

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

September 18, 2025

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello, Vice-Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas, William Bowen, Ryann Wolf; and Alternates Frank Perier and Logan Roy

ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS EXCUSED: None.

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I. APPROVAL OF MINUTES

A. Approval of the **August 21, 2025** meeting minutes.

*Councilor Moreau moved to **approve** the August 21 minutes as presented, seconded by Ms. Wolf. The motion **passed** with all in favor, with Ms. Conard and Vice-Chair Coviello abstaining.*

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

A. REQUEST TO POSTPONE The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associates site improvements. **REQUEST TO POSTPONE**

*Mr. Almeida moved to **continue** the petition to the October meeting, seconded by Ms. Conard. The motion **passed** with all in favor.*

SITE PLAN REVIEW

A. REQUEST TO POSTPONE The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associates site improvements. **REQUEST TO POSTPONE**

*Mr. Almeida moved to **continue** the petition to the October meeting, seconded by Ms. Conard. The motion **passed** with all in favor.*

*Councilor Moreau moved to consider the next two items together, seconded by Mr. Almeida. The motion **passed** unanimously.*

III. PUBLIC HEARINGS -- OLD BUSINESS

- A.** The request of **SLF Realty Group LLC (Owner)**, for property located at **400 Spaulding Turnpike** requesting an amended Site Plan approval to change the temporary access path to a permanent access path. Said property is located on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1) District. (LU-25-50)
- B.** The request of **SLF Realty Group LLC (Owner)**, for property located at **400 Spaulding Turnpike** requesting an after-the-fact Wetland Conditional Use Permit for permanent wetland buffer impacts not included in the original Wetland Conditional Use Permit for this project. The new request is an increase in wetland buffer impacts from 1,644 square feet to 3,685 square feet. Said property is located on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1) District. (LU-25-50)

SPEAKING TO THE PETITION

[Timestamp 8:39] Stefanie Tetreault of Tighe & Bond was present on behalf of the applicant and said the work was completed in 2024, which included the replacement of 45 wooden utility structures with steel ones. She said the current proposal was the result of an access deviation. She addressed the new access road, the wetland impacts, the alternative access analysis, the easement, and the property boundary clarification.

[Timestamp 24:52] Vice-Chair Coviello asked if the property was originally Air Force property, and Ms. Tetreault agreed. Councilor Moreau asked how wide the gate would be and if it would keep other vehicles out. Ms. Tetreault said the gate would be 16 feet wide and that unauthorized vehicles would be kept out due to the land's slope and thick vegetation and the wetland markers. Chair Chellman asked if Eversource would have the only key, and Ms. Tetreault agreed.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 26:45]

Christine Wade of 1380 Woodbury Avenue said Eversource went up 3,600 sf instead and that 6,000 sf was saved due to the wetlands. She asked why Eversource did not cut across between the two telephone poles instead of going up extra feet and then coming down at an angle. She said Eversource wanted to make it permanent but that she did not know how that would be done.

Patricia Katkin of 1380 Woodbury Avenue (and mother of Christine Wade) said she owned the property and had the same concern as Ms. Wade. She said Eversource also went over a stone wall, which she wanted to be put back. She asked that Eversource go only halfway over and across where the easement had always been.

Ms. Tetrault clarified that there was no further work proposed within the right-of-way and that Eversource planned to memorialize what was there today. She said the deviation occurred prior to construction and that it was currently revegetated and that no further work was planned to permanently retain it or pave it and that only the gravel bed would be retained.

Second Round Speakers

Ms. Wade said she still did not know why Eversource went all the way up. She asked for a continuance so that she could do a site walk with the City and Eversource.

Ms. Tetreault said, related to the suggested alternative, the route was preexisting, so Eversource was utilizing a preexisting route without having to disturb more vegetation and ground. She said it would require more equipment to cut the turn left and that the route would be perpendicular to the slope, which was contrary to Eversource's justification for the stormwater analysis, and that it would be directly shooting stormwater runoff toward the wetland. She said she attempted to contact the abutters multiple times and had also offered a site walk.

Ms. Katkin said she was out of town so she was not able to get in touch with Ms. Tetreault. She said she still did not know why Eversource could not turn where the original right-of-way was.

Third Round Speakers

Ms. Ward reiterated that she and Ms. Katkin would like to have a continuance to walk the property with the City.

No one else spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD [Timestamp 36:58]

Motions relating to **Petition A** requesting an amended Site Plan approval to change the temporary access path to a permanent access path:

- 1) *Vice-Chair Coviello moved that the Board 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. Mr. Almeida seconded. The motion **passed** with all in favor.*
- 2) *Vice-Chair Coviello moved that the Board grant Amended Site Plan Approval, seconded by Mr. Almeida. The motion **passed** with all in favor.*

Vice-Chair Coviello said he understood why what was done was done and why it was different than the original plan, and he also understood the property owner's case. He said Eversource had the right to get on the land and maintain their equipment in a manner that was less detrimental to the City. He said it created a different disturbance for the property owner, but that was a civil matter. Councilor Moreau said there was discussion about the additional area that was to the left of Poles 19 and 19 and that it was written into the Board's letter that the applicant had difficulty accessing that point due to a lot of activity from the dealership. She said a lot of the access road

was preexisting and that Eversource just made it more stable. Relating to Petition B, Mr. Roy suggested including a date that the work be done by a certain time, since it was after the fact. It was decided to state that the work would be done by December 31, 2025.

Motions related to **Petition B** requesting an after-the-fact Wetland Conditional Use Permit for permanent wetland buffer impacts that were not included in the original Wetland Conditional Use Permit for this project:

- 1) *Vice-Chair Coviello moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*
- 2) *Vice-Chair Coviello moved that the Board grant the Conditional Use Permit with the following **condition**:*
 - 2.1) *In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. The Commission recommends placing two markers on either side of the proposed gate at the bottom of the access road. These markers must be installed by December 31, 2025.*

*Mr. Almeida seconded. The motion **passed** with all in favor.*

- C. The request of **Market Square LLC (Owner)**, for property located at **1 and 15 (21) Congress Street** requesting a Conditional Use Permit from Section 10.440, Use 1.71 Co-living. Said property is located on Assessor Map 117 Lots 12 & 14 and lies within the Character District 4 (CD-4), Character District 5 (CD-5), Historic, and Downtown Overlay Districts. (LU-22-12)

SPEAKING TO THE PETITION

[Timestamp 43:33] Marie Bodi, CEO of McNabb Properties, was present on behalf of the applicant, with project engineer John Chagnon, project architect Tracy Kozak, landscape architect Terrence Parker, and the applicant Mark McNabb. Ms. Bodi said co-living was becoming mainstream, especially because it was affordable. She said the rent would be established based on Portsmouth's median household income of 30 percent and would include all utilities and furnishings. She said the rooms would include a combination of private, semi-private, and shared bathrooms and a refrigerator. She said there would be an in-house janitor and an on-site manager. She noted that several food establishments would surround the development, including the newly-proposed Buckley's Café and Market.

[Timestamp 52:32] Mr. Chagnon said the lots would be merged into one parcel. He said the development was approved by the Planning Board in January 2025 and that the proposals presented now would involve adopting Section 10.815 of the Portsmouth co-living ordinance. He said the building's upper floors would be revised to create co-living. He said parking was not required since the building was near a parking garage but that the site would have 21 parking

spaces. He said there would be no changes to the existing surface areas. He said the design was approved by the HDC and that the height and scale of buildings had not changed. He said Newberry Way would be improved as a pedestrian way. He reviewed the criteria and noted that the water and sewage systems, stormwater management, site lighting, utilities, and landscaping would not be impacted by the revisions.

[Timestamp 58:38] Ms. Kozak said the residential uses would be on the second and third floors and that the fourth floor of One Congress Street Apartments would not change. She said the building was almost an entire City block of five connected buildings and that the floor levels varied in height between two and seven feet. She reviewed the mix of pods and apartments on each floor and said the heights were approved by the HDC. She said there would be underground parking on the One Congress Street side and that the first floor would remain retail. Mr. Chagnon said they were asking that the Planning Board waive strict compliance with the co-living standards in the zoning. He said they sought relief on the second floor where there would be co-living suites, with a total of 75 residents where 40 are allowed. On the third floor, they proposed 34 sleeping units with 51 residents where 40 were allowed. He said they would have one full-time manager where four would be required by the ordinance, but they would have 24/7 coverage provided by the maintenance staff.

[Timestamp 1:04:24] Ms. Wolf asked how many apartments and residents were originally proposed. Chair Chellman said it would have been the number of apartments, not residents. Ms. Wolf said it seemed like there would be more changes in wastewater and other similar concerns due to the applicant requesting more residents. Mr. Bowen said the true cost of living would be lower in co-living rather than being subsidized, and he thought it was the right path. He said the scale of co-living in other cities was generally smaller. He said the applicant planned to have about 10-12 people in a pod. He said the idea of having 40 people on a floor and 80 people in the building and being located in the downtown area seemed a bit out of scale. He said a boundary of 80 collectively was set and now the applicant was saying that they would do 50 percent more than that. He asked if there was a safe way of testing that. Ms. Kozak said the way the building was engineered and designed utilized life safety, whether it was apartments or co-living. She said there were some nuances where the life safety would be more strict for co-living but that it was calculated at one occupant for every 200 square feet and determined the structural load for building, including plumbing and so on. She said whether it was managed as co-living or apartments did not really change that use. She said the common areas would be much bigger than the minimum stated in the co-living ordinance and that the ordinance did not mention subdividing into smaller units, otherwise there would be 40 people sharing a kitchen. She said they subdivided them into 10-12 bedroom units. Mr. Bowen said it was more about sociology and community and required quite a bit of interfacing and dynamics of the residents. He said the applicant talked about 30 percent of the AMI as the financing piece but on a voluntary basis. He asked if it could be a requirement for the exception toward what the code allows for and be at some income level for the residents. Mr. McNabb said the building had been there for over 200 years and that the space could not go away. He said they proposed around 20 3-4 bedroom apartments at first and nowhere in Portsmouth were they required to say how many people would be in a bedroom. He said there could be four people in a 2-bedroom apartment. He said they had to be careful to apply a different standard to co-living by saying how many people

would be in those rooms. He said if 20 apartments had three bedrooms, that was 120 people. He said they had to arrive at a number. He said the ordinance allowed the Planning Board to waive any of that. He said the floors would all be residential and could not be vacant, and the most appropriate use was co-living. In terms to committing to what someone's income would be, he said that was not co-living because co-living had to be economical, otherwise people would go into 2- or 3-bedroom apartments.

[Timestamp 1:17:04] Councilor Moreau asked if people would have pets and how it would be handled. Mr. McNabb said the pods would be pet-friendly and that he would have a criteria of where and what units pets would be allowed, as well as what size. Councilor Moreau asked if the rooftop deck would be available to everyone in the building. Mr. McNabb agreed. Councilor Moreau asked if there would be trees on the roof. Mr. McNabb said there would be trees and a lot of landscaping. Mr. Samonas asked why the applicant would want 46 more residents when the Board approved 40. He said he got several calls from people asking how the number became 125. He said the Board landed on the number 40 after going through every issue and discussing the scale and quantity of the project. He said he wanted 24/7 management and asked why shifts could not be done. He said it was the applicant's job to fit the building within the zoning ordinance but now the applicant was presenting something that fell outside of it. He said he also had an issue with the lack of security with co-ed living as to shared baths and kitchens. He said that, until the applicant had data to suggest that 125 people could be comfortable with all the shared amenities, he did not think men and women would feel comfortable. Ms. Bodi said the economic feasibility and safety were not in the Board's purview. She said they wanted to keep the concept as simple as possible and allow the Board to make the final determination. She said it was up to the applicant whether they wanted to consider a co-ed type of lifestyle. Mr. Samonas said the Board looked at public interest, community infrastructure, values, and safety and that safety was usually a headliner. He said the applicant was asking for an exception to the rules that the Board and the applicant previously agreed upon, and he could not see why.

[Timestamp 1:25:53] Vice-Chair Coviello asked Ms. Kozak how many units would be on one floor in the Newberry building if the application was broken up into two separate applications for two buildings. Ms. Kozak said there would be more units on the left building than the right. It was further discussed. Vice-Chair Coviello said one building could be called Building A and the other Building B and meet the criteria. He said the applicant was asking that one person be on site 24/7 and then additional persons during working hours. Mr. McNabb said they felt if they had two full-time people on site, there would not be anything that would regulate their behavior because the employees had lives and needed some time off. Mr. McNabb said they felt that they would have better coverage by having a full-time person on site and 24/7 service off site. In terms of the two buildings, he said they had almost 1.2 acres. Chair Chellman said the section of the ordinance that allows the Board to make modifications was based on design flexibility and overall project quality. He said the applicant made the argument for 83 units, which was more than what the ordinance called for. He said the overarching question was what if it were approved for 83 units and a start of 83 people with the idea that the applicant could return in a year to see if it was functioning. He said the project had a lot of benefits outside the walls, like improvements of the streets, the grade, and so on, but the Board had to get it right. He said anything that the Board approved went with the land. He said 83 units would be a good start. Mr.

McNabb said he would not want to make the units all single because he would not to not rent to a couple or a single parent with a child, so he thought it would be more limiting and that coming up with a number with the flexibility to have couples would be better. Chair Chellman said if 40 people were allowed on one floor instead of 34, six of those rooms could be double occupancy. Mr. McNabb said they thought there would be a lot of singles but were just taking a stab in the dark on how many would be single or double. He said the size of the block should be taken into consideration and that he would propose doing something higher than 40 per floor, perhaps 50.

[Timestamp 1:36:45] Ms. Wolf asked how many children would live there and what would be the safety features for things such as shared bathrooms. Mr. McNabb said part of co-living brought all those concerns forward and it was different than conventional apartments. He said more than 50 percent of the units would have private bathrooms, which would be suitable for a parent and child. He said he would never put a child in an environment with a shared bath. Ms. Wolf said most of the other cities had better public transit than Portsmouth, and she asked how the applicant would guarantee that 90 adults out of 120 residents would have a place to park. Mr. McNabb said they would not have a guarantee but would abide by the ordinance and that it was not part of the Board's purview. He said the development would be near a parking garage. Vice-Chair Coviello said the City decided to create parking as a utility in the downtown district. It was further discussed. Chair Chellman said there did not seem enough stove space in the kitchens. Ms. Kozak said they had not designed the cabinetry yet and had a minimum of a 200-sf kitchen that did not include the dining. She said they had not decided on how many stoves there would be. Councilor Moreau said there were a lot of private and public bathrooms. She said when the ordinance was written, the City Council had no idea how big the building would be and the biggest concern was the rules to be followed and the management. She said 24/7 management was substantial for any condo or apartment amenity and that she did not see any heartache with an on-site person plus a 24/7 person. She said she thought it was well laid out. She said the Board would be approving it with one on-site person and 24/7 management and that it would last through different owners. She said the number of bedrooms had to be approved to see how it would go. Mr. Bowen asked if there were any comparables on that scale anywhere else. Chair Chellman said there were several in Florida with large square footage that had not gone well because they were managed by capital companies. It was further discussed. Mr. Perier asked whether access to the building or rooms would be a fob. Ms. Bodi said they would use key fobs that would allow a resident access into the building, into their pod, and into their room.

[Timestamp 1:49:07] Ms. Wolf asked if the solar panels would provide enough power for the building. Ms. Kozak said they had sizable arrays on both sides of the project that would not be enough power but would offset the energy pulled from the grid. She said any excess would be sold back to Eversource. Mr. Samonas asked if Mr. McNabb found it unrealistic to do shifts for the 24/7 management people on site. Mr. McNabb said he had found in his many restaurants that 24/7 issues happened all the time and that there was nothing better than 24/7 management. Mr. Samonas said the approval would be for the life of the project. Mr. McNabb noted that it was an annual renewal of the license, and it was discussed further. Chair Chellman said the ordinance would require two 24/7 people on site. He said he was leaning toward the reduction of that to one but having a hard time with just someone living there and not being there all the time. He said the approval had to be tied to a property management company and not just Mr. McNabb.

He said the idea of having a person in the building responsible for management was a big issue when the Board and the applicant first discussed it. He said there was a need for one but was not sure if there was a need for two. Mr. Almeida said he thought it was almost self-correcting because if the building became dorm-like, the owner would have to correct it to survive. He said the City's No. 1 concern was affordable housing, and he suggested giving the project a try. Ms. Wolf asked what the rent would be. Chair Chellman said it would be based on the City's median income, meaning the rent would be a little more than \$1,500 a month with all utilities. Mr. Almeida said pet control could be a problem.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 2:00:54]

Barbara Ward of 16 Nixon Park said the Board spent lot of time coming up with ordinances and that developers always wanted to come back for more. She said it was a big decision for Portsmouth and asked that the Board not always agree that the applicant could have more.

Peter Smith of 206 Court Street said House Bill 457, Chapter 188, limits the ability of municipalities to restrict the number of people who can occupy a rental unit. He said Tract 691 that encompassed downtown showed that the average household size was 1.66. He said there would be 1,835 residents living in that area if the co-living was granted and that the project represented a 6.8 percent increase in the downtown planning area population.

Elizabeth Bratter of 15 McDonough Street passed out documents about the parking law in Portsmouth. She said the NH Municipal Association indicated that it was one parking space per unit but that the law stated that multi-family units may require up to 1.5 spaces per unit. She suggested making the pods smaller and thought the building manager should be awake 24/7.

Erin Proulx of 118 Pleasant Street (via Zoom) said it was an interesting experiment to see if it could help with affordability issues for the City's workers but wasn't sure how safe it would be to have children share living areas with strangers. She said parking was an issue and thought the 24/7 on-site management was an excellent point.

Barbra Jenny of 94 Pleasant Street (via Zoom) said developers were always coming back and saying they needed more, which meant they wanted more money, and that a lot of citizens were frustrated about that. She said the Board should limit the project to what was agreed upon before.

There were no Second Round Speakers, and Chair Chellman closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 2:24:14] Mr. Giuliano said the architect and engineers initially came up with a large number for co-living, which he was encouraged by because he thought the project could support that number of people. He said he also had concerns about the property management, the density, and the fact that it was an unknown for the City but was encouraged that the Board and the City

approved co-living and thought the project would do it well. He said he was in support of what was presented that night. Vice-Chair Coviello said he did not think it was perfect yet and thought if the Board had gotten drawings before, it might have been crafted differently. He felt that if the Board thought 40 units was the maximum, the developer would do so and then build more expensive apartments. Mr. Samonas said he voted in favor of co-living and the language that the Board had written for it. He said the Board went through several iterations to get to that language with real examples. He said there were a lot of 'I thinks' said and that expectations were being built based on conjecture. He said the non-binding statements made about management or how the place would operate were too empty for the applicant or future owner, but he didn't think it was far off. He said that overlooking some of the core aspects of the Board's original language, like the management style and the number of residents, would be an injustice to the City. He said the Board had to take it seriously because it would be plus or minus 125 people in the Downtown Corridor. He said he was unwilling to deviate from the language that the Board already had until the Board had more proof or evidence that it would work. Mr. Bowen said a set of performance criteria should be established so that the Board would know if they were accomplishing what they thought they would when Phase 2 came. He said accepting a 50 percent increase in what the Board had thought was prudent did not seem to be the right thing to do. Ms. Conard asked if there was a way to include an annual renewal process in the inspection to evaluate the effectiveness of the property management and to determine whether one individual on site plus the 24/7 management off site was sufficient. Chair Chellman agreed and it was further discussed. Chair Chellman said the Board came up with the numbers, and the project engineer and architect rationalized the number of units, not the number of people. He said they were all guessing at the number of people and that it could be singles or a demand for doubles. He said he was at a number that was more than what the Board wrote but less than what was asked for. It was further discussed. Mr. Almeida said the Board's biggest concern seemed to be the safety of the facility, which would be measured by calls to the police station about vandalism, noise, and so on. Mr. Roy suggested including a condition that the applicant would meet the management threshold rather than reduce the number of units. Mr. Almeida said he would support approximately 100 people, 83 units, at least one on-site manager 24/7, 365 days a year, plus the management company as was proposed, and the option to come back in a year and bring a report from Public Safety and the Department of Public Works as to what happened over the past year and if they want to remove the requirement for the on site 24/7, 365 days/year person.

DECISION OF THE BOARD [Timestamp 2:49:40]

- 1) *Ms. Conard moved that the Board find that the Conditional Use Permit application meets the criteria set forth in Section 10.243 and to adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** 8-1, with Mr. Bowen voting in opposition*
- 2.a) *Ms. Conard moved that the Board grant the modification from Section 10.815.26 to allow more than 80 residents per building and more than 40 residents per floor as presented. Mr. Almeida seconded. The motion **passed** 5-4, with Ms. Wolf, Mr. Samonas, Mr. Bowen, and Chair Chellman voting in opposition.*
- 2.b) *Vice-Chair Coviello moved that the Board grant the modification from Section 10.815.25 to require one full-time on-site manager available 24/7/365 and one off-site manager available*

*24/7/365 located within one-half mile of the property, with the additional **condition** that the applicant will report back one year from the issuance of the Certificate of Occupancy as required by the Ordinance. If the applicant wishes to change the on-site management at that time, they must demonstrate the on-site 24/7/365 management is not necessary based on data and City staff reports demonstrating that there have been no substantial issues or complaints. Councilor Moreau seconded. The motion **passed** 6-3, with Ms. Wolf, Mr. Samonas, and Mr. Bowen voting in opposition.*

- 3) Councilor Moreau moved that the Board grant the Conditional Use Permit for Co-living with the following **conditions**:

3.1) *The applicant shall obtain a permit through the City Clerk's office in accordance with Section 10.815.50 prior to a Certificate of Occupancy for any Co-living Facility.*

*Ms. Conard seconded. The motion **passed** 7-2, with Mr. Samonas and Mr. Bowen voting in opposition.*

*Councilor Moreau moved to **continue** the meeting past 10:00. Ms. Conard seconded. The motion **passed** with all in favor.*

IV. PUBLIC HEARINGS – NEW BUSINESS

- A.** The request of **Roger and Elizabeth Trudeau and The Carol A. Claburn and Billy J. Claburn Revocable Trust of 2014 (Owner)**, for property located at **10 and 40 Crescent Way** requesting approval of a lot line relocation between two lots with 2,088 square feet being transferred from Assessor's Map 212 Lot 163 to Map 212 Lot 165. The proposed lot line relocation will straighten the common lot line between the two lots. Said property is located on Assessor Map 212 Lot 163, 165 and lies within the General Residence B (GRB) District. (LU-25-128)

SPEAKING TO THE PETITION

[Timestamp 3:21:30] Chuck Adams of Haley Ward was present on behalf of the applicant to discuss the lot line adjustment and the transfer of a piece of land. He explained why they were asking for a waiver from Section 8 of the Subdivision Rules and Regulations regarding the improvement and installation of monuments. He said the monument would become a relic.

[Timestamp 3:22:47] Vice-Chair Coviello asked what the intended purpose of the transfer was, noting that he thought the City was trying to avoid acute angles in property lines. Councilor Moreau said the project would fix an ancient property line, and it was further discussed. Mr. Giuliano asked if Mr. Adams represented both property owners, and Mr. Adams agreed. Mr. Bowen asked if both lots would be conforming. Mr. Ward agreed and explained why.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

1) *Councilor Moreau moved that the Board grant the requested waivers to the Subdivision Standards from Section IV.9/V.8 Requirements for Preliminary Plat and Requirements for Final Plat, noting the following:*

- a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

*Ms. Wolf seconded. The motion **passed** with all in favor.*

2) *Councilor Moreau moved that the Board 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. Mr. Samonas seconded. The motion **passed** with all in favor.*

3) *Councilor Moreau moved that the Board grant Preliminary and Final Subdivision Approval with the following **conditions**:*

3.1) *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.*

3.2) *GIS data shall be provided.*

*Ms. Conard seconded. The motion **passed** with all in favor.*

B. REQUEST TO POSTPONE - The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associated site improvements. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE** (LU-25-22)

*Mr. Almeida moved to **postpone** the petition to the October meeting, seconded by Ms. Conard. The motion **passed** with all in favor.*

C. REQUEST TO POSTPONE The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting a Wetland Conditional Use Permit in accordance with Section 10.1017.50 for the installation of a shared residential driveway, underground utility piping, grading work, and at-grade stormwater management BMPs for the proposed five-lot subdivision including 3,393 s.f. of permanent disturbance in the 100' wetland buffer. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE** (LU-25-22)

*Mr. Almeida moved to **postpone** the petition to the October meeting, seconded by Ms. Conard. The motion **passed** with all in favor.*

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **Double MC LLC (Owner)**, for property located at **134 Pleasant Street** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic Districts. (LUPD-25-9)

SPEAKING TO THE PETITION

[Timestamp 3:26:40] Project engineer John Chagnon, Marie Bodi of McNabb Properties, project architect Tracy Kozak, and project landscape architect Terrence Parker were present. Mr. Chagnon said the site was adjacent to a right-of-way that was part of the Parrott Avenue parking lot and had a building and a surface parking lot. He said the current use was a bank with a drive-up and offices and that the project would involve the adaptive reuse of the existing structure with expansion and below-grade parking. He said the aim was to increase the banking footprint and keep the drive-up in the same location and add co-living. He noted that a revision to the west end of the Parrott parking lot would be done to correct an odd vehicular jog. He said the lot also had a short cut that went through private property and that they would make the connection go straight through and remove the jogging maneuver to allow for three more parking spaces in the lot, which would also discourage the short cut from Court Street. He said they would add more stormwater treatment and pedestrian-friendly sidewalks. He discussed the utilities. Mr. Parker reviewed the landscape plan and said all the large trees would be maintained on the site but some lindens near the fire station would be removed and replaced with a pocket park. He said a traditional low-planting landscape would be done on the Pleasant Street side and additional trees would be planted between the Parrott Street lot and the bank and residential parking lot.

[Timestamp 3:35:15] Ms. Kozak said the two buildings would be connected by a bridge. She said they were having discussions with the Historic District Commission (HDC) to define the characteristics and styles of the buildings. She said the bottom level of both the old and new building would be parking. She said the existing building was Building A and the new building was Building B and that Levels 2A and 2B had an 8-ft difference in height because the grade sloped. She said there would be a total of 55 sleeping units, with four co-living pods and three apartments. She said half of the units would have their own bathrooms.

[Timestamp 3:39:03] Mr. Samonas noted that there were stairs at the bank's front. Ms. Kozak said the current design had two stair towers, a new one on the west side of the building toward the fire department and one in the new addition. Mr. Samonas said the tower to the west looked like a substantial building. Ms. Kozak said the tower was high enough to have the stair come up to the roof for egress. She said they might eliminate that tower's elevator so that the roof will come down 3-4 feet. She said the grade on the north side of the stair tower was about six feet higher than the south side grade and stuck up about eight feet above the roof's parapet. Mr. Samonas said it created a brick wall. Ms. Kozak said they could add windows to it as well as windows in the stair wells. She said eliminating the elevator would shrink the building about eight feet. Vice-Chair Coviello asked if the map to the parking lot had two directions. Mr. Chagnon agreed. Vice-Chair Coviello asked if drivers would come off Pleasant Street and also

come off Parrott Avenue. Mr. Chagnon said the one-way direction was after the entrance, so the drivers could come off Parrott Avenue. Vice-Chair Coviello said drivers might come down the bank access behind the fire station but realize that Parrott Avenue was no longer accessible and then turn into the new parking lot going the wrong way. He asked if there would be angle parking to let the drivers know it was the wrong way or if there was a way to increase the barrier and allow an exit out to Parrott Avenue via a left turn but prevent a right turn toward the fire station. Mr. Chagnon said they would consider it. Vice-Chair Coviello said the applicant had more parking than they needed, and he asked why they could not provide more housing instead. It was further discussed. Chair Chellman noted that a variance would be needed because the lane would be moved to another building. Mr. Chagnon said they would perhaps move the lane somewhere else. Councilor Moreau suggested labeling the entrance that the applicant wanted to move up closer to the neighbor to the north so that drivers would not be confused, and it was further discussed. Mr. Samonas asked if the applicant had a stormwater plan. Mr. Chagnon agreed and said they would also do a full drainage analysis.

B. The request of Meadowbrook Inn Corp (Owner), and Portsmouth Chevrolet (Applicant) for property located at 549 US Rt 1 Bypass requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 234 Lot 51 and lies within the Gateway Corridor (G1) District. (LUPD-25-11)

[Timestamp 3:54:54] Alan Roscoe of TFMoran was present on behalf of the applicant, with Corey Colwell and their counsel James Skully. Mr. Roscoe reviewed the proposed additional development at Portsmouth Chevrolet. He said they did a site walk to discuss the community space and that the plan showed the result of the analysis. He said there would only be one main building but the initial drawing showed it as two main buildings. He said the main 4-story building would have 48 rental units and the first floor would have mixed use. He said the secondary stand-alone building would be adjacent to the main entrance of the primary building and was proposed to be a coffee shop. He said they would need variances from the Board of Adjustment for the number of units and the building extension. He said they would have a reduced impervious area and that all the stormwater facilities and utilities were in place.

[Timestamp 3:58:57] Vice-Chair Coviello asked why they would need two variances. Mr. Roscoe said they would need one for the building length and one for the number of units. Vice-Chair Coviello said that was the Planning Board's purview. Mr. Roscoe said they did not intend to do workforce housing, and it was further discussed. Conditional Use Permits were discussed. Councilor Moreau if someone could just drive straight into the area near the coffee shop. Mr. Roscoe said there would be a 2-way entrance to that parking lot and that they needed the bypass lane due to code. Chair Chellman said he would prefer a bigger bypass lane due to potential safety issues if there was a large queue, and he suggested that the bypass lane be placed all the way around to give enough room to a frustrated driver who wanted to get out of the drive-up lane. Vice-Chair Coviello said the application was originally for two buildings, which would meet the ordinance and not require the applicant to do affordable housing, but it now had a bigger impact into the wetland. Mr. Roscoe said the original version showed a small portion of the building being about 10 feet in the wetland buffer. Vice-Chair Coviello said if there was one building with the same number of units, it would be outside the buffer. Mr. Stith said it kicked in the workforce housing requirement. It was further discussed. Mr. Samonas asked how much of the existing lighting from the dealership would remain. Mr. Roscoe said they did not have a plan

yet but would meet all the requirements. Mr. Bowen noted that the traffic light at the intersection of Cottage Street and Coakley Road would be removed in five years. Mr. Roscoe said people could still do a right turn in and out of the bypass. Vice-Chair Coviello asked if the applicant still had plans for a community path. Mr. Roscoe agreed. Vice-Chair Coviello said he did not think the neighborhood was excited about having a path behind their property. He said it was also surrounded by wetlands. Mr. Stith said the applicant could get an incentive if they did affordable housing, but the applicant's hands were tied by the wetland buffer.

- C. The request of **PNF Trust of 2013** and **282 Middle Street LLC (Owners)**, for property located at **84 Pleasant Street** and **266-278 State Street** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 107 Lots 77-80 and lies within the Character District 4(CD4), Downtown Overlay and Historic Districts. (LUD-25-13)

[Timestamp 4:14:04] Project engineer John Chagnon and architect Michael Keane were present on behalf of the applicant. Mr. Chagnon said they wanted to merge four parcels into one development lot. He said they received the necessary variances from the Board of Adjustment and approval from the HDC. He said the development would include a corner anchor building where the former Times Building was. He said it would be non-residential commercial on the first floor and 17 dwelling units above. He said there would be an entrance to the parking level on Church Street and 17 parking spaces. He explained the stacking parking system. Mr. Keane said the proposed building was taller than previously approved because they wanted to build back the Times Building in the same mass that it used to be and carry the floor lines over. He said the former Louie's building would be reconstructed but the front façade would stay and the storefront would be replaced with something more in keeping with what was originally built.

[Timestamp 4:21:24] Mr. Giuliano asked what the total height of the automated parking system would be. Mr. Keane said it would be 20 feet. Mr. Samonas asked if drivers would still be able to circulate from Church Street to State Street even if they were queuing in and out of the car elevator. Mr. Keane said if the few existing parking spaces stayed, a queueing line would block Church Street. He said someone would enter the building and would be able to queue up while someone else's car was moving. He said they asked the Technical Advisory Committee for permission for a turning movement and that they would do a study. He said there was a maximum of two movements and the retrieval time for a car would be less than a minute. He said people would get to their car by using the elevator or stairway. Mr. Bowen said some of the affected business owners asked that the generator be located in a difference place so that it did not have an impact on their business. Mr. Keane explained why the transformer could only go in the proposed location. He said the abutter wanted to shift it but that it would impact the parking and access. He said sound would not be an issue because the transformer was enclosed and was not a generator. He offered to find out what the transformer's dB level would be. Ms. Conard asked how the cars would get out if the power went out. Mr. Keane said there was a generator in the basement. Mr. Samonas said the Court Street elevation image showed the existing building with solar panels at the forefront, and that looking back prior to demolition, there was an existing white wall. He asked what the delta from the top of the solar panel to the height of the building was. Mr. Keane said they would go before the HDC with options for the wall and then address the issue. Vice-Chair Coviello asked which elevation would abut the former hairdresser's business. Mr. Keane said it was the Court Street elevation with no windows in that wall.

VI. OTHER BUSINESS

A. Zoning Amendments

*Mr. Almeida moved to **postpone** the discussion to the October meeting, seconded by Ms. Conard. The motion **passed** with all in favor.*

B. Chairman Updates and Discussion Items

The item was not discussed.

C. Board Discussion of Regulatory Amendments and Other Matters

The item was not discussed.

VII. ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker