

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

November 10, 2025

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

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ALSO PRESENT: Peter Stith, Planning Department Manager; Peter Britz, Director of Planning and Sustainability

MEMBERS ABSENT: Karen Conard, City Manager; Joe Almeida, Facilities Manager; Andrew Samonas

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I. Historic District Commission Recommendation of Boundary Revision to the Historic District

[Timestamp 4:56] Chair Chellman said the HDC made a few recommendations so that there were not as many split parcels where the District crossed the edge of a property, like a corner. He said the 9 Middle Rd parcel appeared that it was not supposed to be included. He said he spoke with the HDC Chair Reagan Ruedig about other changes that might be discussed as the Master Plan proceeded and as more input was received from consultants, based on so many residents having issues with being in the District, even though their properties just touched the boundary. Mr. Giuliano asked if any more properties would be added. Mr. Stith said that it would just be adjustments and that the orange-colored sections on the map would be removed. Councilor Moreau asked how a split lot would be dealt with. Mr. Stith said if the lot touched the building, it had to comply. He noted that the issue with going down New Castle Avenue was to try to include a certain whole property, but it was half in and half out of the District and the house was in the District, so it was decided not to remove the green-colored section. Vice-Chair Coviello asked what the impetus was if the structure was not abutting a historic property. Chair Chellman said he would discuss it with Ms. Ruedig but thought it should be building-based instead of parcel-based. Mr. Britz said two surveys were done that did not include all of the District. Mr. Giuliano asked what would happen if someone wanted to build an accessory dwelling unit (ADU). Mr. Stith said it could be done if it was a single-family home but had to be reviewed and approved by the HDC. Chair Chellman said Ms. Ruedig noted that some of the split parcels should all come into the District due to the way the lots were configured. Councilor Moreau said the City Council would not be able to take the topic up until January. Mr. Bowen asked if abutters were notified when a property was going to be put in or out of the District. Chair Chellman said it would tie into a possible zoning amendment process change that would include a checklist of things. He said if the Planning Board made a recommendation on the District, the City Council had three readings on it with public input, which was a lot of input. Mr.

Bowen asked if the people affected by it would have a chance to go to the City Council meeting to comment. Chair Chellman agreed but said if the process was changed, it might be a two reading process, one at the Planning Board and one at the City Council. It was further discussed. Councilor Moreau said the property owners got the notice and not the abutters or tenants. Chair Chellman asked the Board how they felt about the HDC recommendation with that one change, and the board members said it was good. Mr. Bowen asked what it meant in the context of the Master Plan. Chair Chellman said the consultants wanted to have regular conversations with him that would help him inform the Board, and he said the HDC was interested also. He said history was an important component in Portsmouth and had to be addressed in the Master Plan. The designation of what the District was based on was discussed. Councilor Moreau said all the requirements were in the Statute.

II. City Council Referrals

a. Request Planning Board Move Parking Requirements to Site Plan Regulations

[Timestamp 22:15] Mr. Stith said he started working on it and putting it in the site plan but it was a lot of work. Mr. Bowen asked if the purpose of it was to give the Board more expression. Chair Chellman said it was more flexible than that. He said in the subdivision regulations, they could waive things with a Board vote, but that could not be done with zoning because it had to be spelled out. Councilor Moreau said it provided market flexibility and streamlined it. Conditional Use Permits (CUPs) were discussed. Chair Chellman said if an applicant or an abutter did not like the result, it had to go to court, but with a site plan interpretation, the argument could go to the Board of Adjustment, so it kept things more local. Mr. Bowen said a few hundred parking spaces were added downtown without any physical structure for parking, and he asked if it would make it easier for the Board to judge parking. Vice-Chair Coviello said projects had an existing parking demand and that the business already had occupants that were using parking. He said residential use was less impactful than commercial use. It was further discussed.

b. Request Planning Board Rezone Certain Parcels to Gateway

[Timestamp 28:40] Mr. Giuliano asked who would have authority over determining the infrastructure for a proposed project. Councilor Moreau said it would be the Technical Advisory Committee (TAC) who would make a recommendation to the Planning Board. Chair Chellman said it would not be inappropriate to ask TAC to respond to something like a rezoning request that could put an extra burden on the infrastructure. Councilor Moreau said there would be major changes. Mr. Stith said the Department of Public Works was revising their studies and raising more money from developers as they came, especially due to the sewer system. It was further discussed. Mr. Bowen asked how the Gateway District was started. Councilor Moreau said it started with the Land Use Committee and a decision was made about which swaths of properties would be appropriate, and there were others that needed more conversation. She said the Housing Committee was looking at some other properties. Chair Chellman said it generated some projects and the Land Use Committee was changing industrial-zoned property. It was further discussed. Mr. Stith reviewed the parcels and explained what they were. Industry uses and hazardous soils were discussed. Chair Chellman said only the parcels that were labeled and adjacent to the G2 District would be changed. Mr. Stith said there would be no pressure on the current owners because they were grandfathered in. Building within the buffer zone was discussed. Mr. Britz said the Conservation Committee would ask the developer to do

improvements to the buffer to reduce the impact. Vice-Chair Coviello asked if it was better if a current use of restaurant or retail 100 feet past the buffer was better than a 4-story residential building that was 50 feet past the buffer. Mr. Britz said it was really about the impervious surfaces. It was further discussed. The types of parcels were discussed. Councilor Moreau suggested deleting the Office Research District. Mr. Giuliano asked what would happen if a plumbing supply business was replaced by housing. Mr. Stith said they were proposing a mixed-use district. Chair Chellman said more mixed-use districts created more opportunity. The property tax implications were discussed. Councilor Moreau said commercial properties were assessed very low, especially office buildings, and apartment properties were assessed very high. Valuations were discussed. Mr. Stith said the four properties that were currently zoned Industrial were one behind Walmart, some storage unit buildings on Heritage Avenue, and a warehouse building. He said there were similar properties west of Heritage Avenue. Mr. Bowen asked if the Board could recommend that the Master Plan extrapolate out into farther areas in that southwest corner. Mr. Stith agreed and said they were already looking into it. It was further discussed. Vice-Chair Coviello said standards should be implemented to ensure community connectivity. The Board discussed whether the blue-colored lot should be added, and most members were in favor of it except for Vice-Chair Coviello who felt that the City Staff should look at it first.

c. Request Planning Board Modify Section 10.812 Conversion of Existing Dwelling to Multifamily Dwelling.

[Timestamp 1:05:12] Mr. Stith said Section 10.812 would potentially open up a lot of opportunity for infill or use of existing big houses. Councilor Moreau said there was over 60 percent of nonconforming houses based on lot area, so it would make the houses more conforming than they were. Mr. Stith said if the house was big with six bedrooms and the person wanted to make it into a multifamily building, the lot area per dwelling could be reduced. He said it would not be across the board in the district but would only be for converting the structure. He said it would have to be a pre-1980 structure and not new construction and the footprint and height could not be increased, and the parking, open space and building coverage requirements had to be met. He said it was currently allowed in the GRA, GRB, and GRC districts. Mr. Britz noted that it was limited however and that the change would expand the ability. Councilor Moreau said more housing could be created without adding more buildings. Mr. Stith reviewed the different zones. Mr. Bowen said there was a tension in the city between needing more housing and retaining the city's character, and it was further discussed. Chair Chellman said it was a lot of land area and asked how many buildings would be involved. Mr. Stith said the buildings would first have to conform and then meet the dimensional requirements and accommodate parking requirements. It was further discussed. Ms. Wolf said she was it as a way to get young people into neighborhoods where they could raise a family. Vice-Chair Coviello said multi-family housing could change the neighborhood dynamic, and it was further discussed. Chair Chellman said he would like to see it further sketched out.

III. Zoning Amendments

a. Mechanical Units [Timestamp 1:22:49]

Mr. Stith said fences were changed to a height of eight feet and the section on HVAC units was deleted because there were too many variance requests. He said in other places in the ordinance where HVAC units were mentioned, they were deleted, so the proposal was to delete the reference and the definition of building coverage. He said he consulted the Fire and Inspection Departments and that they were fine with HVAC units having a setback but wanted power generators to have a 5-ft setback for openings and a 5-ft setback for lot lines, which was the reason for the 8-ft fence requirement. Chair Chellman confirmed that the proposal was to strike the current wording and say that mechanical systems are not considered structures, but any power generator must be set back five feet from any lot line to be consistent with fire code. Councilor Moreau said she felt that it was not clear enough and that there had to be a way to say that it was only the power generators, like a gas-powered generator used when the power went out. Mr. Stith said he would talk with the Fire and Inspection Departments to see if they had a definition. Chair Chellman recommended deleting the acronym 'etc.' also.

b. Solar [Timestamp 1:28:15]

Mr. Roy said his comments revolved around when the Board came up with some of the percentages and sizes, which in some cases accidentally punished an owner for having a small house. He said the term 'roof-mounted being less or equal to 100 percent' was redundant because a solar panel could not overhang a roof. Mr. Britz said he thought that was put in to distinguish between a roof-mounted system and a stand-alone one. Mr. Roy said his concern was if there was an attached garage and the principal structure was smaller. Councilor Moreau suggested that the definition for roof mounting should be 'equal to or less than the roof area of the structure on the lot'. Mr. Roy said he would like to see the 25 percent residential power driven by the electrical usage of the site. The Board discussed it and decided to leave it as it was. The car port element was discussed. Mr. Roy said putting solar over existing paved areas was a great use of space and that they did not want buildings built just to support solar. The Board discussed parking spaces covered with solar panels. Ground-mounted solar panels vs. roof-mounted panels was discussed. Councilor Moreau said she found the language of "outside the HDC" and "inside the HDC" confusing because it seemed to be read the same as inside. Mr. Roy said it clarified an important point about HDC and solar. Vice-Chair Coviello said some parts of the zoning said something could not be done but then a chart significant that it could be done with a CUP. He said the other section that concerned him was the number of units in a building being 24 maximum because people thought there were buildings being built with more than 24 units. Councilor Moreau suggested that A and B could be combined into one because it said the same thing. She said B and C, above could also be combined. Projected area vs. sloped area for solar panels was discussed.

c. Senate Bill 284 – Parking [Timestamp 1:52:00]

Mr. Stith said there was one change, the deletion of the 'over 750' and changing it to 'over 500'. Mr. Britz suggested changing it to say "500 or less".

d. House Bill 577 - Accessory Dwelling Units [Timestamp 1:53:28]

Chair Chellman said currently the requirement was that the owner had to be a resident to have an ADU, which was a municipal option. He said the City could say that the person did not have to

be a resident. Councilor Moreau said having an ADU be resident occupied would keep it in control. Mr. Stith said the Legal Department reviewed it and that one of the big issues was the size of the ADU, which could not be less than 750 sf. He said the municipality could make it up to 950 sf or greater, but currently the cap was 750 sf. He said there could not be more restrictions on an ADU than on a single-family home. ADUs in the Historic District were discussed. Mr. Bowen asked if the regulations inhibited doing more ADUs. Councilor Moreau said ADUs had financing problems and construction was not cheap. Vice-Chair Coviello asked if residents felt that enough was being done to promote ADUs as part of the Master Plan. Councilor Moreau said in the first three years, there were less than five ADU requests. Mr. Britz said there were 11 so far in 2025, eight in 2024, and a bit less in the previous years. It was further discussed.

e. House Bill 631 – Multifamily in Commercial Districts [Timestamp 2:08:42]

Mr. Stith said it would go into effect in July but that he started to review it with the Legal Department and would continue to work on it.

f. Dependent on available time: Wetlands CUP section revisions and other previously pending matters the Chair will discuss. [Timestamp 2:09:08]

Chair Chellman said he thought the way things were being done should be left alone. He said people should get a permit if they were improving the buffer impact, but that was not what the ordinance said. Mr. Britz said the Conservation Commission discussed it quite a bit. Councilor Moreau said the zoning ordinance should be based off what the practices had been. The Board discussed whether someone should go to the Conservation Commission for relief from going inside a buffer vs. just going before the Planning Board. Councilor Moreau said she preferred that the Conservation Commission say what was appropriate. Chair Chellman said there could be an administrative permit that would involve just the Conservation Commission or the Planning Board. It was further discussed.

IV. Adjournment

The meeting adjourned at 9:15 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker