this project and the New Hampshire flood hazard viewer shows the current maps vs. the pending maps. The New Hampshire Flood Plain Program has all the information and contact information.

Ms. Walker noted that these changes are about allowing residents to have flood insurance and remain eligible.

Ms. Record moved to **recommend approval** of these amendments to the City Council, seconded by City Manager Conard. The motion passed unanimously.

### **B. Site Plan Review Regulation Amendments**

Amendments to Articles 2, 6, 7, and new Attachment B of the Site Plan Review regulations.

Ms. Walker commented that Brian Goetz and Bill Archery were present to answer questions on the proposed changes. There were a couple work sessions with the Planning Board already. The key changes focused on storm water management, tree planting guidelines and provisions to encourage minimal storm water use. There were some housekeeping updates relating electronic submissions. There were updates for permit controls and design standards to minimize erosion and sediment. There were added requirements for waste disposal and storage of demolition debris. There were changes made for post construction enhanced storm water treatment. Plans have to incorporate best management practices to achieve 80% of total suspended solids. Mr. Archery added that there are 2 performance standards for efficiency removal one is TSS and the other is phosphorus and nitrogen. Ms. Walker noted that changes were made to better define low impact development measures and provisions were added for general water quality and storm water management. Language was added to be consistent with the NH AOT permits and there were updates on the storm water management plan requirements. There is a new section to address erosion control and post construction storm water design standards. Requirements were added to be consistent with the state program to do a pollutant tracking and accounting program. UNH has a tracking process.

Mr. Clark commented that one change called out silva cells. That should be revised to allow for flexibility for future technology. Ms. Walker suggested that it could say silva cells or equivalent. Mr. Clark confirmed that was fine.

## **PUBLIC HEARING**

John Chagnon from Ambit Engineering commented that one of the revised existing conditions section says “existing impervious and disturbed areas” and questioned what the intent of the disturbed areas was.

Bill Archery commented that the intent was to show existing impervious conditions and any area that was not vegetated for example a gravel road or parking area. The area is not vegetated but not necessarily impervious.

John Chagnon commented that it may be clearer if it was changed to de-vegetated areas.

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

## **DISCUSSION AND DECISION**

Ms. Walker commented that they could make that change if the Board wanted it. Disturbed areas is also an often used term, so it should be clear. Chairman Legg commented that if the City is comfortable with the term disturbed areas, then that is fine.

Vice Chairman Moreau moved to **approve** the amendments with one revision to Section 6.4(a), seconded by Mr. Gamester. The motion passed unanimously.

### **C. Subdivision Regulation Amendments**

Amendments to Section II, Section IV, and Section V.

Ms. Walker commented that this was in response to the flood plain amendments. The definition of the flood hazard zone and preliminary and final plat were updated.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION**

Vice Chairman Moreau moved to approve the amendments, seconded by City Manager Conard. The motion passed unanimously.

## **IV. PUBLIC HEARINGS – CITY COUNCIL REFERRALS**

A. Request by **August Consulting, PLLC** for naming of a new, unnamed City roadway located between Cate Street and Route 1 Bypass as **West End Yards Way**.

Ms. Walker commented that this is a request to name a new public road. The existing Cate St. and the properties on Cate St. would maintain their address. The remaining portion would be West End Yards Way. The Planning Board has input on this change. Abutters have been notified. Generally, the City has a list to reference for the naming process when there is a new

public way. However, none of the names on that list were used for the last one either. The developers are anxious to have an address and have jump started the process. The City needs to review that there are no emergency response conflicts, but the naming process is with the Boards.

Vice Chairman Moreau questioned if that safety check has been completed. Ms. Walker responded that the safety check will be verified after the recommendation. However, there does not seem to be a conflict.

Mr. Gamester commented that he did not support that proposed name specifically, and questioned if it could just remain Cate st. Ms. Walker responded that some households would be affected if it was kept Cate St. Mr. Gamester suggested that it could be Hodgson's Way after the brook.

### **PUBLIC HEARING**

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

### **DISCUSSION AND DECISION**

Ms. Gamester moved to **recommend** the road name of Hodgson Way to the City Council for approval, seconded by Mr. Kisiel.

Mr. Gamester commented that it seemed right to name it that since the brook is right there. West End Yards is the name of the development, so if that ever changed the road name would be odd.

Vice Chairman Moreau questioned how long it would be until the road opened. Ms. Walker responded that the project seemed to be on schedule, and it is supposed to be completed next Spring.

The motion passed unanimously.

- B. Request by **TF Moran, Inc.** for naming a new private subdivision road located off of Banfield Road as Walford Lane.

Ms. Walker commented that this was for the development approved off Banfield Road and it is a private road. Typically, the City does not spend a lot of time on private roads other than considering if the name is appropriate. This proposed name has a historical connection to the property.

City Council Representative Whelan questioned if the two roads on either side of the road would be included in that name change. Ms. Walker responded that those are roads are driveways, so they won't be named roads. Typically, the name is reviewed by TAC and the Fire Department

did not raise any issues with the name. Numbers will be placed at the end of the driveways, so they will be clear along the route.

### **PUBLIC HEARING**

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

### **DISCUSSION AND DECISION**

Vice Chairman Moreau moved to **recommend** the road name of Walford Lane to the City Council for approval, seconded by Ms. Record. The motion passed unanimously.

## **V. DETERMINATIONS OF COMPLETENESS**

### **SITE PLAN REVIEW**

- A. The application of **Bacman Enterprises, Inc., Owner**, for property located at **140 Edmond Avenue** requesting Site Plan Review Approval.

Vice Chairman Moreau moved to determine that the three applications above are complete according to the Site Plan Review Regulations and to accept the applications for consideration, seconded by City Manager Conard. The motion passed unanimously.

- B. The application of **Raleigh Way Holding, LLC, Owner**, for properties located at **0 Falkland Way** requesting Site Plan Review Approval.

Vice Chairman Moreau moved to determine that the three applications above are complete according to the Site Plan Review Regulations and to accept the applications for consideration, seconded by City Manager Conard. The motion passed unanimously.

- C. The application of **553-559 Islington Street, LLC, Owner**, for property located at **553 Islington Street** requesting Site Plan Review Approval.

Vice Chairman Moreau moved to determine that the three applications above are complete according to the Site Plan Review Regulations and to accept the applications for consideration, seconded by City Manager Conard. The motion passed unanimously.

## **VI. PUBLIC HEARING – NEW BUSINESS**

- A. The application of **Bacman Enterprises, Inc., Owner**, for property located at **140 Edmond Avenue** requesting Wetland Conditional Use Permit Approval according to Article 10.1017 of the Zoning Ordinance for impacts in an inland wetland buffer. This is an after-the-fact application for 1,169 square feet of impact to replace an asphalt and gravel parking area with

a pervious paver parking area and 583 square feet to install new landscaping where grass currently exists. Said property is shown on Assessor Map 220 Lot 81 and lies within the Single Residence B (SRB) District.

City Council Representative Whelan moved to consider New Business items A and B together and vote on them separately, seconded by City Manager Conard. The motion passed unanimously.

### **SPEAKING TO THE APPLICATION**

Alex Ross spoke to the application. The application is for a site plan review and a CUP for work within the wetland buffer. The site has a small chiropractor office that has been in operation for decades. The asphalt parking area was insufficient. There has been some work done to renovate that and it brought on the site review. The existing conditions include a half-acre site on Edmond Ave. that backs up to the highway. The grade slopes down from the highway to Edmond Ave. It is a chiropractor office and residence. Mr. Ross has met with TAC and the Conservation Commission to come up with the layout and the best way to provide wetland protection. The northern parcel had an asphalt parking area. The proposed site plan will remove the existing asphalt and put in pervious pavers to provide enough parking for the city regulations. A small shed will be installed in the southern corner to store the lawn mower and landscaping tools. It meets the required setbacks. There will be pervious parking and some landscaping to the east. The City is the abutter to the east and the parcel across the street. The parking area is in the 100-foot buffer. The parking area has an infiltration trench to control runoff and treat it. Boulders will be installed on the eastern side to delineate the property line for parking along parking space 6. Overall this is an improvement to the area close to the wetland.

### **PUBLIC HEARING**

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

### **DISCUSSION AND DECISION OF THE BOARD**

Vice Chairman Moreau moved to **grant** this request as presented, seconded by Mr. Gamester.

Vice Chairman Moreau commented that this was plan is making the site more legal and a better situation, so it is an improvement.

The motion passed unanimously.

- B.** The application of **Bacman Enterprises, Inc., Owner**, for property located at **140 Edmond Avenue** requesting Site Plan Review approval for improvements associated with the expansion of an existing chiropractor office and residence, to remove an existing asphalt driveway and replace it with a 1,169 s.f. pervious paver driveway, add 583 s.f. of grading work for landscaping and drainage, and add a 384 s.f. shed with a ramp in the rear of the

property. Said property is shown on Assessor Map 220 Lot 81 and lies within the Single Residence B (SRB) District.

### **DISCUSSION AND DECISION OF THE BOARD**

Vice Chairman Moreau moved to **grant** this request, seconded by Mr. Gamester with the following stipulations:

- 1) The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;
- 2) The applicant shall receive City Council approval to install the plantings on City property.

The motion passed unanimously.

- C. **REQUEST TO POSTPONE.** The application of **Raleigh Way Holding, LLC, Owner**, for properties located at **0 Falkland Way** requesting Site Plan Review approval for the demolition of an existing garage and shed and the construction of a new 4-unit residential building with associated parking, stormwater management, lighting, utilities and landscaping. Said properties are shown on Assessor Map 212 Lots 112 & 113 and lie within the General Residence B (GRB) District. **REQUEST TO POSTPONE**

### **DISCUSSION AND DECISION OF THE BOARD**

City Council Representative Whelan moved to **postpone** this request to the next Planning Board meeting, seconded by Ms. Record. The motion passed unanimously.

- D. The application of **553-559 Islington Street, LLC, Owner**, for property located at **553 Islington Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for the provision of 8 on-site parking spaces where a minimum of 9 are required and Site Plan Review Approval for a 359 s.f. addition and renovation to an existing six-unit apartment building, with the removal of an existing garage and addition of paving and striping, landscaping and lighting. Said property is shown on Assessor Map 157 Lot 3 and lies within the Character District 4-L2 (CD4-L2) District.

### **SPEAKING TO THE APPLICATION**

John Chagnon from Ambit Engineering spoke to the application. The project is to build a small addition and associated site improvements to the rear of the building. The addition will allow for code compliant access and renovation to the building. It is a 6 unit building now and will be the same after. It will be repurposed and brought up to code. The project has received ZBA, HDC, and TAC approval. There is also a CUP for parking because the plan requires 9 spaces, but 8 are provided. The site has dimensional constraints, and there is no space to add more parking spaces. The deficiency is in the required 2 visitor spaces. The need



does not exist for visitor spaces. There is offsite parking in close proximity on the surrounding streets. The plan added bike parking and there is suitable public transportation given the urban location and a COAST bus stop.

Mr. Clark questioned if trash would continue to be on the street side or if it would be picked up on site. Mr. Chagnon responded that there will be a dedicated room for trash collection, and it will be brought curbside as long as it meets the ordinance requirements.

Vice Chairman Moreau commented that technically the site is two buildings and questioned if they were internally connected or truly separate. Mr. Chagnon responded that the two buildings were joined with a common wall, but there is no pass through between the buildings.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Vice Chairman Moreau moved to **accept** the findings of the parking demand analysis and to find that the provision of 8 off-street parking spaces provided will be adequate and appropriate for the proposed use of the property, seconded by Mr. Gamester.

Vice Chairman Moreau commented that they are one parking spot short. However, there are only 6 units and the bike storage and bus stop alleviate that shortage.

The motion passed unanimously.

Vice Chairman Moreau moved to **grant** a conditional use permit pursuant to Section 10.112.14 of the Portsmouth Zoning Ordinance to permit 8 parking spaces on the lot where 9 off-street parking spaces are required, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau moved to **grant** Site Plan Review approval, seconded by Mr. Gamester with the following stipulations:

### Conditions Precedent (to be completed prior to building permit issuance)

3.1) A temporary construction easement shall be provided to the City for future installation of sewer line, as needed, and the plan shall be updated to note the required easement. Final sewer design and easement shall be reviewed and approved by DPW.

3.2) The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

### Conditions Subsequent

3.3) Applicant shall coordinate with Eversource on possible removal of pole in front of the building. The pole in front of the building is there only because of the attachment point of the overhead service. Relocating the service attachment should be investigated, so that the pole can be removed permanently.

The motion passed unanimously.

- E. The application of **The Village at Thompson Pond Condominium, Owner**, for property located at **996 Maplewood Avenue** requesting Wetland Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance to restore the shoreline of Thompson Pond where invasive species were removed and mulched in place essentially clearing the 25 foot vegetated buffer. The restoration plan includes plantings to restore the buffer with native vegetation. Said property is shown on Assessor Map 219 Lot 4 and lies within the Single Residence B (SRB) District.

### **SPEAKING TO THE APPLICATION**

Bob Morrill, President of the Thompson Pond Condo Association, spoke to the application. Thompson Pond exists between Woodbury Ave. and Maplewood Ave. The pond is not a natural pond but is spring fed and has a weir. The open area is used by wildlife and the public. It used to be parkland. The pond has never been forested. The neighbors mowed it and kept it up, but with disuse plants grew up around the pond. The border of the pond was overgrown with invasive species. The Condo Association hired a landscaper to help cut down all invasive species. The brush piles were mulched and left along the border. The proposal is to plant native species and grasses to restore the pond for everyone's enjoyment. They trimmed the underbrush along the edge with invasive species. The intent is to protect and preserve the pond and allow the people to enjoy its beauty.

### **PUBLIC HEARING**

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

### **DISCUSSION AND DECISION OF THE BOARD**

Mr. Gamester moved to **grant** the request, seconded by Ms. Record with the following stipulations:

- 1) The applicant shall prepare a maintenance plan for current and future landscapers.
- 2) A plan shall put in place for the 25 ft. buffer which includes no cutting around the portion of the pond the Association owns.
- 3) The applicant shall use organic land management practices wherever practical.

The motion passed unanimously.

- F. The application of **Thomas Murphy, Owner**, for property located at **95 Dodge Avenue** requesting a Conditional Use Permit in accordance with Section 10.814 of the Zoning Ordinance for the construction of an attached accessory dwelling unit of 745 s.f. gross floor area. Said property is shown on Assessor Map 258 Lot 39 and lies within the Single Residence B (SRB) District.

### **SPEAKING TO THE APPLICATION**

Architect Brandon Holden spoke to the application. The owner is looking to redevelop the site which currently has a house and garage. The proposal is to rebuild a three-bedroom house with an attached ADU. This is a curved lot. It looks like a corner lot, but technically it is not. It is all continuous frontage. The proposed three bedroom will be the primary dwelling unit and the dwelling unit above the garage will be the ADU. The application has been granted a variance for two curb cuts. The units will be owned by the same owner and they will be occupying one full time. The septic meets the requirements. There is an interior door connecting the principle unit to the accessory. The garage is the common access area. The stairs are excluded from the ADU calculations. The ADU is under 750 sf including the porch canopy. The primary unit is closest to the road. It is 24 feet to the primary unit and the site slopes to the back with a walk out level from the primary unit. Additional landscaping may be included. There is a combination of siding materials to break up the structures. Mr. Holden showed a rendering of the ADU and primary dwelling unit.

Vice Chairman Moreau commented that she was concerned about the 3 front doors. It makes it look less like a single-family home. There are front doors on the outside and still a door in the middle. Mr. Holden responded that there were very few perspectives where someone would see all three doors at the same time because of the elevations. The connector is the porch which is less formal. Vice Chairman Moreau commented that there were 3 walkways coming out from the house. Mr. Holden noted that they may not be all concrete paved paths. It will be landscaped. Vice Chairman Moreau commented that there is supposed to be a primary door going into a primary home. Because it is a new property, it should meet all of the requirements.

Mr. Pezzullo commented that the application talks about a phased approach to constructing the units. The utilities for sewer and water for the ADU has to get services from the main building. Because of the phased plan they need to come up with a way of servicing the ADU on a temporary basis until the other house is built. Mr. Holden confirmed it would be temporarily routed to the ADU, then rerouted from the main building.

City Council Representative Whelan questioned if the septic was adequate for the new construction. Mr. Holden confirmed that was correct.

Chairman Legg agreed with Vice Chairman Moreau's concerns about the doors. The Board had a lot of discussion when drafting this ordinance to ensure the structure would not look like a multi-family building. There are at least 2 prominent entryways to this proposal. Chairman Legg questioned if the ADU entrance could be moved to the side of the unit, so it faces the other part of Dodge Ave. Mr. Holden responded that the owner preferred it facing out. It is possible from a design perspective to put it on the side. Owner Thomas Murphy commented that the comments were understandable, however, if it was detached, then there

could be a doorway for it. This one just happens to be attached. Landscaping can fix that issue. There will be lots of vegetation, which will alleviate the view from the street. Moving the door to the side would change the look of the house. People can only see two doorways at once from any given point. A detached dwelling unit would be allowed a door facing the street. The renderings do not show the final landscaping and footprint. ZBA just approved the parking spot last night. The site plan looks a little different from the rendering.

Chairman Legg commented that usually the Board sees attached ADU's proposals on a house that already exists. This one is approving an ADU then the current house will be torn down and the primary residence will be built. It makes logical sense as a homeowner to do it that way. It is a bit of a risk to the City because the Board is approving this before the primary residence is complete. Chairman Legg questioned if for some reason the primary residence was not built, then would that mean the ADU would not be authorized. Ms. Walker responded that it could stay, but it would be the primary residence. It would be non-compliant if the other residence was not torn down. There cannot be two primary dwelling units.

### **PUBLIC HEARING**

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

### **DISCUSSION AND DECISION OF THE BOARD**

Vice Chairman Moreau moved to **grant** a request for modification to the standards set forth in Section 10.814.531 to allow 41.4% of the total façade area to be dedicated to the ADU, seconded by Mr. Gamester.

The motion passed unanimously.

Vice Chairman Moreau moved grant a request for a modification to the standards set forth in Section 10.814.43 to allow multiple entrances designed to appear as principal entrances on the front of the dwelling.

Vice Chairman Moreau commented that commented that there was a better opportunity to get a better design and make it not look like a multi-family home. The ADU door looks like a more prominent entryway. The primary is recessed too much and looks secondary. Vice Chairman Moreau was not willing to support the motion because it is a brand new design.

Ms. Record agreed with Vice Chairman Moreau's comments. It looks like two houses even without looking at the three doors. This design just needs 2 doors.

Chairman Legg agreed with the comments above. This is new construction and clearly the applicant was not receptive to consider changing the entryways. There are two prominent entryways that make the design look like two separate dwelling units. It still reads as two units despite the landscaping.

Mr. Kisiel commented that the different siding makes it look like two units. There should be a second entrance into the main porch and move the kitchen to the other side. Then the entrance would not be facing the front of the property.

The motion failed by a 0-9 vote.

Mr. Gamester moved to **postpone** your application to the December Planning Board meeting to allow for modifications to the design as discussed by the Board, seconded by Vice Chairman Moreau. The motion passed unanimously.

## **VII. CITY COUNCIL REFERRAL**

- A. Request for report back on letter from resident Tom Morgan requesting zoning amendments to permit solar farms at appropriate locations, and to draft site plan review regulations to protect abutters, the environment, and taxpayers from improper installations.

Ms. Walker commented that she would be prepared for a report back at the next meeting.

## **VIII. ADJOURNMENT**

Mr. Gamester moved to adjourn the meeting at 9:14 p.m., seconded by Vice Chairman Moreau. The motion passed unanimously