

**PLANNING BOARD Work Session  
PORTSMOUTH, NEW HAMPSHIRE**

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

**February 27, 2025**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Anthony Coviello, Vice Chair; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas, William Bowen, Ryann Wolf and Alternate Frank Perier.

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**ALSO PRESENT:** Peter Stith, Planning Department Manager

**MEMBERS ABSENT:** Karen Conard, City Manager

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Chair Chellman called the meeting to order at 6:00 p.m.

**I. ZONING AMENDMENTS**

**A. Co-living**

[Timestamp 4:28] Co-living projects in Character Districts CD4 and CD5 were discussed. Chair Chellman said it was more of a test run in those districts and that it could occur in other locations if it worked. Mr. Bowen brought up the issue of affordable housing and said the Master Plan seemed to imply that it was more attractive in the outlying areas. Councilor Moreau said the City Council had considered what land might be affordable enough to create workforce housing and that was the reason they considered it outside of the City's core. Mr. Bowen said it was a viable proposition in the urban core because of the parking. He said 80 units downtown would have a minimum of 60 and a maximum of 80-90 cars. He said several hundred private off-street parking spots would go away as projects got development, so the parking problem would get worse. He said the City's parking supply and demand study and proposed parking principles indicated that the City would ensure an adequate supply of parking for short-term and long-term parkers downtown associated with commercial land uses and institutions through the development of policy programs and infrastructures. He said parking overnight in downtown was primarily a private responsibility, so the proposal the Planning Board was being given would provide about 80 cars, and the basic premise was that one parking space would be required for every four units. He said it would push the 60-70 car requirement over to Hanover Street, which was about 10 percent of the capacity of the Hanover Street Garage. He said the Board should be cognizant of the impact of the number of people who would probably have cars in that area as well as the impact of the availability of parking for all the other people who worked downtown or visited downtown. It was further discussed. Ms. Wolf said many Portsmouth workers tried to live closer to their work place so they didn't have to drive. Mr. Bowen said he was uncomfortable about taking the issue on conjecture without having an expert's opinion. Vice-Chair Coviello said the City was treating parking downtown as a utility, so if there was a parking shortage, he didn't

think the Board would want to change the zoning but provide more parking. He said the experts said a 650-car parking garage was needed in the next five years. He said someone who worked downtown and did not have a car and just wanted a place to live would be ideal, but he had never seen a demonstrated product like that where it had been successful.

[Timestamp 18:38] Chair Chellman said the time of day usage was mostly peak during the daytime, and another peak was at dinner time but there was some overlap. He said the overnight parking for residential would not be coincidental with the peak usage of high-end condos. He said co-living was a commercial use and different and that the Board could not forecast what would work but could adapt things in the City quickly and make a change. He said he did some research after the Board's October workshop and found that co-living was happening around the country. He cited a Berkeley, California case that had a set of regulations that tried to provide living space for income brackets that were not found downtown. He said demographically it was predominantly a younger crowd in the 40 percent range and then it split to different age brackets. He said he thought it was a reasonable size. Councilor Moreau said the Board had talked about pods and having no more than ten living in a pod, with 40 residents limited to one floor. Chair Chellman said the Board members were thinking about preliminary plans for a project as a possible model for Portsmouth. He said 40 residents seemed to be the scale that other communities had. Mr. Stith said the definition of a facility limited it to ten individuals. It was further discussed. Ms. Samonas brought up government contract leasing and summer intern leasing. He said having employees living downtown with access to their place of work was enough for him to think that it was worth it, but he also thought it could happen with up to 80 people. Vice-Chair Coviello said he would prefer smaller co-living buildings that were not in the downtown core, and it was further discussed. Councilor Moreau said many people worked in downtown Portsmouth and did not have a place to live within walking distance. She said retirees could enjoy that type of living too because it was less maintenance. She said it was a way of protecting some affordability in the core. Mr. Samonas said professional management and agreements that leasers would sign were key pieces. It was further discussed. The language in a co-living leasing contract and annual inspections by the Fire Department were discussed, as well as whether co-living could be the only use on a lot, how many co-living units would be allowed, and whether a full-time manager would be needed. Mr. Almeida said he liked the idea of having a live-in manager per 40 units and that the Fire Department could have a lot of oversight. Microunits were discussed. Professional management and self-governing were discussed. Mr. Bowen said a letter that the Board received was from a business owner who had 4-5 downtown properties and was concerned about the negative impact on his properties because of people not having cars. Councilor Moreau said the Board could ask the Chamber of Commerce to reach out to their downtown core membership and take a survey. Mr. Samonas suggested that the Board ask the City for the trend line of when the Hanover Street Garage was busiest to see if overnight residents would impact parking. It was further discussed. Mr. Almeida said the Board should find other examples of there co-living might exist in the country. It was further discussed.

*Councilor Moreau moved that the Board place co-living on the March 20 meeting agenda and in the meantime request information from the Chamber of Commerce's memberships relating to the CD4 and CD5 zones, get some parking data, and find other examples of co-living in the country. The Board members concurred.*

**Public Comment** [Timestamp 57:25]

Gerald Duffy (via Zoom) of 428 Pleasant Street said there was an unmet demand for about 3,000 rental units based on a housing market study that was done a few years ago. He said service workers was one category and that there was a population of around 1,000 service workers in the greater downtown area. He said it was a critical issue in terms of housing those workers, most of whom were younger and had different living needs than others, but that it could also include elderly people. He said it would inject additional life in the City's core. He noted that four young advocates spoke to the application for the parking relief at the previous meeting, and he hoped the Board could push it through as fast as possible. He said it was just as important to hear from the beneficiaries of it and not just the business owners.

Elizabeth Bratter of 159 McDonough Street suggested one space for every four residents instead of per pod. She said if it was counted as lodging, a commercial use, it could legally be used on the first floor. She said issues like regulations on eviction should be considered. She suggested that the Middle Street's co-living regulations be read to see how it worked and thought the Board could also consult the Housing Authority because people with low incomes might be eligible.

Nicole LaPierre of 34 Rock Street said the Board had the best interest of people but the gamble was with the size. She said she lived across from the the previous co-living building on Brewster Street that had 40 units filled with a mix of older women, people selling drugs, and people who had just gotten out of jail. She said the on-site manager didn't work out and that the City couldn't do much. She said the Board should find several examples of co-living. She said she saw co-living more in terms of waitstaff or other downtown workers and not the elderly and thought the Board should require that the tenants had to work downtown to be eligible for co-living.

[Timestamp 1:07:27] Mr. Almeida said the Brewster Street co-living building was horrible and thought the Board could learn from that situation and realize how important professional management is. Vice-Chair Coviello asked what the Board's intention was for pricing. Mr. Almeida said it would not be workforce housing and was an option for a different housing type that was geared toward the younger demographic. He said the Board could place a maximum size limit on the living space as well as an affordable component to it. It was further discussed. Mr. Almeida said it might be a good idea for people who needed short-term living, like a visiting nurse or professor. Chair Chellman said the Board would get outside input and more data.

**B. Hanover Street Area**

[Timestamp 7:16:00] Mr. Stith showed what was presented in 2020 and said some amendments had been made since then, like a Conditional Use Permit in the North End Overlay District and some height changes in 2022. He said what was now proposed was moving the Downtown Overlay District (DOD) to be in line with the North End Overlay District and that it would follow the same boundary. He said some heights changes that were adopted in 2022 were 2-4 stories or 50 feet, and 2-3 stories. He said the larger zoning change was to make certain current CD5 parcels CD4 instead. He said the front of the 360 Hanover Street property would be CD4-L1 and the boundary would be where the DOD and the North End Overlay District ran in the middle of that property. He said other options were discussed at the October work session, like a

possible CD4W, which he didn't think made sense because it was in the west end. He referenced a table that showed the changes in rezoning of properties between CD5 to CD4 and to CD4-L1. He said the big differences between CD4 and CD5 were building coverage, footprint, and open space. He said the footprint was a big change because a 20,000-sf footprint was allowed in CD5 and a 15,000-sf footprint was allowed in CD4. He said the proposal for the 361 Hanover Street property was over 15,000 square feet. He noted that the property received Board of Adjustment (BOA) approval a few weeks before for the building types along Hanover Street. He said moving the DOD would be more conforming because of the ground-floor residential. He said currently there was no lot-area-per-dwelling-unit, and in the CD4-L1 it was 3,000 square feet per dwelling unit, which would make it nonconforming. He said the uses in CD4 and CD5 were the same. He said 361 Hanover Street got design review approval last spring for the larger building and got BOA approval and would go before the Technical Advisory Committee (TAC) soon.

[Timestamp 1:18:28] Mr. Almeida asked if the project was vested. Chair Chellman said it was not fully vested but there was a protection for a certain time period if things were done within a year. Mr. Almeida asked if the new design was more in keeping with CD4 than CD5. Mr. Stith said the first floor was 19,000 square feet as it existed and conformed to CD5 but would not conform with CD4. Mr. Almeida asked if the Board should be concerned with the term 'downzoning'. Chair Chellman said it would be a downzone and was allowed. Mr. Samonas asked if the Board could see the comparisons between CD4 and CD5 with respect to the criteria that would be different as they pertained to the specific project. Mr. Stith said zoning of the three parcels along Hill and Hanover Streets would change and the boundary of the DOD would change on two parcels as well as the North End Overlay District. Chair Chellman said he wanted to be cautious about comparing project-specific information because if the plan that got design review approval was abandoned, they would have to conform to the new zoning. Mr. Bowen asked how the transition from more intensive, higher density to a lower height and lower density residential worked. He said the people's voices were heard on that one property and the developer responded to it. He asked about the adjacent properties and whether the Board would change something for the ones along Hill Street and would maintain the appropriate stepdown in density and height, which was what the Rock Street residents wanted. Vice-Chair Coviello said a jarring effect of structures in the area was not wanted. Mr. Bowen said any proposed changes would then be in accordance with the objective of stepping down in density before running into the single-family homes. Chair Chellman agreed, and it was further discussed.

### **Public Input [1:31:00]**

Elizabeth Bratter of 159 McDonough Street gave a map to the Board relating to the Hanover Street area and the Mixed Residential Office (MRO) District schedule of uses. She said the City said back in 2015 that MRO uses should be the same as CD4-L1, which was the lowest zoning in the character districts. She said the existing MRO zoning was changed to the highest zoning in Portsmouth next to a neighborhood. She said it was a land trade by the City and part of that was the CD5 zoning. She said Islington Street was also rezoned to CD4-L1 because it was between two neighborhoods. She explained why the neighborhood wanted the zoning to change to CD4W where it was CD5, except for on Hanover Street where they wanted it to be CD4-L1. She said the difference was minimal between CD4 and CD4W, and CD4W use did not have 500-room hotels, 24-hour convenience stores, and so on. She said the reason that CD4W was created was because

there was many old factories at that end of Islington Street and there were still two factories in the neighborhood. She said the neighbors wanted the area changed for the height to match what else was there. She said the neighbors were asking for the height to go down to 2-3 stories or 40 feet maximum on the Islington Creek side of Foundry Place, and asking to have the North End Overlay District and DOD removed from the neighborhood and for it to be CD4W.

Robin Husslage of 27 Rock Street referred to the original document that the neighborhood submitted in 2020 but updated with the 2024 zoning. She said the DOD and North End Overlay District should stop at Bridge Street, where CD5 was. She said they were asking for CD4W because of the uses there, and for the front along Hanover Street converting what was left of 361 Hanover Street to CD4-L1 to match the rest of the properties. She said the heights going up Hill Street could go up another 60 feet. She said the City put the most intense zoning 18 feet from the least intensive zoning, so the neighborhood was asking for CD4W and CD4-L1 and a deduction in height to help with the transition.

Nicole LaPierre of 44 Rock Street said there had been a lot of growth in the last 20 years and that she was not opposed to development but wanted it done right. She asked that the Board consider Ms. Bratter's and Ms. Husslage's requests.

[Timestamp 1:48:15] Councilor Moreau asked if a change could be made with a character district without it being spot zoning. Mr. Stith said a zoning district could be made anywhere. Councilor Moreau said her concern was that the CD4W was much farther away and seemed like spot zoning. Vice-Chair Coviello said the intent of the parking garage had been to buffer the single-family homes around it with some bigger structures and that housing had been needed. He said it did not undo the wrongs of what it did to the neighborhood, but the context made sense. He said the zoning changes presented from Mr. Stith also made sense. He said zoning could last longer than buildings, so he didn't mind rezoning the Heinemann property so that it was more of a buffer property. He said he didn't mind putting zoning in place that tries to restore some of the buffers but thought the Ferguson Plumbing property was going too far. Councilor Moreau said the Ferguson property did have 2-3 stories and 40 feet maximum, and it was further discussed. Councilor Moreau asked if the Hill Street and Bridge Street sides of the plumbing lot matched what they were adjacent to, and the other side matched adjacent to what was across the street from the hotel being built. She thought there would be more than enough room. Mr. Stith said the building was almost 54 feet tall and had a footprint of 16 square feet. Chair Chellman said the building on the end could step down. It was further discussed. Councilor Moreau said she wouldn't be against peeling back the DOD a bit farther. Chair Chellman suggested asking City Staff to sketch up a different idea to discuss at the next meeting. The Deer Street lot shadow studies were further discussed. Mr. Samonas said the neighborhood fought for the 60-40 stepdown but got the 50-ft via a variance. Chair Chellman said the issue was possibly having the heights match across the street. He said the Board should also look at the difference between CD4-L1 and CD4W. Mr. Stith said CD4W was the only area zoned that way and just encompassed an area in the west end. He said it would be odd to have just three parcels zoned CD4W in the middle. Chair Chellman said it wasn't spot zoning and could be done. It was further discussed. Vice-Chair Coviello said the McDonough Street neighborhood was charming and worth protecting and that he would not want to see its character changed. Mr. Almeida said the Northern Tier Study was done in 1992 and showed the Northern Tier built out almost like it

is today. He said a lot of the situations the Board found itself in was the result of people coming up with great ideas to move something forward in a big way, but 50 years later, the Board was still trying to navigate further out. He said the study had graphics that showed hotels and so on that almost matched the design in the existing booklet. Mr. Bowen said if something was approved but then had a variance to allow it to be built higher than what the Planning Board approved, he asked whether the lower height or higher height governed the Board's thinking going forward, like going from 40 feet to 54 feet. Chair Chellman said that from a planning perspective, the stepdown usually transitioned from a higher zone to a lower zone, and on big lots it was easy. Mr. Bowen asked if the Board began at 54 feet or 40 feet. Vice-Chair Coviello said it was taken into context, and if the Board could make reasonable zoning, the chance of the BOA finding a hardship on the property was lessened.

[Timestamp 2:06:17] Mr. Stith asked the Board if they wanted to see more of a change for the North End Incentive Overlay District and DOD or what was proposed in 2020. Chair Chellman said he was good with the change in the North End Overlay District because it was specific as to building footprint and height. Other Board members agreed. Chair Chellman said he understood why the downtown went down to the corner because of the corner store concept, but he heard no one support the that idea in recent times. Councilor Moreau said she would be fine with pulling the DOD back another lot. Vice-Chair Coviello said the corner store was a good point and it would be good for the Board to walk both sides of the area. He said it was about to become a greenway and asked how that would change the perspective on that lot. He asked if there was another use on that lot that would support the use of the future greenway or protect the neighborhood against that. Chair Chellman said he raised the point during the site walk and the feedback was that there were several stores nearby and that the neighbors did not want it. Mr. Almeida said there was a massive amount of business including stores, coffee shops, etc. in the immediate area that made it vibrant, so that model worked too and he thought it would be devastating for the neighborhood if that was lost.

[Timestamp 2:10:39] Mr. Stith said the following issues would be brought to the March 20 meeting: a CD4L1 and CD4W comparison; a revision of the DOD and North End Overlay District boundaries; a revision of the height along Hill and Bridge Streets; and any available shadow studies. Mr. Almeida said he would like to hear from some of the owners of the properties that were up for changes. It was further discussed. Vesting was also discussed.

### **C. Solar**

[Timestamp 2:17:17] Chair Chellman said one of the letters that the Board received tied into the change in the amended process that was brought up at the previous Board meeting. He said current public hearings were held at the Planning Board level on zoning amendments but were more of a town procedure and not a City procedure. He said the Legal Department stated that the Planning Board did not have to have public hearings and that the new process from the Legal Department was for the Board to look at the technical aspects. He said the Board also got a letter from someone who worked on the Sustainability Committee and had pointed out the City's webpage on solar. He said the Board needed to look at that to make sure they were all in agreement. He said the Board could then make a recommendation to the City Council that was based on a public meeting and not a public hearing. He said they could say whether it conformed

to the Master Plan, the website's solar page, or the parking study and then provide a legislative history so that the Council could act. Ground-mounted solar panels were discussed. Councilor Moreau said they should be an appropriate size for the house size and lot size. Mr. Samonas said he found that residential solar panels were 5.4 x 3.25 feet, which was geared toward the general size of a lot. Vice-Chair Coviello said he thought there was a State law mandating the sizes. Chair Chellman noted that there was a solar company in Farmington that had ten ground-mounted panels on a large piece of land. He said that would be fine in the more rural parts of the City. It was further discussed. Chair Chellman said the Board had to look at how big the panels were, how tall they could, how far set back from the property lines they should be, and how they related to the context of the neighborhood. Councilor Moreau said the Board should be specific about where the ground-mounted panels make sense, noting that industrial areas would be great places. Mr. Guiliano said he didn't know how active solar would be without financial incentives. Chair Chellman said solar arrays as a principal use was something the City didn't have yet, and it was further discussed. He said the Board would need graphics to better understand it. Mr. Almeida said large arborvitae or trees could be used to shield large ground-mounted panels.

#### **D. Wetlands**

[Timestamp 2:28:45] Chair Chellman said the Board recently discussed changing the HVAC zoning because the Board of Adjustment granted 32 variances to allow HVAC, which was a good reason to change it. He said it was the same with Conditional Use Permits for wetlands in certain situations. He referred to the rewrite that indicated that if an overall improvement was being made to an existing developed lot, the Planning Board may grant a Conditional Use Permit. He said the ordinance needed additional language to conform with what had been done.

*It was decided to have another work session on solar and wetlands on March 27.*

## **II. OTHER BUSINESS**

No other business was discussed.

## **III. ADJOURNMENT**

The meeting adjourned at 8:32 p.m.

Submitted,

Joann Breault  
Planning Board Meeting Minutes Taker