

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the 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 2021-01, 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

April 22, 2021

MINUTES

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT: Peter Whelan, City Council Representative

I. 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 request of the **Islamic Society of the Seacoast Area, Owners**, for property located at **686 Maplewood Avenue** for a second 1-year extension of Site Plan Review Approval to construct a 2-story building for religious assembly with a building footprint of 3,880 s.f. and gross floor area of 5,333 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements that was originally granted on April 18, 2019 and was granted an initial 1-year extension on April 9, 2020.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. The proposal is to construct a mosque. The application received approval in 2019 and a one-year extension was granted in 2020. The plans have been revised to address all conditions from the 2019 approval. The client is getting bids and funding to get the project moving. They anticipate getting it done this year. The request is for a one-year extension.

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** the request for an additional 1-year extension, seconded by Mr. Chellman. The motion passed unanimously.

- B. The application of **The Martha B. Masiello Revocable Trust of 2004, Owner**, for property located at **239 Gosport Road** requesting a Wetland Conditional Use permit in accordance with Article 10 Section 10.1017 of the Zoning Ordinance to permit, after the fact, yard disturbance including grading and fill of approximately 4,790 square feet and installation of 350 square feet of new impervious surface in the wetland buffer. All work was completed by a prior owner. Said property is shown on Assessor Map 224 Lot 10-10 and lies within the Single Residence A (SRA) District.

SPEAKING TO THE APPLICATION

Brendan Quigley with Gove Environmental spoke to the application. This is an after the fact application for work conducted prior to Mr. and Mrs. Masiello owning the property. A prior owner extended the rear yard of the house sometime between 2005 and 2010. The previous owner cleared trees and did some grading in the lawn. The Masiello's did not learn of this until last summer when they applied for a pool permit. The goal is to bring the property into compliance. They submitted the application to NHDES for tidal buffer impacts and received approval. The Conservation Commission recommended approval with the stipulations of adding signage to mark the buffer area, a commitment to adhere to certain organic yard maintenance, and naturalization below the existing retaining wall. The applicant agrees with all conditions.

Vice Chairman Moreau questioned if the plan for a pool was moving forward. Mr. Quigley responded that it was not. The only plan is to bring the property into compliance.

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** the Wetland Conditional Use Permit application as presented, seconded by Mr. Gamester with the following stipulations:

- 1) The property owners shall endeavor to utilize NOFA (Northeast Organic Farming Association) approved practices (or comparable equivalent) within the wetland buffer area.
- 2) Wetland boundary markers shall be installed at the edge of the rain garden to define the wetland buffer or as deemed appropriate by the Planning Department.
- 3) The area in the rear of the property near the retaining wall shall be allowed to be natural or be planted with additional plantings as approved by the Planning Department.

Vice Chairman Moreau noted that it was disappointing when people do things in the buffer without permission, but nice when others try to bring it into compliance.

The motion passed unanimously.

II. PUBLIC HEARINGS – CITY COUNCIL REFERRAL

- A. **REQUEST TO POSTPONE** -- Request of **Todd Buttrick, Owner**, for the restoration of involuntarily merged lots at **900 Middle Road** to their pre-merger status pursuant to NH RSA 674:39-aa. RIML 21-1 – **REQUEST TO POSTPONE**

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **postpone** the public hearing to the May Planning Board meeting, seconded by City Manager Conard. The motion passed unanimously.

III. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Dagny Taggart, LLC, Owner** for property located at **93 Pleasant Street** requesting Preliminary Conceptual Consultation for a proposed mixed use development consisting of office space and 61 residential units that will involve the renovation of an existing commercial building and new construction of a 2 1/2 story building in the existing parking lot with associated site improvements. Said property is shown on Assessor Map 107 Lot 74 and lies within the Character District 4 (CD4) District.

SPEAKING TO THE APPLICATION

Mr. Chellman recused himself from the application.

Mark McNabb spoke to the presentation. The goal is to create much needed affordable housing for people who work downtown. Mr. McNabb has been a real estate developer for 35 years and has noted that there are 9 essential things for affordable housing to work. The property needs to be on municipal sewer and water. The zoning allows micro apartments less than 500 sf. The apartments need to be located in an urban area where people can easily walk or bike to access their needs. The private parking requirement needs to be as close to 0 per unit as possible. This Board has the ability to approve that. The units should be fully furnished. The micro apartments only work if the furniture is designed and built for them. All of the utilities are included. There will be low or no upfront cash required. If the employer does a payroll reduction for rent, then a security deposit will not be required. It is not uncommon to spend \$3-5K to move into a new apartment. The intent is to do units with little to no cash. The last item is that the developer is willing to do it. It's less profitable. The most profitable option would be to add parking, build bigger units, and sell them. Mr. McNabb was not planning to do that. Typical apartments with amenities like separate bedrooms and laundry are not affordable. People who want those units with those amenities will not rent micro units. The micro units will be a tiny living space in a brand-new building. The size of that unit will always require it to be rented at the lowest rent in the housing stock.

Architect Chris Lizotte commented that the project will provide affordable housing options with a walkability connection to downtown. It will revive an underutilized building and lot. The existing building is on the corner of Pleasant St. and Court St. The building is currently unused except for the parking lot. The project addresses some of the Master Plan goals including, continuing the vitality of the urban core and supporting reinvestment in underutilized land and buildings. The building will be repaired as needed while maintaining the historic facades. The stairs and concrete were not part of the original building and will be removed. The rear lot will be upgraded to hide the parking below grade. The existing stone wall will be incorporated into the design. The new entrance will provide ADA access. Zoning defines units less than 500 sf as micro units. This package uses micro units as a general term. There is no laundry in the individual units, but there will be laundry in the building. There will be 61 units in the building. 41 of them will be less than 400 sf 18 of them will be less than 500 sf. There will be 2 greater than 500 sf. A total of 53 units will essentially be microunits and 8 will be one-bedroom apartments. None of the units will be over 750 sf. The proposed project will provide small office areas on the main level of the existing building and lower-level basement space. Smaller spaces are more conducive to start ups. The building design incorporates sustainability elements including roof top solar panels, electric car charging station, wall mounted bike storage, and parking spaces for electric bikes and scooters. This project will meet or succeed the current energy code.

John Chagnon from Ambit Engineering spoke to the site plan. The demolition plan shows two small areas of the building that will be removed. The building in the front

will be kept intact. There is a stone wall along Court St. and along the abutting property. That will be taken down and stored during construction. Then it will be reassembled partially as some of the façade. There will be a new pedestrian entrance with sidewalk and bike racks. Vehicles will enter on the east side of Court St. to access the lower-level parking area. The impervious surface will match what is there now. There will be 24 parking spaces in the lower level. The 24th spot will be turned into spaces for electric bikes and mopeds. 59 of the units are under 500 sf and require half a space per unit and 2 units require one space per unit. There are 44 spaces required under the ordinance with a 4-space reduction. There are 40 spaces required and the plan is providing 23 spaces. The utility plan shows connections coming in at the street level. The plan accounts for space for a transformer. The goal is to get rid of as many overhead lines as possible. The gas service, sewer, and drainage will connect to Court St. There will be roof drains that will connect to a drain system through some gutters. They are looking at treatment for roof runoff.

Terrence Parker from Terra Firma spoke to the landscaping plan. The plan incorporates plants used in historic gardens like rose, lavender, peonies, boxwoods, and rhododendron. There will be small street trees like a service berry. The plantings will go on the embankment on the front landing to the bottom of the steps. Then there will be solid lawn paths to the corner of Court St. The flagpole will be moved to the middle of the lawn. Tall viburnum shrubs will be put in around the transformer. There will be bike racks near the main entrance. Evergreens will be planted to screen the gas meter. Oak trees will be planted to screen from the abutters.

Mr. Gamester requested more details on the trash and recycling pick up. Mr. Chagnon responded that there will be a trash chute with a compactor. The frequency of the pickup will be determined by the demand. The truck would drive into the building lot to pick up. Mr. Lizotte added that the container would be able to be pulled out to the sidewalk from the garage door.

Vice Chairman Moreau commented that this was a really well thought out and good project. Mr. McNabb provided good information on what was required to build affordable housing. It is good that some onsite parking is provided including the bike and moped parking. The site is also close to a bus stop.

Mr. Clark commented that the project had good elements like solar panels and electric charging stations. The sidewalks on Court St. are tight and the street gets a fair amount of traffic. Mr. Clark questioned how that would be addressed with cars coming in and out of the garage. Mr. Lizotte responded that they were planning to have ID lights because it is a one car width driveway. Part of the building will be cut so they will be able to see down the east part of Court St. A mirror or something similar will be installed to show approaching pedestrians. Mr. Clark questioned if there would be a light outside the building to notify pedestrians about a car exiting. Mr. Lizotte confirmed that could be incorporated. Mr. Clark questioned how the archeological review process would be handled on this historic site. Mr. McNabb responded that they have done borings, and it is solid ledge. They are not expecting

to find anything because there is no soil there. Mr. Chagnon added that the two parts of the building that will be removed are not historic. Mr. McNabb noted that they would certainly follow the appropriate processes if anything was discovered.

Ms. Henkel commented that this was a good project and questioned if they had restrictions to prevent renting these out as AirBnBs. Mr. McNabb responded that those types of activities will be prohibited in the lease. The units will only be leased; nothing will be sold. There will be a full time employee living in one of the units to make sure there is no bad behavior.

Mr. Harris agreed that it was a good project with a lot of merits. Mr. Harris questioned what would happen if a tenant moved in with a car, but all of the spaces are taken. Mr. McNabb responded that they do not have all of the details on how they will manage the parking yet. It is most likely that they will be assigned spaces. They may provide a rent break if the tenant does not use a space. Mr. Harris questioned if there would be a rideshare option on site like Zipcar. Mr. McNabb responded that there will be options for biking, walking and mopeds. A number of people would love to live in an apartment like this without a car. A lot of young people even are choosing to not have cars. Mr. Harris questioned who was using the parking there today. Mr. McNabb responded that they rent to the abutters behind the lot and the rest are for the workers at 60 Penhallow St. The new parking garage will be in before they are displaced. There will be 70 spaces in the 60 Penhallow St. garage.

Chairman Legg questioned if they needed any waivers for this project. Mr. Chagnon responded that it may be too soon to say, but they don't think they will be needed at this point. Chairman Legg requested that they include the 9 criteria Mr. McNabb referenced in the beginning in their formal proposal. It was very educational. Micro units are so necessary for Portsmouth and the workers who work in Portsmouth. The Board cannot say they support affordable housing but not in certain locations. The criteria helped solidify that this is a perfect site for it.

IV. OTHER BUSINESS

- A. The request of **4 Amigos LLC, Owner** for property located at **1400 Lafayette Road** requesting a 1-year extension of Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 +/- s.f. and 122,000 +/- GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space. The original approval was granted on April 30, 2020. Said property is shown on Assessor Map 252 Lots 7, 4 & 5 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** a 1-year extension of the Conditional Use Permit and Site Plan Review approval, seconded by Mr. Gamester. The motion passed unanimously.

B. City Council referral regarding acceptance of Chevrolet Avenue Easements

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker noted that the City is doing a sidewalk project on Chevrolet Ave. As part of that project the City has been working with the owner of the Malt House Exchange property to do a land swap to ensure there is sufficient room for sidewalks. Council approval is ultimately needed, but as with any exchange or acquisition of land it comes before the Planning Board. The easements to be released and acquired are in the plan.

Mr. Clark questioned if this would tie into the community space across the street. Ms. Walker responded that they were not impacting the community space. Mr. Clark commented that he was disappointed with that community space there. Ms. Walker agreed, but there was insistence on keeping it as it was. It did not look that great then. They will follow up, but part of the condition was that is stayed natural. Therefore, no real cleanup was done. Chairman Legg commented that they probably made a mistake as a Board on not figuring out a way to improve that area. It would be good if the City could work with the owners to see if they are able to clean it up.

Vice Chairman Moreau commented that they were supposed to put in new plantings, but it did not look like they had. Ms. Walker responded that they did along the front of the road but noted she would follow up with them.

Vice Chairman Moreau moved to recommend that the City Council approve the proposed easements, seconded by Mr. Gamester. The motion passed unanimously.

V. ADJOURNMENT

Vice Chairman Moreau moved to adjourn the meeting at 8:05 p.m., seconded by City Manager Conard. The motion passed unanimously.

Respectfully submitted,

Becky Frey,
Acting Secretary for the Planning Board

