

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM Public Hearings begin**

**October 16, 2025**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Anthony Coviello, Vice-Chair; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas, William Bowen; and Alternates Frank Perier and Logan Roy

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

**MEMBERS EXCUSED:** Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Ryann Wolf

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Chair Chellman called the meeting to order at 7:00 p.m. Alternates Mr. Perier and Mr. Roy took voting seats for the evening. Chair Chellman asked that Section V. Item A be heard first.

*Councilor Moreau moved to take Item V.A, Letter referring to requested removal of 109 Dennett Street from the Historic District, out of order. Mr. Giuliano seconded. The motion **passed** with all in favor, 8-0.*

**I. APPROVAL OF MINUTES [Timestamp 19:18]**

**A.** Approval of the September 18, 2025 meeting minutes.

*Vice-Chair Coviello moved to **approve** the September 18 meeting minutes as presented, seconded by Mr. Samonas. The motion **passed** with all in favor, 8-0.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

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

*Mr. Giuliano moved that the Board determine that Item A is complete according to the Subdivision Review Regulations (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration. Vice-Chair Coviello seconded. The motion **passed** with all in favor, 8-0.*

- B. REQUEST TO POSTPONE** The request of **Martin Husslage (Owner)**, for property located at **48-50 Langdon Street**, requesting preliminary and final Subdivision review approval for the subdivision of one lot into two lots with a single-family dwelling and accessory dwelling proposed on each lot with associated site improvements. Said property is located on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. **REQUEST TO POSTPONE**

*Vice-Chair Coviello moved to **postpone** Item B and Site Plan Review Item C below to the November meeting. Mr. Roy seconded. The motion **passed** by a vote of 7-0, with Councilor Moreau recused.*

**SITE PLAN REVIEW** [Timestamp 22:24]

- A.** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Site Plan Review approval to subdivide one lot into 5 new residential lots with associated site improvements.
- B.** The request of **PWED2 LLC (Owner)**, for property located at **921 Islington Street** requesting Site Plan Review approval for the reconstruction of the existing building for a restaurant use with associated site improvements and a Conditional Use Permit from Section 10.0440, Use #19.50 for an accessory outdoor dining and drinking area. Said property is located on Assessor Map 172 Lot 10 and lies within the Character District 4 (CD4-W). (LU-25-96)

*Councilor Moreau moved that the Board determine that Items A & B are complete according to the Site Plan Review Regulations (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration. Vice-Chair Coviello seconded. The motion **passed** with all in favor, 8-0.*

- C. REQUEST TO POSTPONE** The request of **Martin Husslage (Owner)**, for property located at **48-50 Langdon Street**, requesting Site Plan review approval for the subdivision of one lot into two lots with a single-family dwelling and accessory dwelling proposed on each lot with associated site improvements. Said property is located on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. **REQUEST TO POSTPONE** (LU-25-124)

*This item was **postponed** to the November meeting.*

**III. PUBLIC HEARINGS -- OLD BUSINESS**

**Note:** Items A and B were addressed together.

- A.** 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. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. (LU-25-22)

- B.** 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. (LU-25-22)

## **SPEAKING TO THE PETITION**

[Timestamp 23:52] Alexx Monastiero of Chinburg Builders was present, with Jon Whitten of Haley Ward and Shawna Sammis of Chinburg Builders. Ms. Monastiero reviewed the major changes that were made since the last review. She said they moved the shared driveway to reduce the impact on the buffer, and there was a curb cut for the three lots that take access off Banfield Road as well as a curb cut for the two lots that take access off Peverly Hill Road, which allowed them to remove only two mature trees along Banfield Road. She said they also proposed overhead power to limit the disturbance to the wetland buffer and agreed per the Conservation Commission's request to place wetland buffer placards every 50 feet along the buffer and to provide educational materials to property buyers in that neighborhood.

[Timestamp 27:00] Mr. Bowen asked if overhead power was the only method. Ms. Monastiero said it was to primarily protect the wetland buffer. Councilor Moreau said she liked the idea of two separate driveways and asked if the one on Peverly Hill Road would be across from the YMCA. Ms. Monastiero agreed. Councilor Moreau asked if people would have trouble getting in and out, and Ms. Monastiero said they took that into consideration in the project's design. Mr. Samonas asked for more background information on the utility easements. Ms. Monastiero said the easement was granted to the power company before Chinburg's project and that the owners would be made aware of it. She said they were not proposing any new infrastructure in the area and she did not think there would be any future mitigation needed between homeowners and the power company. Councilor Moreau asked if there was a way to incorporate in the deed that there were certain maintenance requirements based on the wetland buffers that were near to the properties so that future owners would know. Ms. Monastiero said they would ensure it. Vice-Chair Coviello asked if the project would be finished before the City's work on Peverly Hill Road. Mr. Whitten said he hoped so, and it was further discussed. Mr. Samonas noted that one of the two wetland area tables stated 6,700 square feet and asked if that was a temporary impact. Ms. Monastiero said it could be a carry-over figure and that Chinburg would update the table. Mr. Samonas asked if the Technical Advisory Committee (TAC) thought there was enough sight distance for Banfield Road residents turning left to go toward the intersection. Ms. Monastiero said they discussed it with different City departments before making that decision. Chair Chellman asked what the sight distance was at that location and if any trees had to be removed. Mr. Whitten said the numbers were over the speed limit minimums on Banfield Road and Peverly Hill Road and that they did not expect that more vegetation would have to be cleared than what was shown on the plan. He explained why the overhead power would be least

impactful to the buffer area. Mr. Samonas asked if the Conservation Commission gave a management plan for the HOA. Ms. Monastiero said the lots were standard ones and there would be protective covenants and a stormwater management plan. She said there would be a shared driveway maintenance agreement.

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** [Timestamp 41:03]

- 1) *Vice-Chair Coviello moved that the Board grant the requested waiver from Section VI General Requirements, Subsection 9.A to allow overhead electrical services to each lot.*
  - b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

*Councilor Moreau seconded. The motion **passed** with all in favor, 8-0.*

- 1) *Vice-Chair Coviello moved that the Board find that the Subdivision Application meets the requirements set forth in the Subdivision Regulations and to adopt the findings of fact as presented. Councilor Moreau seconded. The motion **passed** with all in favor, 8-0.*
- 2) *Vice-Chair Coviello moved that the Board grant Preliminary and Final Subdivision Approval with the following **conditions**:*
  - 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.*

*Councilor Moreau seconded. The motion **passed** with all in favor, 8-0.*

- 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. Councilor Moreau seconded. The motion **passed** with all in favor, 8-0.*

- 2) Vice-Chair Coviello moved that the Board 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.
- 2.2) 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.
- 2.3) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.
- 2.4) 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 commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:**

- 2.5) 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.
- 2.6) 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.

Councilor Moreau seconded. The motion **passed** with all in favor, 8-0.

- 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. Giuliano seconded. The motion **passed** with all in favor, 8-0.

- 2) Vice-Chair Coviello moved that the Board grant the Conditional Use Permit with the following **conditions**:

- 2.1) The maintenance plan shall be provided to the new property owners upon the sale of the newly subdivided lots.

*2.2) Applicant shall provide information in the deed and to the new property owners upon sale of the newly subdivided lots. This educational information shall include the City of Portsmouth's pamphlet on caring for wetlands and wetland buffers and information explaining the regulations and permitted activities within a wetland and wetland buffer.*

*2.3) Prior to commencement of site work, limits of clearing and driveway locations shall be flagged by the applicant and inspected by City staff*

*Councilor Moreau seconded. The motion **passed** by 7-1, with Mr. Samonas voting in opposition.*

#### **IV. PUBLIC HEARINGS – NEW BUSINESS**

**A.** The request of **Reichl Family Revocable Trust (Owner)**, for property located at **15 Marjorie Street** requesting a Wetland Conditional Use Permit from Section 10.1017.50 of the Zoning Ordinance for construction of a sunroom and covered porch, a home addition, a new driveway, landscaping areas, the installation of a retaining wall to support native landscaping and improve site grading with the addition of fill to level out the existing elevation in the rear yard. The total proposed new impervious surface is 964 s.f. with an increased building footprint of 1,020 s.f. on the lot. Said property is located on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) District. (LU-25-115)

#### **SPEAKING TO THE PETITION**

[Timestamp 47:44] Project contractor Timothy Hron was present on behalf of the applicant and said they proposed a 20'x32' two-story addition along the front of the building as well as an 18'x18' sunroom and a new deck. He said they pulled the retaining wall back significantly so that it would just support a small patio and stairs. He said they would install a concrete drywell to catch the water runoff, use a wetland grass seed mix, and use plantings that were native to the area and suitable for wetland conditions.

[Timestamp 49:58] Mr. Bowen asked how much intrusion into the wetland buffers there would be. Mr. Hron said the property was almost 95 percent within the 100-ft buffer zone and the proposed permanent impact was 900 square feet, and they would do minimal re-grading. Vice-Chair Coviello asked what the seed mix was for. Mr. Hron said it was for grass that could be mowed and that there would be two wetland markers indicating no-mow zones within 25 feet of the buffer. The retaining wall and slope were further discussed.

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** [Timestamp 54:43]

- 1) *Mr. Giuliano 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. Vice-Chair Coviello seconded. The motion **passed** with all in favor, 8-0.*
- 2) *Mr. Giuliano moved that the Board grant the Wetland Conditional Use Permit with the following **condition**:*
  - 2.1) *Prior to commencement of site work, silt sock shall be extended to the driveway behind the proposed landscaping.*

*Mr. Roy seconded the motion.*

Mr. Bowen said he was surprised that it met the criteria for an exception due to the significant impact to the wetlands area and because it was draining directly down into the creek area. Chair Chellman said it would be discussed at the future workshop. Mr. Samonas said the owner added a significant amount of drainage and filtration to the retaining walls so that he could better steward the property. He said the addition was not grandiose and thought the owner was in a bind because 95 percent of the lot was in the wetland buffer.

*The motion **passed** 7-0, with Mr. Bowen abstaining.*

- B.** The request of **PWED2 LLC (Owner)**, for property located at **921 Islington Street** requesting Site Plan Review approval for the reconstruction of the existing building for a restaurant use with associated site improvements and a Conditional Use Permit from Section 10.0440, Use #19.50 for an accessory outdoor dining and drinking area. Said property is located on Assessor Map 172 Lot 10 and lies within the Character District 4 (CD4-W). (LU-25-96)

**SPEAKING TO THE PETITION**

[Timestamp 59:48] Project manager Meghan Boland of Chinburg Builders was present on behalf of the applicant, and project engineer John Chagnon was present via Zoom. Ms. Boland said they wanted to transform a vacant gas station into a small neighborhood restaurant. She said they created a design that honored the building's history and met City standards.

[Timestamp 1:02:55] Mr. Giuliano asked about the emergency egress. Ms. Boland said the "employees only" gate would get someone beyond the accessory portion of the building and that there was also another door. Vice-Chair Coviello asked if the former gas station's front signage would be permanently removed and replaced with another sign. Ms. Boland agreed. Vice-Chair Coviello asked if the pole would be removed and not re-used. The applicant said the pole sign would be removed and a monument sign would be added. Vice-Chair Coviello noted the property boundary that continued past the front right corner of the lot and asked if that was a separate property or part of the applicant's property with an easement and was told that it was a separate property. He asked if an easement was in place, and Mr. Stith agreed. Mr. Samonas said

there would be a change in use and traffic patterns. He suggested adding a pedestrian-activated flasher light due to the change in the curb cut and the added landscaping. Mr. Chagnon said the City's traffic engineer did not make that recommendation and that the project did not put TAC into a position where they would make such a recommendation. He said there was a crosswalk in front of the property and did not think the foot traffic was at the level that would necessitate an activated light. Councilor Moreau said it could be discussed with the Parking, Traffic and Safety Committee when the project was finished. Vice-Chair Coviello asked if the brick inlay in front of the project existed or was proposed. Mr. Chagnon said the curb pattern was meant to mimic the patterns in the Islington Street project, and it was further discussed. Mr. Bowen said there were about 50 occupancies in the building and 14 parking places were designated for the property, and he asked if the 14 spaces carried the total requirement for the property. Mr. Chagnon agreed and said the parking requirement was based on the square footage of the building's restaurant space, which was one per hundred, and that the 1,500 square footage met it, so the parking was provided on the site and no off-site parking was needed. Mr. Bowen said that was for the inside of the building, and 30 percent of the seating was outside. Mr. Chagnon said the building was a 50-seat project and the exterior dining was not part of the parking requirement. Councilor Moreau said most deliveries would happen during off-hours, and she asked if that would be easier for the trucks to come and go. Mr. Chagnon agreed. He reviewed the criteria for granting the Conditional Use Permit and said they would be met.

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 [Timestamp 1:21:45]**

- 1) *Councilor Moreau moved that the Board find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented. Mr. Samonas seconded. The motion **passed** with all in favor, 8-0.*
- 2) *Councilor Moreau moved that the Board approve the conditional use permit as presented. Mr. Samonas seconded.*

Mr. Giuliani said he had a hard time with the fact that the parking for the conditional use was not factored in and thought the conditional use would require more parking spaces than were proposed. Chair Chellman said the Board's regulations required it for the building and not for the outside seating. Councilor Moreau said sitting outside instead of inside was sort of a swap and that people usually found a place to park or used other modes of transportation or just walked. Vice-Chair Coviello said he had no problem with it but thought it could be a problem in the future because people would be parking in the lots belonging to businesses that were closed at night, and businesses would get tired of people using their lots. He said a parking garage might be necessary in the future. Mr. Samonas agreed but said the front and rear lots were owned by the same person in this case, and street parking was allowed on Baxter Street.



*The motion **passed** with all in favor, 8-0.*

- 1) Councilor Moreau 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. Samonas seconded. The motion **passed** with all in favor, 8-0.*
- 2) Councilor Moreau moved that the Board 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.*
- 2.2) 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.*
- 2.3) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

**Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:**

- 2.4) 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.*
- 2.5) 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.*

*Mr. Roy seconded. The motion **passed** with all in favor, 8-0.*

- C.** The request of **John Galt, LLC (Owner)**, for property located at **14 Market Square** requesting a Conditional Use Permit from Section 10.0440, Use #1.71, Co-living. Said property is shown on Assessor Map 107 as Lot 29 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. LU-25-142)

**SPEAKING TO THE PETITION**

[Timestamp 1:28:24] Project architect Tracy Kozak was present on behalf of the applicant. She said they were proposing a conversion of office to residential on the second and third floors. She

said the second floor would be four small apartments and the third floor would be a single co-living unit with eight sleeping rooms centered around a common space. She said the proposal met the requirements for the Conditional Use Permit except for the size of the common space, which was less than what the ordinance stated, but that they had more square footage in the overall co-living suite than the minimum required. She said every sleeping unit would have its own bathroom, which took square footage away from the common area and put it in the sleeping units, so 350 more square footage was added. She said no parking was required for co-living and that the apartments on the second floor each required one space in the Downtown Overlay District, which resulted in four spaces, so that criteria were met.

[Timestamp 1:32:16] Mr. Guiliano asked if there was underutilized parking in adjacent properties. Ms. Kozak said the applicant owned several properties that had underground or on-site parking and that some of the properties had been permitted and occupied for decades, so she did not know if current standards would be applied. She said some of the spaces were available to be rented out to other properties. Mr. Bowen asked about on-site supervision. Ms. Kozak said the owner had a 24/7 management crew across the street. Mr. Bowen asked if there had been an effort to identify a set of criteria that could be tracked, like goals and performance measures that would include safety, noise, and public nuisance. He said the City would also be interested in knowing what portion of the project was affordable vs. the market rate. Ms. Kozak said the co-living consisted of only eight bedrooms with a maximum of 16 people, so it fell within a specific occupancy classification and included several safety restrictions that would be required for any property. She said there was not a formal reporting method to the City. Mr. Stith noted that there was an annual permit for reporting that was required by the ordinance and that the City would have a copy of the Conditional Use Permit. Chair Chellman said an on-site manager was needed. Ms. Kozak said the owner confirmed that an on-site manager could live in one of the apartments. Mr. Samonas asked if one oven in the co-living suite was suitable for 16 people. Ms. Kozak said the kitchen was designed to be shared and that she did not have the details of the appliances. Vice-Chair Coviello said the building would have a lot of new floor penetrations, and he asked if the applicant would piecemeal the building or lay out all the toilet and shower drops. Ms. Kozak said any drops in the floor were between rafters and there were drop ceilings below and that the project would not damage the building's frame. Mr. Samonas asked if the apartments and co-living units were ADA compliant, and Ms. Kozak said they were not.

Chair Chellman opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

[Timestamp 1:46:30] Ryan Proulx said he owned an office at 118 Pleasant Street. He said usually there was a professional cleaning and maintenance service with any co-living situation, and he asked if the proposal mandated a cleaning service for shared spaces and whether there was anything to ensure that the properties would still be managed to the same level if they were sold. He asked if there were recent studies assessing how many residents or workers downtown were seeking co-living options vs. how many downtown employees currently needed parking access. He said he had five employees who had to find a place to park every day. He said it was the City's second co-living development being pushed forward that did not require parking.

Erin Proulx of 118 Pleasant Street said life safety and management oversight were concerns because co-living resembled a boarding house. She said one of the safeguards previously discussed at meetings was the annual permit renewal and that there was no data on how the first co-living project would perform, so approving a second downtown co-living project would bypass that safeguard. She asked if the City studied the cumulative impact of multiple co-living projects on downtown services and the livability for existing downtown residents and businesses. She asked the Board not to grant another Conditional Use Permit until those questions were answered and the first-year data was available to see what the impact was on the downtown.

Peter Smith of 206 Court Street used the book *If You Give a Mouse a Cookie* as an analogy for stating that the mouse was given a cookie in the form of a 56 percent density increase over the ordinance by going from 80 to 125 residents and reducing on-site management by 75 percent by going from four on-site managers to one. He noted that the unproven ordinance was only five months old, but now the applicant was returning for another waiver. He said parking had nothing to do with the waiver and that the assets of the present owner meant nothing in terms of the future owner's assets. He said every waiver given must be anchored in constraints that apply to the waiver and the land so that future owners are bound by the same restrictions. He said on-site management was about community monitoring and not about calling a number that would dispatch help from people who were not part of the community. He said the second increase would raise the density of downtown nearly seven percent, with no consideration for parking.

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

#### **DISCUSSION OF THE BOARD [Timestamp 1:56:56]**

Mr. Samonas asked if Sleeping Unit #8 had windows. Vice-Chair Coviello said it looked like it had access to a small room with three windows in it. It was further discussed. Vice-Chair Coviello said he expected that the owner's proposed second project would be done first because it was smaller. He said if it got occupied in a year and went before the City Clerk, he asked if the City Clerk would need cause to revoke the co-living if there was a zoning change and if the license could be regranted after a year. Mr. Stith said if the use was removed from the ordinance but there was still a co-living building that was approved and compliant, it could legally be nonconforming because it would not be allowed from a certain point on. Chair Chellman said there were ways to adopt new provisions of a new ordinance, but the fact that it was an approved project would remain. Mr. Bowen said the Board did not know what the success factors were and what considerations might make the Board say no a year from now. He said the Board needed to tell the developer what standard had to be met and what would result in failure. Chair Chellman said the application conformed to the ordinance criteria, other than the common area, which was the only basis not to approve the current application if the Board had concerns. He said the private bathrooms were a big benefit. Mr. Samonas said one way to yield enough common area and not require a waiver was by losing a unit. He said the common area space of 1,200 square feet was not a lot and should be emphasized and not reduced. It was further discussed. Mr. Giuliano said the 1,200 sf area was required and thought the Board should stick with the ordinance and not approve the Conditional Use Permit. Chair Chellman said bathroom doors could be changed to open into the common area and gain more space. He said the Board did the best they could with the numbers, based on what they could find looking at other communities.

around the country. Mr. Roy said the tradeoff was strictly conforming or granting a waiver and making it a better living situation.

#### **DECISION OF THE BOARD** [Timestamp 2:15:50]

- 1) *Vice-Chair Coviello moved that the Board find that the Conditional Use Permit application meets the criteria set forth in Section 10.243 and adopt the findings of fact as presented. Councilor Moreau seconded. The motion **passed** with all in favor, 8-0.*
- 2) *Mr. Roy moved that the Board grant the modification from Section 10.815.29 to allow 792 square feet of common area where 1,360 is required. Councilor Moreau seconded.*

There was further discussion. Vice-Chair Coviello said he was fine with sticking to the 1,360 square feet. He said there was a housing crisis in Portsmouth and that he wanted to be on the side of folks who tried to make it better. He said he did not care about the parking and would tell the City Council to act soon on another parking garage. Mr. Bowen said his issue was the bigger picture and whether the Board was prepared to handle it. Mr. Samonas said he felt passionate about the previous co-living project and wanted to be on the side of the people trying to find solutions to the affordable living crisis. He said there was no data yet on how the City felt about it, however, and he had to think about the general public and the public welfare of downtown and the abutters. He said he wanted to see the square footage increased because quality of housing was critical as well as having enough space for a sleeping area and a common room.

*The motion **passed** 6-2, with Mr. Samonas and Mr. Giuliano voting in opposition.*

- 3) *Mr. Roy 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.*
  - 3.2) *One on-site full time manager shall be provided.*

*Councilor Moreau seconded. The motion **passed** 7-1, with Mr. Giuliano voting in opposition.*

**Note:** The Board then addressed Item 5F, the Maplewood Avenue drain line project.

**D. REQUEST TO POSTPONE** - The request of **Martin Husslage (Owner)**, for property located at **48-50 Langdon Street**, requesting Preliminary and Final Subdivision and Site Plan Review approval for the subdivision of one lot into two lots with a single-family dwelling and accessory dwelling proposed on each lot with associated site improvements. Said property is located on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. **REQUEST TO POSTPONE (LU-25-124)**

#### **DECISION OF THE BOARD**

The petition was postponed.

## **V. CITY COUNCIL REFERRALS**

### **A. Letter referring to requested removal of 109 Dennett Street from the Historic District.**

[Timestamp 2:35] Historic District Commission Vice-Chair Margot Doering was present to speak to the issue and said the HDC recommended that the building remain in the Historic District. Mr. Samonas asked if it had ever happened before or if there were cases where the HDC used discretion on a similar scenario. Ms. Doering said during her time on the Commission, she had not seen a situation where someone asked to be removed from the Historic District. She said the current reworking of the map along Middle Street was more a matter of defining the edges than removing a property because of the property itself. She said usually there was a very specific reason why the HDC would allow some other type of material instead of wood, and in this case, they did not have a reason to consider an alternative material such as vinyl. She noted that other materials they approved in the District, like Azek, were approved on an individual basis. Mr. Bowen verified that the rest of the houses on that side of Dennett Street going to the west were not in the District. He asked about the criteria that would cause one house to be in the District and one to be out of it. Ms. Doering said the houses further along Dennett Street to the west would be part of the District if the line did not have to be drawn somewhere. It was further discussed. She said when the District was created, a survey was done and the properties were graded based on how historic they were, and instead of having a District that was pockmarked, it was blanketed. Regarding a new house sitting next to an old house, she said it was a matter of balancing the sensitivity of the architectural design with the properties around it. Mr. Samonas asked if the house, except for the siding, conformed to HDC standards. Ms. Doering said a few replacement windows were placed in the back in the 1980s, but the rest of the house was an example of a building that still had a lot of historic features and a Carpenter Gothic architecture. Mr. Samonas asked if permits were pulled to do the siding, and Ms. Doering said they were not. Chair Chellman said the property owner was told that her house was in the District, so it was not a surprise. He said he would like to see the house stay in the District.

### **DECISION OF THE COMMISSION [Timestamp 10:08]**

*Mr. Giuliano moved that the Board recommend that 109 Dennett Street remain in the Historic District in keeping with the Historic District Commission's recommendation. Mr. Samonas seconded.*

There was further discussion. Mr. Stith said if a building permit had been pulled, it would have triggered the fact that the house was in the District. Mr. Samonas said it took it out of the City's liability and put it into the procedural aspect, so he was fine with it. Vice-Chair Coviello said he did not enjoy making it difficult for the homeowner, but the Board balanced that with the neighbors and the work that the City Staff had done over the years to preserve the Historic District, so he was in support of the motion. Chair Chellman said the applicant could work with the HDC and come up with other solutions.

*The motion **passed** with all in favor, 8-0.*

- B. Historic District Commission recommendation of boundary revision to the Historic District.**
- C. Request Planning Board move parking requirements to Site Plan regulations.**
- D. Request Planning Board rezone certain parcels to Gateway.**
- E. Request Planning Board modify Section 10.812 Conversion of Existing Dwelling to Multifamily Dwelling.**

[Timestamp 2:23:58] Chair Chellman said there were several zoning amendment topics but thought a workshop was needed with the Conservation Commission, so he postponed the actions on the zoning amendments for Items 5B through 5E. Mr. Bowen referred to Item B and said the Board should require a 10-day notification to abutters when site plans would affect neighbors. Chair Chellman said it would be discussed at the workshop. Mr. Samonas recommended that properties to be included or removed should be hyperlinked to their GIS or have a photo.

**F. Maplewood Avenue Drain Line Project**

[Timestamp 2:28:18] Mr. Stith said a recommendation to the City Council was needed to accept a license from CSX, Inc. and an easement from 90 Maplewood LLC in support of the Fleet Street/Vaughan Mall sewer separation project.

*Vice-Chair Coviello moved that the Board recommend that the City Council accept a license from CSX, Inc. and an easement from 90 Maplewood LLC in support of the North Mill Pond stormwater outfall improvements. Mr. Samonas seconded. The motion **passed** with all in favor, 8-0.*

**VI. OTHER BUSINESS**

**A. Zoning Amendments**

- Mechanical Units
- Solar
- State Law Changes

**B. Chairman Updates and Discussion Items**

**C. Board Discussion of Regulatory Amendments and Other Matters**

These items were not discussed.

[Timestamp 2:35:33] Vice-Chair Coviello suggested modifying the Board's rules for public comment speakers so that if someone wanted to speak longer than three minutes, they could wait until the second or third round and would not repeat what they said in the first round. It was further discussed. Vice-Chair Coviello also suggested that members of the public who wanted to

speakers line up behind the first speaker so that they did not waste time walking to the podium when it was their turn to speak.

## **VII. ADJOURNMENT**

The meeting adjourned at 9:39 p.m.

Submitted,

Joann Breault  
Planning Board Meeting Minutes Taker