PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

6:00 PM Public Hearings begin **September 17, 2026**

MEMBERS PRESENT:	Rick Chellman, Chairman; 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:	Anthony Coviello**,** Vice-Chair

Chair Chellman called the meeting to order at 6:00 p.m. Alternates Perier and Roy took voting seats under the other members arrived.

I. APPROVAL OF MINUTES

A. Approval of the **August 20, 2026** meeting minutes.

Ms. Conard moved that the Board approve the August 20, 2026 meeting minutes as presented. Mr. Bowen seconded. The motion passed with all in favor.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION

A. The request of **Alea LLC (Owner)**, for property located at **238 Austin Street** requesting. Preliminary and Final Subdivision Approval to subdivide one lot into two lots and demolition of the existing structures to construct a single-family dwelling on each lot.

Mr. Giuliano moved that the Board determine that Item A is complete according to the Subdivision Ordinance (contingent on the granting of any required waivers under Section III of the agenda) and to accept the application for consideration. Mr. Bowen seconded. The motion passed with all in favor.

III. PUBLIC HEARINGS – NEW BUSINESS

A. The request of **Public Service of New Hampshire d/b/a Eversource Energy, (Owner),** for property located at **400 Gosling Rd/Schiller Substation E194 Utility ROW** requesting a Wetland Conditional Use Permit from Section 10.1017.60 for the replacement of 12 wooden structures with new steel structures which includes 45,531

square feet of temporary wetland buffer impacts and 37,390 square feet of temporary wetland impacts. Said property is located on Assessor's Map 239 Lots 16, 18; Map 238 Lot 20; Map 237 Lot 56; Map 236 Lot 34; Map 240 Lot 2-1, Map 240 Lots 2-2001, and 3 and lies within the Gateway Neighborhood Corridor (G1), Office Research (OR), Municipal (M), and General Business (GB) Districts. (LU-26-90)

SPEAKING TO THE PETITION [Timestamp 9:17]

Trent Delehante, wetland scientist for VHB, was present on behalf of the applicant. He said the project would replace 12 wooden structures with weathered steel. He said they would use timber matting within the wetlands and buffers and that temporary timber matting was implemented within all the buffer areas after the Conservation Commission July 8 meeting.

[Timestamp 11:46] Mr. Roy asked if the applicant discussed with the Conservation Commission whether permanent wetland markers would be installed. Mr. Delehante said it was not discussed but that they used vinyl ribbon prior to the construction crews coming in. Relating to permanent boundaries, he said the utilities right of ways were easements, so Eversource did not own the ground underneath. Chair Chellman asked if there were invasive species where the mats would be placed. Mr. Delehante agreed and named a few of them. He said they had photos and did not think the matting would cause more invasive species. Chair Chellman asked how the mats would be cleaned to prevent the migration of species offsite. Ashley Botelho of Eversource said the mats would be swept onsite before being removed, and there would be no change in capacity.

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 17:01]

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

2) Mr. Giuliano moved that the Board grant the Conditional Use Permit as presented. Mr. Almeida seconded. The motion passed with all in favor.

Note: At this point, Councilor Moreau arrived and Mr. Roy resumed his alternate seat.

B. The request of **Alea LLC (Owner)**, for property located at **238 Austin Street** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots and demolition of the existing structures to construct a single-family dwelling on each lot. Said property is located on Assessor Map 135 Lot 61 and lies within the General Residence C (GRC) District. (LU-25-177)

SPEAKING TO THE PETITION [Timestamp 18:31]

Project engineer Alex Ross was present, with development team member Matt Boyer and Attorney Monica Kaiser. He reviewed the subdivision request and said they wanted to replace the existing structures with more conforming ones. He said they met with the Technical Advisory Commission (TAC) and got variances from the Zoning Board of Adjustment (ZBA).

[Timestamp 23:28] Mr. Samonas said there were various soil and rock types and asked if there was an alternate plan for the structure's basement. Mr. Ross said TAC added a condition of vibration monitoring for that purpose, so if any ledge were found it could be easily removed. Mr. Almeida asked for more information on the barn's structure and foundation and the small house. Mr. Ross explained why the barn and house were not in good shape. Mr. Bowen asked for more information on the rock substructure, which Mr. Ross explained. Mr. Bowen said he was concerned about intense drilling activity. Mr. Ross said they would use a rainbow rig. Chair Chellman asked about all the activity that would take place from Austin Street or both streets. Mr. Ross said TAC preferred that the activity be from Austin Street and that the details would be sent to the City and the Department of Public Works. Chair Chellman asked if a threshold for the ledge was established and whether it would be pursued if it looked like it would be a big job. Mr. Ross said the ledge removal would take less than a month. Chair Chellman asked if the neighbors would be asked for inspections beforehand. Mr. Ross said there would have to be vibration and monitoring testing for the demolition and foundation work. Mr. Bowen asked if bonding was involved in case the neighbors' homes suffered damage. Mr. Stith said there would be a subdivision bond for the utility work in the right-of-way but not for damage to foundations, and that the contractor would be liable for it. Councilor Moreau asked how the walkway would be secured while removing the structures. Mr. Ross said they would stay away from the cobblestone walkway and do some temporary shoring and would leave the left side along the property line the way it was. He said they would maintain the walkway.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

FIRST ROUND SPEAKERS [Timestamp 41:34]

John Mayer of 68 Cabot Street said he was concerned about the monitoring because his 1813 house had reinforced masonry construction. He said Coffins Ct is 12 feet wide and the fire code requires at least a 20-ft wide access. He asked if the applicant would get a variance.

Keith Smith of 30 Coffins Ct said he had concerns about digging and blasting 15 feet from his house and asked if any work would be done to the property before the Board's approval.

Applicant team member Matt Boyer said if there was a significant amount of ledge, they would do a crawlspace instead. He said the barn already had a 5-ft deep crawlspace, so there would not be a lot of excavation. He said the Austin St house had a full basement, and if there were issues they would use the vibration monitor.

John Ragonese of 74 Cabot St said it was implied that there used to be a lot line between the two lots. He said there was a lot line but it was not a separate lot because it was a component of his property, so the applicant would be creating a new lot. He asked how the Coffins Ct slope would be stabilized. He recommended postponing the final subdivision.

Laura Stewart of 20 Coffins Ct said she was concerned about the vibration and whether they would be reimbursed for any damage done to her house.

Cindy Smith of 30 Coffins Ct said she was concerned about vibrations and asked that videos be taken on the insides of the surrounding homes. She asked the Board not to subdivide the property because both buildings could be built to fit on the lot and could be accessed from Austin Street.

The applicant's Attorney Monica Kaiser said the configuration, density and so on were considered by the ZBA when they granted the relief. She explained why the barn could not be repurposed and said the construction activities would be regulated by the Building Department. She said the contractors would have the proper liability insurance.

Evan Baker of 20 Coffins Ct said he and his wife lived across from the barn and were against the subdivision. He said the lot did not need to be split and he asked the Board to reconsider it

SECOND ROUND SPEAKERS [Timestamp 58:18]

John Mayer said a barn restoration professional found that the barn could be rehabilitated and that the house could be saved. He asked that the Board meet TAC's request for a Construction Mitigation and Management Plan (CMMP) and a plan for monitoring a condition of their approval. He said his neighbors' houses would be close to the blasting due to the 12-ft road.

John Ragenese of 74 Cabot Street said the notice for that night's meeting referred to the lot as Lot 61, whereas the ZBA said it was Lot 28 in another district. He said it was a factual error and that it must reflect the actual application that was heard at the ZBA's February meeting, so he asked the Board to pause a final decision until they had the correct decision from the ZBA. He said the hardship was not met because the project had double the density of other structures in the zone. He asked that the tree on his lot be removed and that there be a snow storage plan.

Attorney Monica Kaier said hardship was not a part of the Board's analysis and that the ZBA had permitted the creation of the two lots with their structures. She said there was no issue about the Notice of Decision because everyone was there. She said any type of construction of the lots would encompass the same issues, whether it was a house or an ADU or a condo.

THIRD ROUND SPEAKERS [Timestamp 1:10:28]

John Mayer asked what kind of monitoring would be done, what the scope of the CMMP plan was, and whether there was a ledge or not. He said his house was near a 25-ft drop in elevation, so he was sure there was ledge. He asked that the applicant find a use for the barn and the house.

John Raganese said the barn and house had rodents and that the owner should eliminate all the rodent hazards before demolition. He said the demolition plan and the CCMP should be reviewed by the City and the neighbors and that the barn's demolition must be done from Austin St. He said the neighbors should be notified of any planned road closures a day or two before.

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

DISCUSSION OF THE BOARD [Timestamp1:15:42]

The Board discussed the requested waiver. Councilor Moreau said the street was very narrow for emergency vehicles and now another access point would be created and have at least two or more cars, and the Board would make it more congested by putting a house facing the street and accessing the street. Chair Chellman said it was a City street. He said the ZBA permitted two lots that can now conform to the zoning ordinance as modified, so the Board did not have the discretion to look at hardship and had no authority over demolition. It was further discussed. Mr. Almeida said the applicant did not have to save the barn. He said monitoring vibration was a valid request and that a baseline had to be established for acceptable levels of vibration. The concern about specificity in the CMMP about rodents and critters was discussed. Mr. Stith said the departments of Public Works, Fire, Inspection, Planning, and Legal were usually involved in reviewing it and that it could be a condition. Mr. Samonas said the issue with the ZBA ruling and variances that created a single-family lot on Coffins Ct should be taken up with the ZBA, but he thought the new structure aligned with the neighborhood's characteristics. He hoped the applicant had provisions in place to protect the abutters. Mr. Giuliano said the driveway to the barn could accommodate two vehicles, and he thought congestion would be reduced by what would be built there. He said he did not like the fact that construction would be so close to the existing homes and there was no bond, and he thought the lot looked like two. It was further discussed. Chair Chellman said the Board could ask that construction occur from Austin Street, that the CMMP address rodents and other animals in the barn and house as they are removed, and for an outside review of traffic. He said the proposed single-family residence would probably generate 10 car trips per day. It was further discussed. Councilor Moreau asked if the Board could say that the applicant was not allowed to use blasting to remove ledge. Deputy City Attorney Trevor McCourt said the Board had the power to protect the abutters but questioned what factual record they had to support such a condition. He said he was not convinced that the Board had that level of authority because blasting was regulated locally and by the State. He said there were other conditions that the Board could put in place for noise, dust, and so on. Mr. Almeida said the Board could recommend that a CMMP be developed to address rodent control and pre-demolition and pre-construction vibration monitoring to protect nearby properties.

DECISION OF THE BOARD [Timestamp 1:44:20]

Ms. Conard moved that the Board grant the requested waiver from Section VI.6 Drainage Improvements of the Subdivision Ordinance.

a) *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.*

Mr. Samonas seconded. The motion passed with all in favor.

1) Mr. Samonas moved that the Board find that the Subdivision Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as presented. Ms. Conard seconded. The motion passed with all in favor.

*2) Mr. Samonas moved that the Board grant Preliminary and Final Subdivision Approval with the following **conditions**:*

2.1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.2) GIS data shall be provided to the Department of Public Works in the form as required by the City.

2.3) Any easement plans and deeds for which the City is a grantor or grantee shall been reviewed and approved by the Planning and Legal Departments and accepted by City Council.

2.4) The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.5) Construction Management and Mitigation Plan (CMMP) is required. The CMMP will require a minimum of a 1-day notice to abutters for any street closures and will provide monthly updates to abutters during the life of the project.

2.6) Pre- and post-construction survey and vibration monitoring required during demolition and foundation stage of construction.

2.7) Barn and rodents must be removed prior to recordation of the subdivision plan.

2.8) Preference for demolition and construction for all structures to access and exit through Austin Street.

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

C. The request of **PWED2 LLC (Owner)**, for property located at **921 Islington Street** requesting 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-W (CD4-W). (LU-25-96)

SPEAKING TO THE PETITION [Timestamp 1:58:43]

Project engineer John Chagnon said they wanted to move the patio toward the east side of the building away from the abutting commercial use. He said they would also put in some benches

and trees. Councilor Moreau asked if the patio was on the left side before. Mr. Chagnon agreed and said the back-of-the-house addition was also on the right side, so that was moved over.

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 2:01:40]

1) Ms. Conard 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. Almeida seconded. The motion passed with all in favor.

2) Ms. Conard moved that the Board approve the conditional use permit as presented. Mr. Almeida seconded. The motion passed with all in favor.

D. The request of **The City of Portsmouth, (Owner),** for property located along **Peverly Hill Road - Side Path Project City ROW** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the reconstruction of approximately 1-mile section of Peverly Hill Road between West Road and Middle Road (NH Route 33). The purpose of the project is to enhance safety for all modes of travel (vehicles, bicyclists, and pedestrians) in conformance with the City of Portsmouth's Complete Street Policy adopted in 2013. The project includes 970 square feet of permanent wetland impacts, 2,488 square feet of temporary wetland impacts, 21,419 square feet of permanent wetland buffer impacts, and 7,294 square feet of temporary wetland buffer impacts on private property. The work within the City ROW is exempt. Said property is located on Assessor's Map 243 Lots 50, 52 and 53, Map 242 Lots 3 and 4, Map 244 Lots 10-A and 10-B, Map 253 Lot 7 and Map 255 Lot 2 and lies within the Single Residence A (SRA), Single Residence B (SRB), Natural Resources Protection (NRP), Gateway Neighborhood Mixed Use Center (G-2), and Municipal (M) Districts. (LU-26-104)

SPEAKING TO THE PETITION [Timestamp 2:03:30]

Department of Public Works Construction Operations Manager Dave Desfosses was present. He said the City applied for a grant to put a sidewalk down Peverly Hill Rd and were granted permission from the State to start the process. He said the sidewalk ended up turning into a sidewalk, a multi-use trail, a buffer between the sidewalk and the road, and a buffer between the trail and the road. As a result, he said Peverly Hill Rd would be narrowed but a multi-use path and sidewalk would be to one side of it. He said the project turned into a $7.2 million road project and included the complete reconstruction of Peverly Hill Road, including new water mains and closed drainage systems. He said the City also required drainage easements from multiple properties and that they were working with them to put in a large gravel wetland behind some commercial properties. He said stormwater infiltration would go beneath the Public Works

parking lot eventually. He said they were requesting a Conditional Use Permit for the additional private parcels that the City was acquiring easements so that they could do the project.

[Timestamp 2:07:00] Councilor Moreau asked when the project would start. Mr. Desfosses said they were almost finished the right-of-way phase and hoped to bid in the winter and start construction in the spring. He said it would be a two-construction season project.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 2:08:06]

FIRST ROUND SPEAKERS

Jay Krupp of 375 Greenleaf Ave said he opposed the Conditional Use Permit because the application did not satisfy most of the criteria, which he further described. He said no proposed offer, easements, or agreement was ever presented to him.

SECOND ROUND SPEAKERS [Timestamp 2:11:40]

Jay Krupp said the reason for the application was to have a secret workaround approved to deal indirectly with what the applicant failed to do correctly. He further explained why the application did not meet Criteria 1, 2, 3, 5 or 6.

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

DECISION OF THE BOARD [Timestamp 2:17:18]

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. Mr. Perier seconded. The motion passed with all in favor.

*2) Mr. Giuliano moved to grant the Conditional Use Permit with the following **condition**:*

2.1) Prior to project completion: In lieu of the requirements of Section 10.1018.40 of the Zoning Ordinance to permanently install wetland boundary markers, applicant shall install an educational sign at some point along the new stretch of the sidewalk or multiuse path with a brief description of the environmental sensitivity of the area, the neighboring prime wetland and how this transportation project improved water quality entering into these systems. As part of this signage, a City of Portsmouth Wetland Boundary Placard shall be included on the signpost for education purposes.

Ms. Wolf seconded.

The drainage system, possible impact on certain parties, and the issue of financial compensation were further discussed.

The motion passed with all in favor.

E. The request of **Tidewatch Condominium Association, (Owner)**, for property located at **579 Sagamore Avenue** requesting an After-the-Fact Wetland Conditional Use Permit for the removal of a mature beech tree within the vegetated no-cut wetland buffer. The applicant is proposing to plant within three locations in the 25-foot buffer to stabilize the area. Said property is located on Assessor's Map 223 Lot 30 and lies within the Single Residence A (SRA) District. (LU-26-103)

SPEAKING TO THE PETITION [Timestamp 2:24:10]

Kim Rogers of 579 Sagamore Avenue was present on behalf of the owner. He said they inadvertently cut a tree that was in the 25-ft buffer, so they agreed to the Conservation Commission's condition of installing 1-2 buffer markers. He said they would install two trees with a 2-inch calipers, and they would monitor watering and report back periodically. He said if the proposed six trees and shrubs fell below the 80 percent health standard, they would replant.

Ms. Ryan asked if the new trees could get the disease from the soil. Mr. Rogers said the beech trees were removed and had a leaf disease, so they would not plant more beech trees but would probably plant three maples or birches. Chair Chellman asked whether 4-inch caliper trees were considered. Mr. Rogers said they were not because heavy equipment would have to bring them in. It was further discussed. Mr. Rogers said they would monitor everything.

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 2:29:05]

1) Mr. Giuliano moved to 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. Ms. Wolf seconded. The motion passed with all in favor.

*2) Mr. Giuliano moved to grant the Conditional Use Permit with the following **conditions**:*

2.1 In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install two wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department.

2.2 Trees to be planted shall be a minimum of 2-inch caliper at the time of planting.

2.3 Applicant shall monitor the survival of the three trees and eight shrubs and submit annual reports to the Planning & Sustainability Department for the first two years after

installation. If plant survival is less than 80% after two years, replacement planting shall occur.

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

F. The request of **Rezma Shrestha & Mark Esposito (Owners),** for property located at **224 Cate Street** requesting a Wetland Conditional Use Permit from Section 101017.50 for landscape work which includes regrading, stormwater control, soil aeration, tree removal, and new plantings. The applicant is proposing to regrade approximately 250 square feet of the wetland buffer, removal of dead ash and maple trees, and replant with a mix of native trees and shrubs. Said property is located on Assessor Map 173 Lot 3 and lies within the General Residence A (GRA) District. (LU-26-106)

SPEAKING TO THE PETITION [Timestamp 2:30:17]

Owner Mark Esposito was present and explained how he would fix a lot of damage that the previous homeowner did when he developed the property. He said he would also do some plantings, including replacing the invasive Norway maples and installing a silt barrier.

[Timestamp 2:32:06] Mr. Bowen asked if the pile of woodchips in the side yard belonged to the applicant. Mr. Esposito agreed and said they would use it for organic planting.

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 2:33:30]

1) Councilor Moreau moved to 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) Councilor Moreau moved to grant the Conditional Use Permit with the following **conditions**:*

2.1) No excavation shall occur below the top of the bank of Hodgson Brook as part of this work.

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

G. POSTPONED TO OCTOBER The request of **124 Group Inc (Owner),** for property located at **124 Heritage Avenue** requesting amended Site Plan approval for minor site improvements including a garden, ADA accessible ramp, parking lot re-striping, stormwater conveyance modifications, lighting and landscaping. Said

property is located on Assessor's Map 284 Lot 8 and lies within the Industrial (I) District. **POSTPONED TO OCTOBER** (LU-26-46)

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

Note: At this point in the meeting, Ms. Conard asked to take item IV.A, City Council Referral for 0 Elm Street, out of order.

Ms. Conard moved to take Item IV.A out of order. Mr. Giuliano seconded. The motion passed with all in favor.

H. Site Plan Review Regulation Amendments to Article 1, 2, 3, 4, and 5 of the Site Plan Review Regulations. [Timestamp 3:29:10]

SPEAKING TO THE AMENDMENTS

Mr. Stith said the Housing Committee made a recommendation for the City Council to remove the parking from the zoning ordinance and put it in the site plan recommendations. He said the Board reviewed it in June and wanted to streamline it. He said zoning amendments were brought to the Council for first reading and a meeting was scheduled for October. He said the key changes are uses that have been consolidated into a broader parking table instead of the expansive use table in the zoning ordinance. He said the Board eliminated shared parking and guest parking. He said parking reductions, shared parking, offsite parking and reserved parking were consolidated into a new section under Parking Flexibility. He said the Loading Area requirements were simplified. He said there was a new Parking Modification section. He said the proposed regulations would allow parking reductions, shared parking, offsite parking, and reserved parking. He said there was a new administrative review process to deal with what happens when there is a change of use that does not require site plan review. He said the Planning Director could approve a change of use that does not require site plan up to four spaces, so the trigger for site review would be five or more spaces, otherwise it would go to the Planning Board for modification. He said factors considered for review included the existing parking, parking demand, site conditions, and any other parking studies that may be provided. He said what did not change were the minimum parking requirements for use, Downtown Overlay, bicycle parking, accessible parking requirements, and a lot of dimensional requirements for parking lots and circulations. He said if the Board made a positive recommendation that night, they would amend it to add the two sections to Section 4.31 of the draft Site Plan Regulations.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE AMENDMENTS [Timestamp 3:34:38]

John Chagnon of 200 Griffin Rd said the parking table that was moved into the site plan regulations was shrunk down to the categories of assignments of parking per use. He said it was followed by Section 4.23, Unlisted Uses, and stated that uses not specifically listed shall be assigned to the most similar parking category by the Planning and Sustainability Director based

on the nature of the use. He asked if some language about providing for other authoritative sources like the Institute of Transportation Engineers source data would be appropriate. He said it made sense to have fewer categories, but a lot of uses did not fit neatly into those boxes. He asked the Board to consider adding in a definitive source to be a backup for the items and uses that did not fit the table. He asked why the change in Section 2.54, Site Plan Specifications and Required Exhibits and Data, stated that full site plans shall not be larger than 11"x17". Mr. Stith said it was because they were going to use an electronic method. Mr. Chagnon said it stated "full size plan" and that he could not make his plans that large. He suggested that it say that 11"x17" reductions would be accepted but that the plans would still be done on a bigger scale. It was further discussed. Mr. Stith concluded that it was better not to make that particular change.

[Timestamp 3:40:24] City Deputy Attorney McCourt said the Records Retention Law requires that copies of approved site and subdivision plans be kept permanently, which meant either paper format or PDFA. He said the Legal Department's recommended that the copies be kept in paper format because PDFA's technology had changed. He said the Board should at least get the final plans in paper to be kept permanently.

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

DISCUSSION OF THE BOARD [Timestamp 3:41:24]

The Board discussed the unlisted uses and where the put the ITE and other language in. Mr. Samonas read from Section 4.2.6 and Section 4.3, Parking Flexibility, and he asked how, if a previous use got a variance for their parking calculations and then that existing use changed, the parking flexibility would or would not be applied. Mr. Stith said it would be a new use and approval, and if the use was changed, it might need a variance.

DECISION OF THE BOARD [Timestamp 3:43:15]

Councilor Moreau moved to adopt the proposed Site Plan Review Regulation amendments as amended, with an effective date concurrent with the effective date of the corresponding parking-related zoning amendments currently before the City Council. Ms. Wolf seconded. The motion passed with all in favor.

I. **Subdivision Ordinance Amendments** to Section II Definitions of the Subdivision Ordinance. [Timestamp 3:43:59]

Chair Chellman said it related to making the Board's subdivision regulations conform with the statutory definition of abutter.

SPEAKING TO THE AMENDMENTS

John Chagnon said the packet did not have that but had the Wetlands Ordinance change that was not before the Board. Mr. Stith said it was in the Staff Memo. Mr. Chagnon said the website directed a user to the Wetlands Ordinance change. Chair Chellman said the Wetlands amendment would take place some other time.
Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE AMENDMENTS

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

DECISION OF THE BOARD [Timestamp 3:45:19]

Councilor Moreau moved to amend the Subdivision Ordinance as presented. Ms. Conard seconded. The motion passed with all in favor

Note: At this point in the meeting, the Board addressed Item C, Housing Plan.

IV. CITY COUNCIL REFERRALS

A. 0 Elm Street [Timestamp 2:43:08]

The request was for the Board to review the issuance of a building permit. Attorney Colby Gamester and his client Stephanie Krapow were present. Attorney Gamester said the property was on the corner of Forest and Elm Streets, which were both paper streets. He said there was a house on the corner of Forest St that used a portion of the street as their driveway, and Ms. Krapow spoke to the owner and that they were generally in favor of the house being built at 0 Elm Street. He said the lot would require ZBA relief for at least 2-3 variances and Planning Board relief for the Highway Overlay Noise District before a building permit was issued. He said they wanted the Board to recommend that the City Council authorize the City to issue a building permit on a private road. He said they would improve a width of pavement that would satisfy the Public Works and Fire Departments. He said Attorney McCourt gave two options and that he hoped the Board would vote for the second option, to recommend to the City Council that it give the City the ability to authorize the permit with the conditions contained in the Statute.

[Timestamp 2:47:32] Mr. Bowen asked if it was the same situation as if it were a Home Owners Association (HOA). Attorney Gamester said it was built into the Statute that the City would authorize the issuance of the building permit but not accept any responsibility for the paved portion or the utilities. Councilor Moreau asked if the abutters had been spoken to. Attorney Gamester said the owner spoke with three abutters and received no opposition. Mr. Samonas asked what the likelihood was for the rest of Forest and Elm Streets to be developed on some of those other lots. Chair Chellman said it was highly likely. Mr. Samonas asked if the applicant would be required to create a road with the specifics of a public road or a driveway. Chair Chellman said one of the reasons was to ensure that emergency personnel could get access to properties. He said he was struck by the grade change and thought the Board should see the property before making a decision. Attorney Gamester said it was possible that any one of the lot owners could seek something similar. He said they did some research and did not believe that any part of Forest or Elm Streets would be used in a manner that would open up to the public way. It was further discussed. Chair Chellman asked if the applicant considered formalizing the street into a City street. Attorney Gamester said it would be expensive for one house lot. Mr. Bowen asked who owned the street. Attorney Gamester said the abutting lot owners would own to the central line of Forest Street. Mr. Samonas asked if it would always remain a private street if future development took place. Chair Chellman asked if the applicant would have to exercise agreements with the City to not be responsible for maintenance, emergency access, and so on.

Deputy City Attorney Gamester said that, under the Class 6 Highway Private Road section, the City would have no responsibility for maintenance or emergency access, nor liability. He said it was an agreement that would have to be executed by the City and the landowner. He said the Board could recommend some conditions to the City Council, such as obtaining appropriate variances or what the agreement may look like if it were executed. It was further discussed. Further development was discussed. Attorney McCourt said that the City currently has no responsibility for the paper street known as Forest St, and if an arrangement were arrived at, there would have to be an agreement about what the nature of the driveway or private road would be, how large it would be, the engineering involved, and so on to service the private lot. He said the grade was an issue with Public Works. The issue of whether the agreement would have to include potential future development was discussed. Attorney McCourt concluded that what was done to the property today would have an impact on the future development of the other parcels. Chair Chellman said he wanted to do a site walk before the October meeting to see if the lot would be harmonious with the other lots and the emergency departments.

DECISION OF THE BOARD [Timestamp 3:58:01]

Mr. Giuliano moved to postpone the request to the October meeting pending site visits by Board members. Ms. Wolf seconded. The motion passed with all in favor.

B. 361 Hanover Street – Landscape and pole license over City property [Timestamp 3:12:27]

Councilor Moreau recused herself. Mr. Stith said it was a request to grant a landscape license for a parcel that surrounds the property as well as a pole license to locate a transformer on City property. Mr. Almeida verified that everything requested was on City property. Mr. Stith said the applicant would maintain the landscaping. Chair Chellman said some of the Board members did a site walk and some of the issues in the back area were the retaining wall and the utilities under the landscape area. He said Public Works was not interested in rebuilding the wall if they did not have to. He asked if there was talk about redoing the wall. Mr. Stith said it was not noted in the attorney's letter. Chair Chellman asked if the landscaped area would have public or private access. Mr. Stith said the intent was for it not to be public.

Project engineer John Chagnon said part of the property adjacent to Rock St would be open to the public. He said there was no way to get to the part on the upside of the wall without crossing private property. He said the request did not include the maintaining or rebuilding the wall but it could be addressed by the City Council. Mr. Almeida asked how it could be accepted that the elevated part could not be accessed by the public. It was further discussed. The leaning wall was further discussed. Chair Chellman said the Board could recommend to the City Council that they accept it with the condition that the developer reconstruct and/or maintain the retaining wall. Mr. Almeida asked if placing the transformer on City property would benefit the neighborhood. Mr. Chagnon said it was part of the public infrastructure and would service the property. Chair Chellman said the developer should be responsible for rebuilding and maintaining the wall and that he would rely on Public Works' input.

DECISION OF THE BOARD [Timestamp 3:27:19]

Ms. Conard moved to postpone consideration to the October meeting pending a report back from DPW on the status of the retaining wall along Foundry Place. Mr. Giuliano seconded. The motion passed with all in favor.

Note: At this point in the meeting, Ms. Conard asked to take Item V.A, Other Business, 1(15) Congress St extension request, out of order.

Ms. Conard moved to take Item V.A, 1(15) Congress St, out of order. Mr. Almeida seconded. The motion passed with all in favor.

C. Housing Action Plan [Timestamp 3:45:58]

Chair Chellman said the City Council wanted the Board to recommend adopting it. Councilor Moreau said the table had several key implementation steps and the Board was in many of them. Mr. Bowen said he would put some items under the general category of rental, and then have subsets relating to co-living, rooming houses, and single room rentals. He said there was no manufacturing housing component in the plan. He said RSA 79e is a new expanded use that was a powerful tool and should be done selectively and should track the Master Plan. It was further discussed. Councilor Moreau noted that co-living was already included in the plan. The issues of co-housing, single-room rentals, and cottage housing were discussed.

DECISION OF THE BOARD (Timestamp 3:58:00]

Mr. Giuliano moved to recommend the City Council accept the Housing Action Plan as presented. Mr. Samonas seconded. The motion passed 8-1, with Mr. Bowen voting against.

D. Heritage Commission [Timestamp 4:01:33]

Chair Chellman said the goal was to provide education of historic properties. He said the Planning Board could have authority over historic properties and landmarks that it currently does not have, and the Heritage Commission could provide input to help make decisions and could also provide help to the Historic District Commission (HDC) on some of its workload by doing some pre-application work. Mr. Stith said Councilor Moreau could report back to the Board.

There was no action taken.

E. Preapproved Plans for Accessory Dwelling Units+ [Timestamp 4:03:12]

Chair Chellman said the Master Plan was moving along and that the consultants were asked for a quantification of what the City really needed for housing.

There was no action taken.

V. OTHER BUSINESS

A. 1 (15) Congress Street requesting a **1-Year Extension** to the Conditional Use Co-Living Permit approval granted on September 18, 2025. (LU-22-12) [Timestamp 3:28:12]

DECISION OF THE BOARD

Councilor Moreau moved to grant a one-year extension of the Conditional Use permit to September 18, 2027. Ms. Wolf seconded. The motion passed with all in favor.

Note: At this point, the Board addressed Petition H, Site Plan Review Regulation Amendments.

B. Board Discussion on Regulatory Amendments

i. Article 10 Amendments

There was no action taken.

C. Chairman Updates and Discussion Items

This was not discussed.

VI. ADJOURNMENT

The meeting adjourned at 10:04 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker