



City of Portsmouth
Planning Department
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Memorandum

To: Planning Board
From: Beverly Mesa-Zendt, Planning Director
Peter Stith, Planning Manager
Date: December 15, 2022
Re: Recommendations for the December 15, 2022 Planning Board Meeting

I. PRESENTATIONS

- A. Receive a presentation and consider a recommendation to the City Council to adopt the proposed **FY2024- 2029 Capital Improvement Plan**.

Background

The Capital Improvement Plan (CIP) is both a financial and infrastructure planning tool that sets forth a multi-year schedule and financing strategies for accomplishing public capital projects that both maintain safe quality city infrastructure and assist in the achievement of Citywide Goals. Careful development of and adherence to the CIP ensures that needed capital projects are accomplished within the City's financial capability. In combination with the annual City budget, the Capital Improvement Plan has a significant impact on the planned allocation of fiscal resources, and is thus one of the most important documents considered by the City Council.

State/Local Regulatory Context

RSA 674.5: Capital Improvement Program

"674:5 Authorization. – In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years.

...

The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor or selectmen and the budget committee in their consideration of the annual budget."

City Charter

City Charter Section 7.6 - Capital Program:

The Manager shall prepare and submit to the Council a six (6) year capital program at least three (3) months prior to the final date for submission of the budget. The program shall include:

- *A general summary of its content;*
- *A list of all capital improvements proposed during the next six (6) fiscal years;*
- *Cost estimates, methods of financing, recommended time schedules for each improvement; and*
- *Estimating annual operating and maintenance costs.*

The purposes of the CIP is to:

1. Implement needed improvements on a scheduled basis
 - Provides a complete picture of the City's major development needs
 - Coordinates activities of various City departments and agencies
 - Assists in implementing recommendations of the City's Master Plan
2. Forecast future allocation of fiscal resources
 - Establishes fiscal priorities for projects
 - Aids in the proper utilization of funding sources
3. Help plan for future City expenditures
 - Discourages piecemeal improvements and duplication of expenditures
4. Ensure capital project needs are provided within the City's financial capability
 - Informs the taxpayers of anticipated future improvements
 - Helps to schedule major projects to avoid large fluctuations in the tax rate

Plan Development Process

The capital planning process is coordinated by the Finance and Planning Departments under the direction of the City Manager. Capital project requests are initially formulated by City Department Heads and submitted to the Finance Department. Members of the public may also submit project requests, which are reviewed by City Departments and incorporated into the departmental project submissions as appropriate. This year's process introduced an additional opportunity for public involvement with the November 3, 2022 CIP Subcommittee meeting where citizens requests were reviewed and additional citizen input was invited.

CIP projects originate from three sources.

- Capital Improvement Plan from the Prior Fiscal Year
- City Staff
- Citizen Requests

Citizen Requests

This year the City received 104 citizen requests, nearly double any previous year. Process enhancements included:

- A simplified submittal form,
- Broader public outreach, and
- More opportunities to submit requests including Viewpoint, QR code and paper submittals.

Of the 104 requests, staff combined duplicative requests to come up with 84 unique project requests. Staff further sorted the requests into those that were CIP eligible (58) and those requests that were better served by other processes (26). At their November 3rd meeting, the City Council CIP Subcommittee took some time to review the citizen requests and receive additional public input on those requests. The Subcommittee provided preliminary feedback on citizen requests to be considered in the draft CIP. The Finance Department has incorporated the Subcommittee's recommendations into the revised CIP before the Planning Board. Citizen Requests can be found in Appendix I of the CIP.

Staff Submittals and Updates

Staff works to update the prior year's CIP projects to reflect the current status, project needs and costing. After city departments and residents submit their new requests for capital project, staff works with the City Manager to prioritize them by utilizing the following criteria:

- **Project requirements** – Is the project required to meet legal, compliance, or regulatory requirements?
- **Timing** – How soon does the project need to be implemented to address the needs identified?
- **Strategic alignment** – To what extent is the project aligned with other city projects, policies, processes?
- **Public value** – How much value does the outcome of this project provide to the general public? How much public support is there for implementing this project?
- **Finance planning** – Is the project fundable in the time frame identified, are there available funding sources for this project?

Although the factors above are consistently utilized in the prioritization process, other factors, such as urgent community needs or public health and safety, may also contribute to the final project placement, allowing the process to be nimble and responsive to emerging community needs.

Planning Board Advisory Committee and City Council Adoption

The Planning Board has appointed a three member Advisory Committee to review the projects in the draft CIP. The Advisory Committee met on December 5, 2022 to review the proposed staff CIP projects with staff representatives from

each department. The Finance Department has incorporated the Advisory Committee's recommendations into the draft CIP before the Planning Board. The Planning Board should invite additional public comment and vote to recommend the adoption of the document to the City Council. The City Council will review the proposed CIP, hold a public hearing, and adopt the CIP in accordance with City Charter requirements. Once adopted, the CIP is utilized in the development of the annual budget in accordance with RSA 674.5.

Timeline

- August 18, 2022. Planning Board Presentation regarding CIP Process and Schedule Completed
- August 22, 2022. City Council Presentation regarding CIP Process and Schedule
- September 30, 2022. Deadline for citizen project suggestions to be submitted. These citizen requests will be circulated to the appropriate department for consideration. Completed
- October 7, 2022. City Departments submit CIP project requests (new and updated) to Finance Completed
- November 3, 2022. City Council Subcommittee meets to review Citizens Request Projects Completed
- November 17, 2022. Planning Board CIP Public Information Presentation Completed
- December 5, 2022. Planning Board CIP Advisory Committee meets with *each department to review and prioritize capital requests* Completed
- **December 15, 2022. Planning Board votes to recommend the CIP to City Council for adoption**
- January City Council Work Session on the CIP (with Presentation) on CIP
- February City Council Public Hearing on CIP
- March City Council votes to adopt CIP

Planning Department Recommendation

1) Receive additional public comment and vote to recommend adoption of the Capital Improvement Plan to the City Council.

II. APPROVAL OF MINUTES

A. Approval of the November 17, 2022 minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision making process that occurred at the November 17, 2022 meeting and vote to approve meeting minutes with edits if needed.

III. DETERMINATION OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of Port Harbor Land, LLC (Owner and Applicant), for property located at 2 Russell Street requesting Lot Line Revision Approval to adjust the boundary lines on three lots. (LU-22-111)
- B. The request of Jonathan Watson Sobel Revocable Trust (Owner), for property located at 49 Sheafe Street requesting preliminary and final subdivision approval to subdivide one (1) lot into two (2) lots. (LU-22-179)

Planning Department Recommendations

- 1) *Vote to determine that the applications are complete according to the Subdivision Regulations, (contingent on the granting of any required waivers) and to accept the applications for consideration.*

SITE PLAN REVIEW

- A. The request of Port Harbor Land, LLC (Owner and Applicant), for property located at 2 Russell Street requesting Site Plan Approval for the construction of 80 residential units, commercial space, and parking in three buildings. (LU-22-111)
- B. The request of Tom Balon and EightKPH, LLC (Owner and Applicant), for property located at 161 Deer Street requesting Site Plan Review approval for the construction of a four (4) story building to include a penthouse, commercial space, 19 dwelling units, and associated site improvements. (LU-22-173)
- C. The request of Seaport Realty LLC (Owner), for property located at 85 Daniel Street requesting Site Plan Approval to add a two-story rear addition and convert the existing structure into a four unit building consisting of 4 apartments. (LU-22-75)

Planning Department Recommendations

- 1) *Vote to determine that these applications are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and IV of the agenda) and to accept the application for consideration.*
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IV. 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 **Jason A. and Kristin E. Britt (Owners)**, for property located at **29 Versailles Avenue** requesting Conditional Use Permit approval as permitted under Section 10.815 of the Zoning Ordinance to create a Garden Cottage (Accessory Dwelling Unit). Said property is shown on Assessor Map 222 Lot 61 and is located within the General Residence A (GRA) District. (LU-22-200)

Project Background

The applicant is proposing the conversion of an existing one car garage to a 216 SF Garden Cottage.

Project Review, Decisions, and Recommendations

City staff have provided an analysis of the proposed ADU. See below for more details.

Staff Review | Garden Cottage Standards 10.815.30

Different from an Accessory Dwelling Unit, a Garden Cottage that complies with the standards of Section 10.815 is otherwise exempt from the residential density standards of the Zoning Ordinance (e.g. minimum lot area per dwelling unit). Garden Cottages must comply with the standards in Section 10.815.30 (below). Staff has conferred with the Building Official regarding the size and configuration of the proposed unit and has verified general compliance with the building code. Under state law, ADU minimum and maximum size may be specified by the local municipality but the municipality cannot require ADUs to be smaller than 750 SF. The Zoning Ordinance provides for a maximum 600 SF for a garden cottage but no minimum.

In granting a conditional use permit for a garden cottage, the Planning Board may modify a specific dimensional or parking standard set forth in Section 10.815.30, including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.40.

Garden cottages must comply with standards set forth in the following sections of the Zoning Ordinance:

- 10.814.10
- 10.814.30
- 10.815.20
- 10.815.30
- 10.815.40

Required Standards (10.815.30)	Meets Standard	Does Not Meet Standard	Comments
10.815.31. The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.	√		No expansion proposed
10.815.32 The garden cottage shall not be larger than 600 sq. ft. gross floor area.	√		Total 216 SF
10.815.33 A garden cottage that is within the required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.	√		The rear of the garage is in the setback but no windows are located on that side of the structure.
T10.815.34. The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property.	√		Required condition per zoning ordinance.
Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.	√		Property is on municipal water service.

Planning Department Recommendation

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.815.40 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.815.40 and to adopt the findings of fact as amended and read into the record.

2) *Vote to grant the conditional use permit with the following stipulation.*

2.1) *In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner 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.*

The carport may not be enclosed without providing new direct egress for the unit.

IV. 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.

It is recommended that Item IVB and IVC be discussed together and voted on separately.

A motion is required to consider these items together.

- B.** The request of **Port Harbor Land, LLC (Owner and Applicant)**, for property located at **2 Russell Street** requesting Lot Line Revision Approval to adjust the boundary lines on three lots to create one lot with 18,237 square feet (0.418 acres) of lot area, one lot with 52,651 square feet (1.209 acres) of lot area, and one lot with 19,141 square feet (0.429 acres) of lot area. Said properties are located on Assessor Map 118 Lot 28, Map 124 Lot 12, and Map 125 Lot 21 and lie within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

- C.** The request of **Port Harbor Land, LLC (Owner and Applicant)**, for property located at **2 Russell Street** requesting Site Plan Approval for the construction of 80 residential units, commercial space, and parking in three buildings with associated community space, paving, utilizes, landscaping, and other site improvements including three proposed land transfers to allow for the realignment of the Russell Street & Deer Street intersection and for the City’s future construction of a roundabout at Russell Street and Market Street (Land transfer area 1 is proposed from Map 119 Lot 4 to the City of Portsmouth. Land transfer areas 2 and 3 are from Map 119 Lot 1-1C to the City of Portsmouth); Conditional Use Permit Approval to provide 334 parking spaces on separate lots where 334 spaces are required as permitted under Section 10.1112.62 of the Zoning Ordinance; and Conditional Use Permit Approval to allow a 40,000 square foot building footprint within the CD5 as permitted under 10.5A43.43 of the Zoning Ordinance. Said properties are located on Assessor Map 118 Lot 28, Map 124 Lot 12, Map 125 Lot 21, Map 119 Lot 4, and Map 119 Lot 1-1C and lie within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

Project Background

The proposed project will include lot line adjustments for three existing lots and the construction of three buildings consisting of office, retail/commercial, and residential uses. Building 1 is a proposed 4-story office building at the corner of Deer Street and Maplewood Avenue, Building 2 is a proposed 5-story mixed-use residential building at the corner of Deer Street and Russell Street with below ground parking, first floor residential lobby, commercial space and parking and

56 upper floor residential units, and Building 3 is a proposed 5-story mixed-use residential building along Russell Street with first floor residential lobby and commercial space and 24 upper floor residential units.

The existing condition of the proposed redevelopment parcels does not provide any stormwater treatment. The proposed development will provide stormwater treatment to runoff from the new buildings and surface pedestrian ways via stormwater filtration treatment units. In addition, underground detention systems have been incorporated into the design to address peak runoff rates from the site. The stormwater management system is described in further detail in the enclosed Drainage Analysis.

The project also includes on-site and off-site improvements including wide sidewalks, roadway improvements, community space, lighting, landscaping, and utilities. The proposed development will provide landscape improvements including an enhanced streetscape and plantings, plaza area at the redesigned intersection of Deer Street and Russell Street, and community space areas. The proposed project is providing 22,353 SF of off-site, pedestrian orientated and park space public improvements.

Project Review, Discussion, and Recommendations

The project has been before the Technical Advisory Committee and the Historic District Commission. See below for details.

Historic District Commission Review

The Historic District Commission, at its regularly scheduled meeting of Wednesday, August 10, 2022, considered the application for the construction of (3) new freestanding structures (4-5 story mixed-use and office buildings) as per plans on file in the Planning Department. The Commission voted to grant the Certificate of Approval with the following stipulations:

- 1) Option 1 shall be used showing the dual raised platforms for the open space area aligned with Portwalk Place.
- 2) If allowed by variance or the Zoning Ordinance, Option 2 for the raised cornice shall be used.
- 3) If the garage screen on the rear of the building is changed, the applicant shall return for Administrative Approval.
- 4) The applicant shall do a mockup of a portion of the garage screen prior to installation.
- 5) The applicant shall do a mockup to show the pattern of the blended bricks prior to installation.

Technical Advisory Committee Review

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday,

November 1, 2022, considered the application for Lot Line Revision, and Site Plan Approval and Conditional Use Permit Approval to provide 334 parking spaces on separate lots where 334 spaces are required; and Conditional Use Permit Approval to allow a building footprint up to 40,000 SF within the CD5 as permitted under 10.5A43.43 of the Zoning Ordinance. The Committee voted to recommend:

- Lot Line Revision **approval**;
- Site Plan **approval**; and
- Both Conditional Use Permit **approvals** to the Planning Board with the following **conditions**:

Conditions to be satisfied prior to the Planning Board Submittal date:

- 1) Applicant will replace the speed bump with a speed hump and will include construction details consistent with ITE standards.
- 2) The farthest east parking space on Deer Street next to the fire hydrant will be eliminated.
- 3) The applicant will work with the Department of Public Works to coordinate the relocation of the Sewer Main.
- 4) Applicants will update plans to include a high visibility at-grade crosswalk with striping and ADA compliant ramps and RRFB's to be reviewed and approved by the Department of Works.
- 5) Per NHDOT standards applicant will update plans to show all street lights on either end of crosswalks will be no less than 10 feet from the nearest edge of the crosswalk with luminaire centered over the travel lane of the street, and RRFB push buttons will be no more than 5 feet from the edge of crosswalks and no more than 10 inches from level landings.
- 6) Applicant will update plans to provide sharrow markings every 100 feet.
- 7) Per MUTCD requirements, applicant will update plans, related notes, and sign summary (sheet C-503) to include a ONE WAY sign at the intersection of Maplewood Ave and the rear shared roadway and a DO NOT ENTER sign at the end of the rear shared roadway at its intersection with Green St.
- 8) Applicant will remove the left/through pavement arrow on Deer Street at Russell Street.
- 9) Applicant will provide borings data and other supporting information to demonstrate why on-site infiltration is not practical in this redevelopment. Data and supporting information to be submitted to CMA Engineers for reviewed. The Department of Public Works to review final comments by CMA.
- 10) The applicant will update plans, related notes, and sign summary (sheet C-503) to include the installation of a MUTCD-compliant stop sign (R1-1) at the northerly end of the rear access aisle where it meets Green Street.
- 11) Applicant will update plans, related notes, and sign summary (sheet C-503) to provide clearly visible signage to indicate "No Public Parking" along both ends of the driveway northerly driveway to deter public parking and unnecessary on-site conflicts.

- 12) Applicant will provide a letter with their next submission addressing the changes that have been made to the plan set as a result of the TAC stipulations of approval or further project development.
- 13) Applicant will update the access easement plan to provide a temporary construction access easement across the entirety of map 119 lot 4.

Subsequent to Planning Board approval but prior to Building Permit issuance:

- 14) Proposed tree grates, planting details, and planting species will be require approval from the Trees and Greenery Committee.
- 15) Proposed changes to on-street parking will require approval from Parking and Traffic Safety Committee and the City Council.
- 16) Applicant will copy the City of Portsmouth DPW on all related correspondence because this infrastructure lies within the City's right-of-way and can affect traffic operations at the adjacent municipal intersections. The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.
- 17) Fair share contribution for the roundabout at Market Street and Russell Street.

The updated submission, as provided to the Planning Board, satisfies all stipulations above with the exception of those identified as *Subsequent to Planning Board approval but prior to Building Permit issuance*. The Department of Public Works reviewed the most recent submittal and plans and have requested the following additional conditions be included with a Planning Board approval:

- “No public parking” sign at garage entrance from backside.
- An easement will be needed across map 119, map 4 for the construction of the round-a-bout.
- Applicant will copy the City of Portsmouth DPW on all related correspondence with CSX. This project abuts CSX property and could affect railroad and vehicular operations in adjacent municipal intersections. The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.

Planning Department Recommendation

Subdivision

- 1) *Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as amended and read into the record.

- 2) *Vote to grant subdivision approval with the following stipulations:*
 - 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
 - 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*
 - 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City;*

Site Plan Approval

1) Vote to 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.

(Alt.) Vote to 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 amended

2.) Vote to grant Site Plan Approval with the following conditions:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *Proposed tree grates, planting details, and planting species will be require approval from the Trees and Greenery Committee.*
- 2.2) *Proposed changes to on-street parking will require approval from Parking and Traffic Safety Committee and the City Council.*
- 2.3) *Applicant will copy the City of Portsmouth DPW on all related correspondence because this infrastructure lies within the City's right-of-way and can affect traffic operations at the adjacent municipal intersections. The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.*
- 2.4) *Fair share contribution for the roundabout at Market Street and Russell Street. "No public parking" sign at garage entrance from backside (show on plans).*
- 2.5) *An easement will be needed across map 119, map 4 for the construction of the round-a-bout. .*
- 2.6) *Applicant will copy the City of Portsmouth DPW on all related correspondence with CSX. This project abuts CSX property and could*

affect railroad and vehicular operations in adjacent municipal intersections. The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.

- 2.7) *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.*
- 2.8) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 2.9) *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.*
- 2.10) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.11) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
- 2.12) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

Conditional Use Permit – 10.1112.62 Shared Parking

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as amended and read into the record.

2) *Vote to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to grant the conditional use permit as presented with the following condition:*

- 2.1) *The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.*

Conditional Use Permit – 10.5A43.43 Maximum Building Footprint

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as amended and read into the record.

2) Vote to grant the conditional use permit to allow a building footprint up to 40,000 SF within the CD5 as permitted under 10.5A43.43.

IV. 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.

- D. The request of **Tom Balon and EightKPH, LLC (Owner and Applicant)**, for property located at **161 Deer Street** requesting Site Plan Review approval for the construction of a four (4) story building to include a penthouse, commercial space, 19 dwelling units, and associated site improvements. Said property is shown on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5), Downtown Overlay, North End Incentive, and Historic Districts. (LU-22-173)

Project Background

The project consists of the replacement of the existing one story commercial building at 161 Deer Street with a new 4 story with a Penthouse building with the associated and required site improvements. The new building is intended to be known as 88 Maplewood Avenue. The re-development will include parking below street level. The site redevelopment consists of replacing the existing structure with a new structure. The site is known as DSA Lot 5; part of the Consolidation and Subdivision Approved by the Planning Board in 2016. The property was a part of the overall planning for development on the 5 lots and had a proposed building designed; however that building did not go through and complete the permit process entirely. This application revises the proposed building and as such is in HDC review.

Project Review Discussion and Recommendations

The application has been before the Historic District Commission and the Technical Advisory Committee. See below for more details.

Historic District Commission

The Historic District Commission, at its regularly scheduled meeting of Wednesday, October 05, 2022, considered the application for the demolition of the existing structure and the new construction of a new mixed-use building as per plans on file in the Planning Department. The Commission voted to grant the Certificate of Approval as presented.

Technical Advisory Committee Review

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday, October 4, 2022, considered the application for Preliminary and Final Subdivision and voted to recommend approval to the Planning Board at the October meeting with the following stipulations:

- 1) Applicant will update plan set to reflect proposed 70 Maplewood address.

- 2) Applicant will update landscaping plan to add additional tree to northern corner of the property as presented to TAC at the 11/1 meeting.
- 3) Applicant will update the demolition plan to show existing water and sewer service is terminated at the main. Updates to be reviewed by Department of Public Works.
- 4) New proposed location of wayfinding sign (Sheet C-3) will be reviewed and approved by Department of Public Works.
- 5) New layout of the sprinkler room will be reviewed and approved by Department of Public Works.
- 6) Applicant will updated street lighting circuit to originate from a streetlight or street light pull box for Department of Public Works review and approval.
- 7) Updated language pertaining to extending existing water stubs to building (call out box in southern corner of proposed building, sheet C-5) will be reviewed and approved by DPW.
- 8) Applicant will update standard light pole detail to be consistent with the City standard pole detail for Department of Public Works review and approval.
- 9) Applicant will work with Eric Eby to determine proper width of parking level entrance.
- 10) Applicant will make a \$50,000 contribution to the Maplewood Avenue corridor video detection signal system.
- 11) Applicant will include all approvals from Trees and Greenery with the updated submission
- 12) Applicant will update plans to include revised existing easement and proposed easement(s) with Eversource, and will coordinate with the Department of Public Works to create a new easement around the drain line to the west of the building if needed. Applicant will also confirm how access rights are being provided across adjacent lot and provide an access easement if needed. If total number of easements equals 3 or more, applicant will provide an easement plan with unique identifiers and corresponding table.
- 13) Applicant will update plans, related notes, and detail sheets to include a pedestrian and vehicle warning at the garage entrance to be reviewed and approved by Department of public works.
- 14) Applicant will present a redesign of the pocket park entrance at Maplewood Avenue to increase radii of walkway and encourage better pedestrian circulation to Nick Cracknell in the Planning Department.
- 15) Applicant will provide a letter with their next submission addressing the changes that have been made to the plan set as a result of the TAC stipulations of approval or further project development.

The updated submission, as provided to the Planning Board, satisfies all stipulations above with the exception of #6 which has been revised by Public Works to read:

- Install new pull box on each side of conduit crossing Deer Street for street lights.

In addition to stipulation #6, DPW have reviewed and have requested the following additional conditions be included with a Planning Board approval:

- Proposed easement to Eversource must be expanded to include area over conduit crossing map 125, lot 17-2.
- Provide detail sheet on pedestrian/vehicle warning sign/device at garage entrance.

Planning Department Recommendation

1) *Vote to 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.*

(Alt.) Vote to 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 amended

2.) *Vote to grant Site Plan Approval with the following conditions:*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *Applicant will updated street lighting circuit to originate from a streetlight or street light pull box for Department of Public Works review and approval.*
- 2.2) *Applicant will make a \$50,000 contribution to the Maplewood Avenue corridor video detection signal system.*
- 2.3) *Proposed easement to Eversource must be expanded to include area over conduit crossing map 125, lot 17-2*
- 2.4) *Provide detail sheet on pedestrian/vehicle warning sign/device at garage entrance.*
- 2.5) *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.*
- 2.6) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 2.7) *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.

- 2.8) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

- 2.9) *Install new pull box on each side of conduit crossing Deer Street for street lights.*
- 2.10) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;*
- 2.11) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*
-

IV. 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.

- E. The request of **Seaport Realty LLC (Owner)**, for property located at **85 Daniel Street** requesting Site Plan Approval to add a two-story rear addition and convert the existing structure into a four unit building consisting of 4 apartments with associated stormwater, utility and site improvements. Said property is shown on Assessor Map 107 as Lot 8 and lies within the Character District 4 (CD4) and Historic Districts. (LU-22-75)

Project Background

This site review application is for renovations and site improvements to an existing, fully developed site. The existing building consists of dormant retail units and a residential unit with paved parking accessed via Custom House Court. This application contemplates executing the approved additions to the existing building and converting the property into four residential units, with associated improvements. The proposal is to create two residential units of less than 500 square feet on the first floor with associated home office space, and two larger units on the second and third floors. Four off street parking spaces are to be provided, two in the garage and two outside. Proposed improvements include renovation to the interior and exterior of the building, adding the dormers and garage, removal and relocation of utility pole in the rear of the site, relocating the sewer connection in the rear of the site and installation of new parking areas.

Project Review Discussion and Recommendations

The application has been before the Historic District Commission and the Technical Advisory Committee. See below for more details.

Historic District Commission

The Historic District Commission, at its regularly scheduled meeting of **Wednesday, May 04, 2022**, considered the application for allow new construction to an existing structure (remove and replace rear addition and remove and replace roof with new dormers) and renovations to an existing structure (replace windows, siding, trim, and front stoop) as per plans on file in the Planning Department. The Commission voted to **grant** the Certificate of Approval with the following stipulations:

- 1) Half-screens shall be used.
- 2) The applicant shall return for Administrative Approval for the garage doors

to ensure that they have a smooth texture and not a faux wood grain finish.

Technical Advisory Committee Review

The Technical Advisory Committee, at its regularly scheduled meeting of **Tuesday November 1 , 2022**, considered the application for Site Plan Approval The Committee voted to recommend approval to the Planning Board with the following condition:

To be satisfied prior to the Planning Board submittal date:

- 1) Applicant will work with Fire and Building department to confirm proposed lift system is compliant with building and life safety codes or will request a parking Conditional Use Permit.

Conditions have been satisfied with the updated submission as provided to the Planning Board. The applicant met with the Building Official, Shanti Wolph on 11/3/22 and 11/4/22 to review the parking lift information and it was determined that the proposed model lift and layout would be compliant with applicable codes.

Planning Department Recommendation

1) Vote to 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.

(Alt.) Vote to 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 amended

2.) Vote to grant Site Plan Approval with the following conditions:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *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.*

IV. 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.

- F. The request of **Jonathan Watson Sobel Revocable Trust (Owner)**, for property located at **49 Sheafe Street** requesting preliminary and final subdivision approval to subdivide one (1) lot with an area of 5,402 s.f. and 50.55 ft. of continuous street frontage on Sheafe Street and 22.93 feet of frontage on Custom House Court into two (2) lots as follows: Proposed lot 1 with an area of 1,855 s.f. and 22.93 ft. of continuous street frontage on Custom House Court; and Proposed Lot 2 with an area of 3,548 s.f. and 50.55 ft of continuous street frontage on Sheafe Street. Said property is shown on Assessor Map 107 Lot 21 and lies within the CD4 and Historic Districts. (LU-22-179)

Project Background

The applicant is seeking to subdivide one lot into two lots for estate planning purposes. The existing lot has 3 buildings. Proposed Lot 1 will contain one of the existing buildings and will be 1,855 square feet in lot size and will have access from Sheafe Street from the walkway that extends from Sheafe Street to the front door. The walkway will continue to provide access to Lot 2. Parking for Lot 1 is in a garage accessed from Custom House Court. Proposed Lot 2 contains two buildings and will be 3,548 square feet in lot size. Both lots will maintain Sheafe Street addresses.

Project Review Discussion and Recommendations

This project was before the Technical Advisory Committee. For more information see below.

Technical Advisory Committee Review

The Technical Advisory Committee, at its regularly scheduled meeting of **Tuesday December 6, 2022**, considered the application for preliminary and final subdivision approval. The Committee voted to recommend approval to the Planning Board with the following condition:

- 1) Water service line shall be installed and functioning prior to recordation of the subdivision plat.

Planning Department Recommendation

- 1) Vote to find that the Subdivision application meets the standards and requirements

set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.

(Alt.) Vote to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as amended and read into the record.

2) Vote to grant preliminary and final subdivision approval with the following stipulations:

2.1) Water service line shall be installed and functioning prior to recordation of subdivision plat;

2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;

2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City;

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

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.

- G.** The request of **Darren Kenny (Owner)**, for property located at **800 Mcgee Drive** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of 168 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 12' shed on top of 2" of crushed stone in an area that is 12 x 14' within the wetland buffer. The applicant is proposing an area that is farthest from the wetland edge and has already done invasive species removal on site and within the 25' vegetated buffer strip. Said property is shown on Assessor Map 219 Lot 45-6 and lies within the Single Residence B (SRB) District. (LU-22-208)

Project Background

Applicant is requesting a wetland conditional use permit to install a new shed on their property. The shed is located completely within the 100' wetland buffer where there is currently lawn.

Project Review Discussion and Recommendations

This application has been before the Conservation Commission. See below for more details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, November 09, 2022, considered the application for a Wetland Conditional Use Permit under section 10.1017. The Commission voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following stipulations.

1. The Conservation Commission recommends the property owner follow NOFA land care standards on the site.
http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf
2. The Conservation Commission recommends the property owner consider native plantings where bittersweet currently is being removed.

Staff Analysis

1. The land is reasonably suited to the use activity or alteration.

Applicant is proposing to construct a new shed in an area of lawn just beyond the driveway. The shed itself will be 10x12 in size and will be placed on a crushed stone area 12x14 in size. The size of the stone area will allow for infiltration of stormwater from the shed below the footprint

area of the shed. Given that this will be located approximately 75 feet from the edge of the wetland, the proposal is within the 100' wetland buffer where grass currently exists.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

Given the side yard setback, the shed is being placed 10 feet from the property line and cannot be placed in front of the principal structure. The entire backyard of the property is within the 100' wetland buffer therefore the location is as far from the resource as practicable.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The small size of the shed, distance from the wetland and the infiltration proposed with the crushed stone will reduce any impacts due to the new impervious surface area of 120square feet.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The shed is proposed to be located over an existing lawn area. Given the lawn area will be replaced with crushed stone and the shed there is some lawn area being removed. This work will amount to 168 square feet of new crushed stone in an area of lawn. The applicant has been removing invasive species from the wetland buffer. A planting plan for the buffer would be appropriate in order to establish a more effective buffer along the shoreline of the pond.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

Given the small size of the project there significant impacts are not expected. A plan for replanting the 25' vegetated buffer would easily offset any impacts from the proposed shed.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The applicant has been removing a well-established area of Asian bittersweet. The shoreline would benefit from the planting of native plants in this location.

Planning Department Recommendation

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in

Section 10.1017.50 and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.

2) Vote to grant the Wetland Conditional Use permit with the following conditions:

2.1) The Conservation Commission recommends the property owner follow NOFA land care standards on the site.

http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

2.2) The Conservation Commission recommends the property owner consider native plantings where bittersweet currently is being removed.

IV. 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.

- H. The request of **Jaws LJ Jaws Brindamour Revocable Trust** and **SC Brindamour Revocable Trust (Owners)**, and **Luke J. Brindamour (Applicant)**, for property located at **653 Greenland Road** requesting Conditional Use Permit approval as permitted under Section 10.814.50 of the Zoning Ordinance to create a Detached Accessory Dwelling Unit in an existing Garage. Said property is shown on Assessor Map 259 Lot 31 and is located within the Single Residence B (SRB) District. (LU-22-228)

Project Background

An accessory dwelling unit that is constructed within an accessory building on a lot containing one single-family dwelling. A detached accessory dwelling unit may be connected to the single-family dwelling by an unenclosed structure (such as a breezeway) or by an unconditioned space.

The proposal is for the conversion for an existing detached garage and recreation space to a detached accessory dwelling unit. Accessory Dwelling Unit regulations (ADU) were adopted in 2017, the garage appears to have been built in 2010 allowing this to qualify for a garden cottage – meeting all the requirements for a garden cottage except the maximum size of 600 SF. The applicant has submitted this as a detached ADU and requires the following modification to standards shown below in the staff analysis.

Attached accessory dwelling units must comply with standards set forth in the following sections of the Zoning Ordinance:

- 10.814.10
- 10.814.20
- 10.814.30
- 10.814.50

Project Review, Decisions, and Recommendations

City staff have provided an analysis of the proposed ADU. See below for more details.

Staff Review | Detached Accessory Dwelling Unit Standards 10.814

In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.52 through 10.814.56, including requiring additional or reconfigured off-street parking

spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.

Required Standards (10.814.50)	Meets Standard	Does Not Meet Standard	Comments
10.814.51 In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district. (For example, the required lot area for a single-family dwelling with a DADU in the GRA district is 7,500 sq. ft. per dwelling unit multiplied by 2 dwelling units, or 15,000 sq. ft.) In a Single Residence or Rural district, a lot with a DADU shall comply with the minimum lot area for the district, but need not comply with the minimum lot area per dwelling unit.	√		Lot area for the property is 22,215 SF
10.814.52 The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.	√		One bedroom, 660 SF DADU is proposed
10.814.53 The DADU shall be clearly subordinate to the principal single-family dwelling in scale, height and appearance.	√		The DADU is 24 feet to the peak of the roof including the second floor with dormer. The primary residence is 35 feet in front and 45 feet in the rear. The DADU presents as a smaller out building/garage.
10.814.531 The façade area of the DADU that faces a street on which the lot has frontage shall be no more than 40 percent of the combined visible façade areas of the principal single-family dwelling and the DADU facing the same street.	√		Applicant indicates that the total façade percentage as viewed from Versailles is 39%.
10.814.532 The building height of the DADU shall be less than the building height of the principal single-family dwelling.	√		The DADU is 24 feet to the peak of the roof including the second floor with dormer. The primary residence is 35 feet in the front and 45 feet in the rear.
10.814.533 The DADU shall be architecturally consistent with the principal dwelling through the use of similar materials, detailing	√		The proposed DADU appears to be the same material and color with the same trim details as the primary structure. The roof pit, presence of dormers, and roof material are similar to the primary structure.

Required Standards (10.814.50)	Meets Standard	Does Not Meet Standard	Comments
10.814.54 The DADU shall be separated from the single-family dwelling by at least 20 feet.		√	Aerial measurement suggests that the building separation is 20 feet. Applicant has indicated that the distance is just short of 20 feet.
10.814.55 The front wall of the DADU shall be set back at least 10 feet further from the front lot line than the existing front wall of the single-family dwelling.		√	As a corner lot, the building has two front lot lines. The existing garage is not within the required setback but is forward of the existing dwelling unit.
10.814.56 No portion of the DADU shall be located in any required front yard, regardless of the location of the single-family dwelling.	√		DADU is 30ft from the front lot line in accordance with required front yard.

Planning Department Recommendation

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.814.60 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.814.60 and to adopt the findings of fact as amended and read into the record.

2) *Vote to grant the conditional use permit with the following modification and conditions.*

- *Modification to 10.814.54 to allow the DADU shall be separated from the single-family dwelling by less than 20 feet.*
- *Modification to 10.814.55 to allow the front wall of the DADU to be closer to the front lot line than the existing front wall of the single-family dwelling.*

2.1) *In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner 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.*

V. CITY COUNCIL REFERRALS

- A.** Review and discuss Phase II Regulatory Amendments and set a public hearing date for consideration.

Project Background

On February 7, 2022, the City Council established the Land Use Committee to look at diversifying land use regulations within the City. As part of the first package of amendments, the Land Use Committee has focused on advancing the citywide housing goals identified by City Council in their 2022-2023 Goals. These objectives were refined on February 27, 2022 and include:

1. Increase diversity of housing types and price points;
2. Remove regulatory barriers for housing diversification in neighborhoods (ADUs) with context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts;
3. Restructure incentives to deliver greater public benefit in workforce housing construction; and
4. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

Regulatory Amendment Work Plan and Phase 1 Amendments

On April 9, 2022, the Land Use Committee approved transmittal of the draft 2021 Regulatory Amendment Work Plan to City Council. The City Council approved the Regulatory Work Plan on April 18, 2022. The work plan consists of three phases:

- 1. Phase 1: Code Clean-Up – Building Height Standards. Adopted**
Purpose: Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.
- 2. Phase 2: Accessory Dwelling Unit Amendments (ADUs) Under Consideration**
Purpose: Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.
- 3. Phase 3: Incentive Amendments Anticipated Drafts in 2023**
Purpose: Adjust incentives to place a higher emphasis on Workforce Housing.

Phase 2 Public Involvement Summary Report

On July 11, 2022, staff presented a Public Involvement Summary Report to City Council. The Summary Report provided an overview of outreach that had taken place in the spring of 2022 and was developed to inform regulatory

amendments. The report identified the first two phases of outreach summarized below.

1. **Small Focus Group Meetings.** Four meetings took place over the course of two weeks from June 9th to June 15th when staff and a representative/moderator from the Land Use Committee met with representatives from four groups of stakeholders:
 - Previous applicants,
 - Architects,
 - Engineers, and
 - Neighborhood representatives.
2. **ADU Direct Abutter Survey.** A survey was distributed to over 200 direct abutters of approved ADUs built within the last five years.

Key Themes

The following key themes were identified in response to public outreach and were summarized in the Public Involvement Summary Report.

1. Process navigational support is needed.
2. Dimensional relief is both an obstacle and a protection.
3. There is considerable cost and risk in the process and this is a deterrent.
4. Regulations for ADUs need to be clear and implementable.
5. Foremost among abutters concerns are: parking, short term rentals, neighborhood character, and buffering and separation.
6. Abutters were generally positive about ADU's.

The third phase of public involvement will take place through public meetings and public hearings. This phase has includes public input provided in the Land Use Committee.

Phase 2 Amendments Timeline | Land Use Committee Review and Recommendation

The Land Use Committee reviewed public input provided in the Public Involvement Summary Report on July 1, 2022, the product of outreach to stakeholders, ADU abutters, and subject matter experts. On August 5, 2022, the Land Use Committee began their work to develop draft ADU amendments to address City Council adopted goals. Between August and November, the Land Use Committee received significant public input and has continued to work with consultant Rick Taintor to respond to public input in the refinement of ADU regulations. On November 4, 2022, the Land Use Committee finalized recommended amendments and forwarded those to City Council for referral to the Planning Board.

On November 14, the City Council referred draft regulations to the Planning Board for a recommendation.

Planning Department Recommendation

Vote to set date for a public hearing at the regular Planning Board meeting scheduled for January 19, 2022 and to schedule a workshop for one of the two dates identified in the recent poll to the Planning Board:

- *December 22, 2022 or*
 - *January 26, 2022.*
-

VI. OTHER BUSINESS

- A. Gregory and Amanda Morneault (Owners)**, for the property located at **137 Northwest Street** requesting a 1-Year Extension to the Planning Board approval for a Wetland Conditional Use Permit granted on January 27, 2022. (LU-20-222)

Project Background

The Planning Board, at its regularly scheduled meeting of Thursday, January 27, 2022, considered the application for Wetland Conditional Use Permit under Section 10. 1017 of the Zoning Ordinance to impact 5,062 square feet of wetland buffer and 45 square feet of tidal wetland. The Board voted to grant the request.

10.1017.72 The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date. Any other extension may be granted only after a new public hearing on the reconsideration of the application.

Planning Department Recommendation

1) Vote to grant a one-year extension of the Wetland Conditional Use Permit as requested.

VI. OTHER BUSINESS

- B. 2422 Lafayette Road Associates LLC (Owner), and Torrington Properties Inc. (Applicant),** for property located at **2454 Lafayette Road** requesting a 1-year Extension to the Planning Board approval for Site Plan and CUP permits granted on December 30, 2021. (LU-21-192)

The Planning Board, at its regularly scheduled meeting of **Tuesday, December 30, 2021**, considered the application to amend a previously granted Conditional Use Permit to provide less than required parking in accordance with Section 10.1112.14 of the Zoning Ordinance and Conditional Use Permits for increased housing density and for increased building height as allowed by Section 10.5B72.10 and Section 105B72.20 of the Zoning Ordinance, and development within the Gateway Neighborhood Mixed Use District in accordance with Section 10.5B40 of the Zoning Ordinance; and for Site Plan Review to demolish the existing structure and construct a five (5) story structure with 95 condominium units with 20% designated as workforce housing units and provide 21,896 square feet of community space The Board voted to grant the approval with conditions.

10.246.10 A conditional use permit shall expire unless a building permit is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. 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.

Section 2.14 of the Site Plan Review Regulations provide that the Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permit as requested.*

VI. OTHER BUSINESS

C. Chairman's Updates and Discussion Items

D. Board Discussion of Regulatory Amendments and Other Matters

Vote to schedule a workshop for one of the two dates identified in the recent poll to the Planning Board:

- *December 22, 2022 or*
- *January 26, 2022.*

VII. ADJOURNMENT