

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

February 23, 2023

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Assistant City Engineer; Beth Moreau, City Councilor; Greg Mahanna; Peter Harris; James Hewitt, Members; Andrew Samonas, Alternate

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ALSO PRESENT: Peter Stith, Principal Planner; Nicholas Cracknell, Principal Planner

MEMBERS ABSENT: Jane Begala

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REGULAR MEETING 7:00pm *(Continued from February 16, 2023)*

*Items in brackets denote timestamp of recording

[5:15] The meeting began at 7:00 p.m.

Chairman Chellman began the meeting by noting that Mr. Samonas would be sitting in for Ms. Begala as she was unable to make the meeting.

I. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. Phase II Regulatory Amendments** – The Planning Board will consider a recommendation to City Council to adopt amendments to Article 8 Supplemental Use Standards: Section 10.440 Table of Uses, Section 10.814 Accessory Dwelling Units, and Section 10.815 Garden Cottages; Article 11 Site Development Standards: Section 10.1110 Off-Street Parking; and Article 15 Definitions related to Accessory Dwelling Units and Garden Cottages.

SPEAKING TO THE APPLICATION

[6:45] Nicholas Cracknell gave a brief recap of the work done thus far by the Land Use Committee on the amendments for the ordinance. In total since 2017, there have been 37 ADU applications and 13 have been constructed so far. He proceeded to give background information on the zoning, size and types of ADU's that have been constructed. The policy objectives of these amendments are to reduce barriers, strengthen the ordinance and to make this part of the ordinance easy to understand.

[12:22] With the goal of barrier reductions, the biggest change to meet this goal will be removing the lot size requirements for the new detached ADU. The introduction of the administrative approval process will make it easier for minor projects to get through the process. Lastly, the change from GFA to GLA and removing the waiver provision for larger units has impacted the barriers previously seen with this ordinance. They have clarified the waiver requirements and the architectural design standards to provide clear intent and reduce inconsistencies. There is also now a five-foot building separation requirement between a detached ADU and the principal structure.

[17:45] Mr. Cracknell proceeded to go through the changes that were made following the last Planning Board meeting. These changes were mostly clerical changes that included grammar, typos, heading changes, etc. along with procedural changes and material changes.

[19:48] Mr. Cracknell proceeded to go through each proposed change line by line.

[29:36] Mr. Hewitt asked for clarity on the building separation rule, whereas the 2017 DADU's needed to be twenty feet from the principal structure and now it was being changed to five feet. He specifically wanted clarity on why it was changed and if there were any fire service issues with that distance.

Mr. Cracknell responded that there were multiple fire safety requirements that make buildings meet fire code when they are within five feet of each other, these include special windows, wall materials, etc. The original twenty-foot distance was seen to not allow many people to build DADU's because it takes away flexibility for where they can be placed and requires certain lot sizes to fit them onto the property with that required distance. If amended, it would require five feet of distance or whatever the building code requires, whichever is the greater distance.

[37:02] Vice Chair Clark requested that they clarify that this amendment would be for new DADU's and not existing structures.

[38:30] Mr. Hewitt asked for clarification on the height standards. Mr. Cracknell noted that a DADU can be taller than the principal structure if it is separated from the principal structure by a distance equal to the difference in building height between the detached dwelling unit and the principal structure.

[41:28] Mr. Harris asked for clarification on the abutters notice requirement for administrative approvals and asked if it was a requirement on other boards currently. Mr. Cracknell noted that while other boards like the HDC do have administrative approvals, they do not have the type

associated with this abutters notice rule. In these cases, the administrative approval would go through the Planning Director.

[43:34] Mr. Hewitt commented that he noticed the biggest changes in these amendments with the reduction in barriers for the DADUs. He was curious why only one out of the thirteen constructed ADUs, was a detached ADU. Mr. Cracknell noted that there were many under construction but also many lots in Portsmouth don't meet the required lot size for a DADU which would require twice as much of what they already have to conform. The hope is with these amendments, more DADUs will be able to meet the requirements and come in with applications.

[47:00] Mr. Mahanna wanted to know if the Board could have input on the handbook/user guide. He felt that as a representative of the public he felt it was important to make sure all of the details of these amendments are made clear and easy to understand by the public. Mr. Cracknell noted that they plan to include the Planning Board in the draft stages of the handbook to help guide the process of making it easier to understand.

[48:52] Councilor Moreau noted that she would like to see the 1.221 Use Table for Administrative Approvals for Attached ADU's for existing buildings. She felt the previous version was better and the proposed version acted as a barrier.

[50:02] A conversation ensued about the various pros and cons of this amendment.

PUBLIC HEARING

[54:49] Chairman Chellman opened the public hearing.

[55:08] Liza Hewitt of 726 Middle Road commended the proposed changes and noted that they created a better Zoning Ordinance because of updates. Her remaining issue is with the lot areas, noting that the infill will be a challenge for the people living in those areas and the decrease in necessary lot size to have an ADU is concerning and will impact neighborhoods.

[1:00:20] Petra Huda of 280 South Street asked for clarification on why the building coverage areas, lot sizes and dwelling units were felt to be a positive change as previously noted by Ms. Hewitt. She requested that the first page include the phrase 'abutter notification' in two spots. She also asked for further clarification on multiple sections, noted that some areas of change were too wordy and brought up potential confusion for addressing ADU's compared to the principal structure address.

[1:13:37] Mr. Cracknell responded to the comments from the public.

[1:27:49] Ms. Huda asked a clarifying question about abutter issues and how administrative decisions would work in those cases.

[1:30:50] Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[1:30:55] Chairman Chellman mentioned that he had made notes about the comments received and comments from the Board members about building separations. He noted there was a proposed amendment change made by Councilor Moreau on the table to decide on. A discussion commenced on proposed changes and Councilor Moreau's proposal was amended to only impact the rural, SRA and SRB zones while the other zones would become P for Permanent.

[1:41:43] Councilor Moreau made a motion to recommend to the City Council the zoning as it sits with the following changes:

- *In 1.221 the GRA, GRB and GRC will be administrative approvals. Additionally, MRO, CD4L1, CD4L2 and MRB would also include administrative approvals.*
- *In 10.814.44 the newly constructed detached ADU shall comply with minimum separation requirements of five feet or what is established by the building code, whichever is greater.*
- *In 10.814.611 there are two forms of notice, both signage and the notice of 100 feet. This will be broken out into two bulleted points to clarify.*

[1:43:07] Vice Chair Clark seconded the motion. The motion passed unanimously.

II. OTHER BUSINESS

III. ADJOURNMENT

The meeting adjourned at 8:44 pm.

Respectfully submitted,

Kate Homet,
Acting Secretary for the Planning Board