

From: [Ryan Baker](#)
To: [Planning Info](#)
Subject: Raynes Ave Project- Support
Date: Tuesday, December 14, 2021 9:11:51 AM

Dear Planning Dept, my name is Ryan Baker and I live at 137 Wibird Street in Portsmouth. I have lived in Portsmouth for over 20 years with my wife and two children.

The Raynes Ave Project is something that I've been following for a few months now. As we all know, this area of Portsmouth has been underwhelming for many years and I'm excited for this new addition to the city. The developers have put a lot of thought into their proposal and I think the latest changes are exactly what were needed to move forward.

On a personal note, I run through this area of Portsmouth several days a week and would love to see it further developed and used more efficiently. Currently, the buildings are an eye sore and don't add any value to the general public. The Raynes Avenue project is exactly what is needed and will be a tremendous addition to the city. We are lucky to have developers who still want to invest in Portsmouth. This development team continues to put careful thought into all the final details to help preserve Portsmouth's historic charm.

Again, I support this project and hope you'll approve it to move forward.

Regards,

Ryan Baker

Re: Planning Board
Raynes Ave Development Proposal
Dec 16, 2021 meeting

Dear Chairman & Members of the board

I am writing in opposition to the attempt for buildings to be built within the 100 ft water front setback on the property at Raynes Avenue due to multiple reasons.

So, the city will receive community space along the waterfront that will be the first to be damaged, and destroyed by the advancing sea levels while the developer is rewarded with an extra story of building height. How can this be explained to the current residents and future ones. Future costs likely will off set public benefits.

The 100' setback is to insure a healthy eco system, and as the Master Plan states to provide a walkable, livable scaled urban area. A green space that is overshadowed by block style buildings is not acceptable.

The conversation commission has denied the developer twice proposal of building within the 100'. At what point will this council LISTEN TO and act for the BETTER GOOD of all residents, not the corporations who attempt to squeeze the most out of the square footage of a parcel.

The reasons for attempts to build within the zone do not meet the criteria of hardship, no lot configurations as these were all known factors prior to the purchase of the lot.

Please show us the residents that open, green space have value for multiple generations to come. This should be the criteria to follow the Portsmouth Masterplan 2025. Financial hardship does not fall into any of the 5 criteria needed for this.

Sincerely;
James Beal
286 Cabot St.
Portsmouth, NH
resident for 22 years

RE: 1&31 Raynes, 203 Maplewood
Meeting: Planning Board 12-16-21
Site Plan Review

Dear Members of the Planning Board,

12-10-21

Please separate each request presented by this development and review them individually.

1&31 Raynes/203 Maplewood Ave is asking for Determination of Completeness of their Site Plan Review. It seems they have missed some critical requirements provided in the zoning and Site Plan Review Regulations.

Section 4.1 of the Site Plan Review states they must meet the off-street parking standards in the ordinance, however they are before you asking for a Conditional Use Permit for parking because they are exceeding the parking ordinances found in Chapter 11 by wanting to use over 158 municipal spaces and asking for a CUP on an incentive overlay district.

The North End Vision Plan is not reflected by the majority of this development. There currently are 68,457 sf (3) buildings on all three lots. These are being replaced by 132,656sf (2) buildings on one lot. There will be NO affordable housing provided. The only "stepping down" provided is on the Maplewood Ave side. However the Vision Plan specifically states: "The massing strategy of the vision plan is to respond to the surrounding context and viewsheds **by stepping down building heights and densities towards the waterfront and existing historic structures**"

Approvals do include the recommendation of boards and committees and their stipulations. The Conservation Commission seemed to have serious concerns about digging into known contaminated soils and the effects on groundwater and the North Mill Pond as well as future residents. They also had concerns regarding the NHDES requiring impervious surface being used for the parking lot due to the known contamination, pervious was not allowed. The former dry cleaners, auto repair shop and auto painting shop have left these lots with years of contamination. There are some clean up efforts proposed which are an improvement but they do NOT have the approval of the Conservation Commission.

A game of *pushing the Historic District Commission under the rug* has been happening for months now. Most meetings were postponed by the development team and at the recent December 1 meeting ONLY the residential building was presented. These discussions talked about the excessive massing, 100' buffer, lack of complementing the water side, step downs and others.

It seems this development may still need to make changes to the actual buildings which may impact TAC as well as this board. Please do NOT approve this Determination of Completeness until the Historic District Commission has provided its final approval as well as this development receiving its NHDES approvals for all of the proposed community space most of which is in the wetland buffer.

Respectfully,

Elizabeth Bratter
159 McDonough St
Property Owner

RE: 1&31 Raynes/203 Maplewood Ave
Meeting: Planning Board 12-16-21
Wetlands Conditional Use Permit

Dear Members of the Planning Board,

December 12, 2021

The Conservation Commission is a group of highly intelligent people who critically review the environmental aspects of a development. After many meetings and changes to the initial plan the original issues were not resolved. The application was denied and was not re-considered. Here are the minutes (pg 1-6) from the meeting where the proposed application was denied.

http://files.cityofportsmouth.com/agendas/2021/conservation/06-16-21_CC_minutes.pdf

The massing seemed to be a big issue because it is the massing which creates environmental issues. The amount of impervious parking in the 50' to 100' buffer, which per NHDES, can NOT be pervious due to the contamination in the land. The level of land contamination, the depth of the piling led to concerns about the long term impacts on groundwater as well as the North Mill Pond at previous meetings. The intensity of use will make the wetlands more vulnerable even with good landscaping.

1. The land is not suited. The massing is doubling the amount of building on the property, going from about 68,000sf (3 buildings) to 133,000sf (2 buildings). This use increases the impact by having 124 hotel rooms which have no loyalty to the land and 8000 sf of commercial space which will encourage many people to occupy the 50' buffer, *especially in light of no one monitoring its use daily.*
2. No alternatives were presented. The massing could be as was suggested by the North End Vision Plan which it IS NOT, nor does it match the Master Plan. Most of the buildings themselves are out of the 100' buffer, but the parking and restaurant space are not.
3. This massive development WILL impact the wetlands functional values, including too many people living and visiting this wetland buffer. There will be over 312 people staying overnight on this property, much less those who will visit it to go bike riding, kayaking, walking and running. The wetland buffer is NOT protected and its functional values will quickly be diminished.
4. N/A
5. No alternatives have been presented. As a matter of fact the HDC meetings have pretty much been postponed for months. No plans for the hotel have been presented to HDC at this time and the second work session for the mixed use building took place Dec 1st.
6. They are attempting to return it to a better vegetative state but are only going to monitor it for 1 year. It takes a minimum of 3 to 5 years for a garden *on land* to mature. Wetlands take even longer.

Please deny this Wetland Conditional Use Permit. The massing, the uses and the amount of people will have serious negative impacts on the wetland. Smaller structures would provide an appropriate balance to the proposed wetland improvements.

Respectfully,

Elizabeth Bratter
159 McDonough St
Property Owner

RE: Parking CUP 1& 31 Raynes/203 Maplewood
Meeting: Planning Board 12/16/21

Dear Members of the Planning Board,

December 12, 2021

The basics; this application does NOT seem to have a *Parking Demand Analysis* as required by 10.1112.141. There do not seem to be ANY reports from the city regarding current and future availability of municipal parking in this area to off-set the requested CUP, much less any listing of the amount of parking reductions received by utilizing the Downtown Overlay Incentive District(DOD)

A real litmus test for development is whether MINIMUM parking requirements can be met. 1&31 Raynes Ave/203 Maplewood is requesting a CUP above what they are receiving by using Downtown Overlay Incentive District. *This is essentially a bonus on a bonus.*

The CUP requested is to reduce the DOD minimum parking requirements of 138 parking spaces to 70 spaces on site, 25 shared spaces(95) and 18 reserved spaces. Some of the proposed reserved spaces have been removed from the wetland buffer zone and the number reduced. Reserved spaces should NOT be counted in the amount of spaces being provided since they do NOT exist! *Ironically, in this case, reserved spaces lets the Planning Board the developer already knows they are NOT providing enough spaces for units and rooms presented.* **The parking CUP is for a reduction of 43 spaces before considering the reserved spaces and the DOD reduction they are choosing to use.**

This development without the DOD must provide a **minimum of 253 spaces**. 49 residential spaces (1.3 X 32 + 1 guest space per 5 units), 155 hotel spaces (1.25 X 124), 35 spaces for the proposed restaurant (1 per 100sf) and 14 spaces for retail (1 per 300sf). **They can choose to use the DOD to reduce this number.** *When a development team chooses to use an incentive overlay district for the addition of an extra story they must comply with the ordinance and in most cases they do NOT receive an extra two stories because that would be a bonus on a bonus. This is exactly the same thing.*

This development falls within the Downtown Overlay Incentive District (DOD) which provides a significant reduction in parking, if the developer chooses to use it. With the DOD incentive this development must ONLY provide 49 residential spaces [(1.3 X 32) + 7 guest spaces] and 93 hotel spaces (124 X .75) for a total of 142 spaces. *The developer does NOT have to provide ANY spaces for commercial use and receives a 4 space reduction for being in the DOD.* *The final MINIMUM amount is 138 spaces for this development.* **The amount of reduction in parking the DOD has provided for this development is a reduction of 115 spaces (253-138) BEFORE asking for the additional space reduction for the CUP.**

Parking CUPs are a numbers game having significant impacts on neighborhoods and availability of parking for potential customers, guests and residents throughout the city but especially in the North End, South End, Islington Creek and Downtown. No one is keeping track of CUPs and documented reports from the City are NOT asked for nor provided in Parking Demand Analysis.

Parking was plentiful in Portsmouth, those days are gone and getting worse. *Just basic thinking says they will need at least 156 spaces*, one for each unit and room. No one is taking a train, bus or uber to Portsmouth to stay in a hotel, much less to live here. **PLEASE do NOT grant a parking CUP it is essentially reducing the municipal supply by 158 spaces, that's with 25 shared spaces and is a bonus on a bonus.**

Respectfully,

Elizabeth Bratter
159 McDonough St
Portsmouth Property Owner

From: [Tyler Goodwin](#)
To: [Planning Info](#)
Subject: Raynes Ave Project
Date: Thursday, December 16, 2021 11:46:50 AM
Attachments: [image001.png](#)
Importance: High

Planning Board—

My name is Tyler Goodwin, and I have lived in Portsmouth since 2013. It has been great to watch the Vaughn St area grow into what it has become today. I'm encouraged to see that the Raynes Ave area is being considered for significant improvements as well. The building plans being presented are far superior to the eye sores that currently occupy that space. It appears that the building plans are also in compliance with Portsmouth Zoning Ordinances, and in line with the City's stated desire to revitalize that area. Finally, I appreciate the developers focus and investment into environmental improvements that will make the pond, and access points better for Portsmouth and its citizen's long term.

I am very much looking forward to seeing this project come to fruition. Thank you for seeing it through.

Best,

Tyler Goodwin
Goodwin Family Management
COO
603-491-1220



Goodwin Family Management

Written Comment Submission re: 12.16.21 Planning Board Meeting

As a longtime resident of the South End, I would like to make the following comments:

With respect to both the Raynes Avenue and North Mill projects proposed – the overdevelopment of Portsmouth is one of the reasons many long-time residents are leaving. These projects have undermined the character of Portsmouth to such an extent our city has, or soon will become a slightly less congested version of Boston. To what end? Property owning residents are sacked with taxes, while sweetheart deals to corporate entities lure in the wolf and local businesses suffer. That in mind, the Pleasant Street project, while well intended, is simply in the wrong place. Again, no parking, added congestion, historic encroachment. Look across the street at the old Statey perhaps? Where apartments formerly existed? It shouldn't be so difficult to see the value in maintaining the Soul of this city. Greed and political/corporate two-steps will hurt Portsmouth for years to come. I say no.

Sandra LM Gosser, 260 Marcy Street, Portsmouth, NH 03801

From: [Catherine Harris](#)
To: [Planning Info](#)
Cc: [Peter L. Britz](#)
Subject: Raynes Ave,
Date: Monday, December 13, 2021 3:55:52 PM

To Members of the Planning Board,
I am writing to you about the Raynes Avenue project and the request by the developer of that property for a Conditional Use Permit to build in the 100' Buffer zone.

Over the course of this past summer, in TWO separate meetings, the Conservation Commission denied that request. It doesn't get much clearer than that. The Commission responded exactly as they should to a request that will harm the North Mill Pond and the habitats it supports. I applaud their defense of this critical and very fragile tidal waterway.

And yet developers, with sights set on the banks of Pond, continue to hammer away at city boards to have their profit driven behemoths approved regardless of the environmental damage they will inevitably cause. I find that level of greed deplorable. And if not held in check with the common sense measures and protections our boards have in place, will result in irreparable consequences.

Portsmouth's North Mill Pond is an incredibly valuable natural resource that demands our help to keep it vibrant, healthy and supportive of wildlife habitats. To do otherwise is a recipe for disaster.

I urge your board to uphold the decision(s) of the Conservation Commission with regard to the 100' Tidal Setback in the Wetlands Buffer Zone and deny the CUP.

Respectfully,
Catherine(Kate) Harris
166 Clinton Street, Portsmouth

RE: 1&31 Raynes, 203 Maplewood Meeting:
Planning Board 12-16-21 Site Plan Review

Dear Members of the Planning Board,

I do not support the proposed plans for Raynes Avenue. Density, building height, lack of parking and nothing that remotely ties in with the historic character of the city seem to be the common theme from developers along with yet another request for a Conditional use permit, which should be eliminated completely. The last thing the city needs is another hotel. The look of the North end rivals something more like downtown Boston vs a historic seaport, which is what draws visitors here to begin with. The city becoming more and more difficult to navigate with the non-stop, never-ending construction. Seems that every parking lot and single-story building is a target for developers and the city boards have been very accommodating. These large-scale projects in the city need to end. Please do not approve this project for the reasons I have stated.

Respectfully,

Judy Hiller

18 Manning Street

From: [Tom](#)
To: [Planning Info](#)
Subject: Reynard Avenue Project
Date: Thursday, December 16, 2021 3:57:23 PM

Hello in reviewing this application it appears to me that the developers followed the submission process; listened to input and suggestions for improvement; addressed all of the compliance and environmental concerns and are prepared to deliver a quality improvement to the city.

Any parking issues could be addressed by requiring parking in the newest city parking garage.

Thank you
Tom Lonnquist
370 Richards Ave.
603-436-0954

Sent from my iPhone

From: [Jillian Mirandi](#)
To: [Planning Info](#)
Subject: North Mill Pond Improvement Project
Date: Wednesday, December 15, 2021 5:00:45 PM

Good evening, I have lived in Portsmouth's West End for 5+ years in two different houses. I love the North Mill Pond area, and have always thought that it was underutilized. Not only would this project help environmentally, but it would also help build a better sense of community in this area of Portsmouth.

With more people moving in, it's critical to protect our outdoor, green space. as well as the overall West End development.

Best Regards,
Jillian

Dear Members of the Planning Board,

I have been the General Manager at the AC Hotel since the opening in December 2019. Throughout these two years our guests have been able to explore all parts of this beautiful city. We have noticed, along with many others, that the outdoor areas of our city have become more utilized since Covid began and the trend will remain for the foreseeable future.

I am writing in support of the Raynes Ave Development near the AC Hotel. As I mentioned in my previous support of the 53 Green Street application, the public safety and waterfront access are very positive changes to this area and very much needed. The City owned park will be a welcomed addition for our guests and the many people who visit Portsmouth. The improvements on the existing site will give everyone easy and safe access to our neighborhood and the North Mill Pond Greenway while enhancing the quality of the area. We are excited for the future of Portsmouth and the revitalization of the North End.

Thank you for your consideration and I hope you approve this project.

Chris Moulton

GENERAL MANAGER

cmoulton@colwenhotels.com

C. 561.573.9644

AC Hotel by Marriott Portsmouth Downtown/Waterfront
The Envio & Rooftop at The Envio
299 Vaughan Street
Portsmouth, NH 03801



From: [Poldrack, Kimery G](#)
To: [Planning Info](#)
Subject: North Mill Pond Project on the 12/16 Planning Board Agenda
Date: Wednesday, December 15, 2021 9:27:33 AM
Attachments: [image001.png](#)

I've had the opportunity to review the proposed improvements in this plan for the North Mill Pond area from the Procon group. After reviewing, I can't imagine not moving this forward. What a beautifully thought out way to enhance both the environment and existing charm of Portsmouth! I recently worked with the Procon group to build our new facility at 145 Maplewood. They are top notch individuals who bring honesty and integrity to the construction/development arena. I know that they have the best interests of the City of Portsmouth at the heart of their plan for the proposed development and hope that the plans can be approved and implemented. What a potential boon for the City!

Sincerely,

Kimery Poldrack
VP Real Estate & Facilities

Houghton Mifflin Harcourt
2700 La Frontera Blvd.
Suite 100
Round Rock, TX 78681
Office: 512.721.7777
Mobile: 512.789.7119
hmhco.com



From: [Jonathan Sandberg](#)
To: [Planning Info](#)
Subject: In support of TherequestofNorthMillPondHoldingsLLC(Applicant),andOneRaynes Ave LLC, 31 Raynes Ave LLC, and 203 Maplewood Ave LLC (Owners) for property located at 31 Raynes Avenue, 203 Maplewood Avenue, and 1 Raynes Avenue
Date: Wednesday, December 15, 2021 3:02:06 PM

Dear Planning Board,

I live along the North Mill Pond and am writing to urge you to approve the CUP request of North Mill Pond Holdings LLC, One Raynes Ave LLC, 31 Raynes Ave LLC, and 203 Maplewood Ave LLC. I believe this project will provide important ecological and recreational improvements to the North Mill Pond area.

This will remove a significant amount of impervious surface which is currently encroaching on the shoreline. It will replace invasive species with native ones and will repair erosion. It will also provide important opportunities for the public to enjoy the waterfront with the installation of benches, paths, and walkways.

It will be a marked improvement for the entire city and will expand the tax base.

Thank you,

Jonathan Sandberg
160 Bartlett Street

Sent from my iPad

From: [Laura Stoll](#)
To: [Planning Info](#)
Cc: [Brad Stoll](#)
Subject: Fwd: planning board letter
Date: Wednesday, December 15, 2021 12:22:31 PM

Dear Members of the Planning Board,

We am writing in support of the project located at 1 Raynes Avenue, 31 Raynes Avenue & 203 Maplewood Avenue. In terms of the environmental impact the project will have, the developer is making significant improvements to the area including stabilizing the deteriorating bank, installing stormwater treatment units, and removing invasive plants and replacing them with native grass and plants. Currently there are impervious surfaces within the 100 foot tidal buffer zone. This project will result in a net loss of impervious surface, and completely eliminate the impervious surfaces in the 0-25 foot buffer where currently there is 848 SF.

This project is in full compliance with zoning ordinances and supports the city's Master Plan and vision for the North End. Currently the area consists of vacant buildings and is not very pedestrian friendly. The project provides more than 30% of open space where only 20% is required. The North Mill Pond Greenway and Community Park will create an amazing outdoor space and path for both pedestrians and bicyclists. This project provides for the construction of a 1/2 acre of the Greenway and multi use path in a key area that connects the North End with downtown.

As residents of Portsmouth's West End, we have seen what well thought out development can do for the city. Where once there were contaminated sites and dilapidated buildings, there is now vitality. This project would be a wonderful improvement to the North Mill Pond area. It gives the public access to the waterfront area, makes several environmental improvements, and brings much needed business and housing to a growing community. Aesthetically, environmentally, and functionally, this project is a major win for the city.

Sincerely,
Brad and Laura Stoll
55 Lovell Street

RE: 1&31 Raynes, 203 Maplewood
Meeting: Planning Board 12-16-21
Site Plan Review

Dear Members of the Planning Board,

12-10-21

Please separate each request presented by this development and review them individually.

1&31 Raynes/203 Maplewood Ave is asking for Determination of Completeness of their Site Plan Review. It seems they have missed some critical requirements provided in the zoning and Site Plan Review Regulations.

Section 4.1 of the Site Plan Review states they must meet the off-street parking standards in the ordinance, however they are before you asking for a Conditional Use Permit for parking because they are exceeding the parking ordinances found in Chapter 11 by wanting to use over 158 municipal spaces and asking for a CUP on an incentive overlay district.

The North End Vision Plan is not reflected by the majority of this development. There currently are 68,457 sf (3) buildings on all three lots. These are being replaced by 132,656sf (2) buildings on one lot. There will be NO affordable housing provided. The only "stepping down" provided is on the Maplewood Ave side. However the Vision Plan specifically states: "The massing strategy of the vision plan is to respond to the surrounding context and viewsheds **by stepping down building heights and densities towards the waterfront and existing historic structures**"

Approvals do include the recommendation of boards and committees and their stipulations. The Conservation Commission seemed to have serious concerns about digging into known contaminated soils and the effects on groundwater and the North Mill Pond as well as future residents. They also had concerns regarding the NHDES requiring impervious surface being used for the parking lot due to the known contamination, pervious was not allowed. The former dry cleaners, auto repair shop and auto painting shop have left these lots with years of contamination. There are some clean up efforts proposed which are an improvement but they do NOT have the approval of the Conservation Commission.

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Respectfully,

Elizabeth Bratter
159 McDonough St
Property Owner

RE: 1&31 Raynes/203 Maplewood Ave
Meeting: Planning Board 12-16-21
Wetlands Conditional Use Permit

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December 12, 2021

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RE: Parking CUP 1& 31 Raynes/203 Maplewood
Meeting: Planning Board 12/16/21

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December 12, 2021

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Elizabeth Bratter
159 McDonough St
Portsmouth Property Owner

From: [Catherine Harris](#)
To: [Planning Info](#)
Cc: [Peter L. Britz](#)
Subject: Raynes Ave,
Date: Monday, December 13, 2021 3:55:52 PM

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I urge your board to uphold the decision(s) of the Conservation Commission with regard to the 100' Tidal Setback in the Wetlands Buffer Zone and deny the CUP.

Respectfully,
Catherine(Kate) Harris
166 Clinton Street, Portsmouth

From: [Cate Jones](#)
To: [Planning Info](#)
Subject: North End Development
Date: Sunday, December 12, 2021 11:22:00 AM

To Whom,

I am a home owner and long time resident of Portsmouth. I moved to the seacoast area in 1983 because of the proximity to the ocean, the colonial architecture, and the history of this beautiful city. I'm witnessing the architecture morphing into characterless buildings of enormous size and height. This ruins the historic aspect of our city by blocking the view of buildings of reasonable heights and scale. I feel no need nor desire to allow greedy developers to get their way by allowing these behemoths to be built. This is NOT downtown Manhattan, nor do we want it to be. My business of researching real estate titles affords me access to our history, and deepens my appreciation of structures which are lovely to look at, and small in scale. I beg you to stop any further development of any large scale projects within city limits. Have them build out at Pease if necessary. That won't affect the character of downtown Portsmouth.

Thank you for your consideration.

Sincerely,

Cate Jones

40 Dodge Avenue

Portsmouth, NH

catej@comcast.net

From: [Ryan Baker](#)
To: [Planning Info](#)
Subject: Raynes Ave Project- Support
Date: Tuesday, December 14, 2021 9:11:51 AM

Dear Planning Dept, my name is Ryan Baker and I live at 137 Wibird Street in Portsmouth. I have lived in Portsmouth for over 20 years with my wife and two children.

The Raynes Ave Project is something that I've been following for a few months now. As we all know, this area of Portsmouth has been underwhelming for many years and I'm excited for this new addition to the city. The developers have put a lot of thought into their proposal and I think the latest changes are exactly what were needed to move forward.

On a personal note, I run through this area of Portsmouth several days a week and would love to see it further developed and used more efficiently. Currently, the buildings are an eye sore and don't add any value to the general public. The Raynes Avenue project is exactly what is needed and will be a tremendous addition to the city. We are lucky to have developers who still want to invest in Portsmouth. This development team continues to put careful thought into all the final details to help preserve Portsmouth's historic charm.

Again, I support this project and hope you'll approve it to move forward.

Regards,

Ryan Baker

From: [April Weeks](#)
To: [Planning Info](#)
Subject: December 16 meeting
Date: Tuesday, December 14, 2021 4:23:26 PM

Gentlemen and gentle women of the planning board,

I write to you about the Raynes Ave (DiLorenzo) plan to build yet another wetlands-buffer violator on the North Mill Pond.

How many times is this protection of our native habitat going to be challenged? Perhaps the message needs to be clearer to future developers: don't mess with our wetlands! Respect the buffer zone!

And while you're at it, how about refreshing your memories about the 2014 North End Preliminary Vision Plan, which was beautiful and doesn't look much like today's North End.

One more request, in the interests of trust between the board and Portsmouth's citizens. Don't schedule a huge modification of existing regulations in the week before Christmas, when everyone is too busy to adequately protest such a maneuver. It wouldn't seem like you were trying to sneak something by when vox populi were otherwise involved if you avoided such slight of hand in the future.

Thank you for your consideration in this matter. Assume that significant pushback will occur for this request for a wetlands buffer violation Conditional Use Permit.

April Weeks
Sent from my iPhone

Dear Members of the Planning Board,

I have been the General Manager at the AC Hotel since the opening in December 2019. Throughout these two years our guests have been able to explore all parts of this beautiful city. We have noticed, along with many others, that the outdoor areas of our city have become more utilized since Covid began and the trend will remain for the foreseeable future.

I am writing in support of the Raynes Ave Development near the AC Hotel. As I mentioned in my previous support of the 53 Green Street application, the public safety and waterfront access are very positive changes to this area and very much needed. The City owned park will be a welcomed addition for our guests and the many people who visit Portsmouth. The improvements on the existing site will give everyone easy and safe access to our neighborhood and the North Mill Pond Greenway while enhancing the quality of the area. We are excited for the future of Portsmouth and the revitalization of the North End.

Thank you for your consideration and I hope you approve this project.

Chris Moulton

GENERAL MANAGER

cmoulton@colwenhotels.com

C. 561.573.9644

AC Hotel by Marriott Portsmouth Downtown/Waterfront
The Envio & Rooftop at The Envio
299 Vaughan Street
Portsmouth, NH 03801



From: [Dylan Thomas](#)
To: [Planning Info](#)
Subject: Letter
Date: Tuesday, December 14, 2021 9:11:48 PM

To the Planning Department:

I read this week about Dover's plans for public waterfront access and a small boat launch at their new development downtown. I wish Portsmouth could do something similar and I realized that there is already a plan underway for just that on Raynes Avenue along North Mill Pond. I am writing as a Portsmouth citizen to wholeheartedly support that project and the benefits it will bring to our vibrant downtown and greater community.

As I was learning more about the Raynes Avenue project, I was impressed with the environmental benefits that the developers would bring to the table. I can't believe that the existing stormwater runs directly off onto the pond and therefore into the river and Great Bay. Adding a stormwater treatment system would absolutely benefit the entire ecosystem.

Portsmouth's downtown is so special, but it doesn't need an old derelict dry cleaning store to keep it that way. I love the vitality and vibrancy that this new project would bring to the North End, and the fact that it would also bring an incredible public waterfront park makes this a homerun for me. I'm already looking forward to biking with my daughters along the path and bringing them out on our kayaks to appreciate their hometown in a whole new way.

Thank you,
Dylan

From: [Poldrack, Kimery G](#)
To: [Planning Info](#)
Subject: North Mill Pond Project on the 12/16 Planning Board Agenda
Date: Wednesday, December 15, 2021 9:27:33 AM
Attachments: [image001.png](#)

I've had the opportunity to review the proposed improvements in this plan for the North Mill Pond area from the Procon group. After reviewing, I can't imagine not moving this forward. What a beautifully thought out way to enhance both the environment and existing charm of Portsmouth! I recently worked with the Procon group to build our new facility at 145 Maplewood. They are top notch individuals who bring honesty and integrity to the construction/development arena. I know that they have the best interests of the City of Portsmouth at the heart of their plan for the proposed development and hope that the plans can be approved and implemented. What a potential boon for the City!

Sincerely,

Kimery Poldrack
VP Real Estate & Facilities

Houghton Mifflin Harcourt
2700 La Frontera Blvd.
Suite 100
Round Rock, TX 78681
Office: 512.721.7777
Mobile: 512.789.7119
hmhco.com



Dear Chairman Legg and City of Portsmouth Planning Board,

I fully support the North Mill Pond Project!!! It is a total win for our beautiful city of Portsmouth and in my opinion, it is way overdue. Thank you for the Islington Street corridor improvement, as it truly makes a welcoming statement as you enter from the West End!

Thank you for giving this beneficial North Mill Pond Project the consideration that it deserves.

Sincerely,

Janet Thompson

There are many reasons that I support the North Mill Pond Project and they are listed below.

- * Construction of 1/2 acre of greenway and multi use path along NMP connecting Maplewood Ave to the city
- * Key piece of North Mill Pond Greenway as contemplated in the North End Vision Plan and City's Master Plan Hospital
- * The total open space for the project is over 30% where 20% is required by Zoning
- * Achieving additional goals in the City's Master Plan, including:
 - * Reinvesting in underutilized buildings and land
 - * Enhancing the quality and connectivity with the North Mill Pond Greenway
 - * Promoting Open Spaces and Encouraging access to waterfront area
 - * Protecting view corridors and access to the North Mill Pond
- * Additional residential units in a market with no vacancy and skyrocketing prices, will help to ensure our city .

North Mill Pond and Environmental Benefits

- * The Net Buffer Improvement by over 7,000sf
- * Installation of StormWa Treatment system(s) (where none currently exist)
- * Buffer enhancement by removing invasive species and replacement with native plantings
- * Treatment of storm water from neighboring city streets before discharge into NMP

From: [Laura Stoll](#)
To: [Planning Info](#)
Cc: [Brad Stoll](#)
Subject: Fwd: planning board letter
Date: Wednesday, December 15, 2021 12:22:31 PM

Dear Members of the Planning Board,

We am writing in support of the project located at 1 Raynes Avenue, 31 Raynes Avenue & 203 Maplewood Avenue. In terms of the environmental impact the project will have, the developer is making significant improvements to the area including stabilizing the deteriorating bank, installing stormwater treatment units, and removing invasive plants and replacing them with native grass and plants. Currently there are impervious surfaces within the 100 foot tidal buffer zone. This project will result in a net loss of impervious surface, and completely eliminate the impervious surfaces in the 0-25 foot buffer where currently there is 848 SF.

This project is in full compliance with zoning ordinances and supports the city's Master Plan and vision for the North End. Currently the area consists of vacant buildings and is not very pedestrian friendly. The project provides more than 30% of open space where only 20% is required. The North Mill Pond Greenway and Community Park will create an amazing outdoor space and path for both pedestrians and bicyclists. This project provides for the construction of a 1/2 acre of the Greenway and multi use path in a key area that connects the North End with downtown.

As residents of Portsmouth's West End, we have seen what well thought out development can do for the city. Where once there were contaminated sites and dilapidated buildings, there is now vitality. This project would be a wonderful improvement to the North Mill Pond area. It gives the public access to the waterfront area, makes several environmental improvements, and brings much needed business and housing to a growing community. Aesthetically, environmentally, and functionally, this project is a major win for the city.

Sincerely,
Brad and Laura Stoll
55 Lovell Street

From: [Jonathan Sandberg](#)
To: [Planning Info](#)
Subject: In support of TherequestofNorthMillPondHoldingsLLC(Applicant),andOneRaynes Ave LLC, 31 Raynes Ave LLC, and 203 Maplewood Ave LLC (Owners) for property located at 31 Raynes Avenue, 203 Maplewood Avenue, and 1 Raynes Avenue
Date: Wednesday, December 15, 2021 3:02:06 PM

Dear Planning Board,

I live along the North Mill Pond and am writing to urge you to approve the CUP request of North Mill Pond Holdings LLC, One Raynes Ave LLC, 31 Raynes Ave LLC, and 203 Maplewood Ave LLC. I believe this project will provide important ecological and recreational improvements to the North Mill Pond area.

This will remove a significant amount of impervious surface which is currently encroaching on the shoreline. It will replace invasive species with native ones and will repair erosion. It will also provide important opportunities for the public to enjoy the waterfront with the installation of benches, paths, and walkways.

It will be a marked improvement for the entire city and will expand the tax base.

Thank you,

Jonathan Sandberg
160 Bartlett Street

Sent from my iPad

From: [Steve Thompson](#)
To: [Planning Info](#)
Subject: North Mill Pond Gateway w Raynes Ave Project Support
Date: Wednesday, December 15, 2021 3:29:28 PM

Dear City Planning Board,

I live in the West End on Woodbury Ave. I am a definite supporter of the proposed Raynes Ave Project. It appears to include significant and badly needed improvements to the North Mill Pond area. I believe it would be a huge bonus for our neighborhood and the West End to be able to walk into the downtown area via a beautiful greenway path along North Mill Pond. Right now the old railroad tracks that parallel NMP prohibit any real use of that valuable land and space.

Thank you for considering my opinion.

Steve Thompson
19 Woodbury Ave, Portsmouth, NH 03801

Dear Chairman Legg and City of Portsmouth Planning Board,

I fully support the North Mill Pond Project!!! It is a total win for our beautiful city of Portsmouth and in my opinion, it is way overdue. Thank you for the Islington Street corridor improvement, as it truly makes a welcoming statement as you enter from the West End!

Thank you for giving this beneficial North Mill Pond Project the consideration that it deserves.

Sincerely,

Janet Thompson

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- * The total open space for the project is over 30% where 20% is required by Zoning
- * Achieving additional goals in the City's Master Plan, including:
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North Mill Pond and Environmental Benefits

- * The Net Buffer Improvement by over 7,000sf
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To: [Planning Info](#)
Subject: North Mill Pond Gateway w Raynes Ave Project Support
Date: Wednesday, December 15, 2021 3:29:28 PM

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Thank you for considering my opinion.

Steve Thompson
19 Woodbury Ave, Portsmouth, NH 03801

From: [Janet Thompson](#)
To: [Planning Info](#)
Subject: North Mill Pond Project
Date: Wednesday, December 15, 2021 10:57:44 AM

Dear Chairman Legg and City of Portsmouth Planning Board,

I fully support the North Mill Pond Project!!! It is a total win for our beautiful city of Portsmouth and in my opinion, it is way overdue. Thank you for the Islington Street corridor improvement, as it truly makes a welcoming statement as you enter from the West End!

Thank you for giving this beneficial North Mill Pond Project the consideration that it deserves.

Sincerely,

Janet Thompson

There are many reasons that I support the North Mill Pond Project and they are listed below.

- * Construction of 1/2 acre of greenway and multi use path along NMP connecting Maplewood Ave to the city
- * Key piece of North Mill Pond Greenway as contemplated in the North End Vision Plan and City's Master Plan and will connect out through West End Yards on to Portsmouth Regional Hospital
- * The total open space for the project is over 30% where 20% is required by Zoning
- * Achieving additional goals in the City's Master Plan, including:
 - * Reinvesting in underutilized buildings and land
 - * Enhancing the quality and connectivity with the North Mill Pond Greenway
 - * Promoting Open Spaces and Encouraging access to waterfront area
 - * Protecting view corridors and access to the North Mill Pond
- * Additional residential units in a market with no vacancy and skyrocketing prices, will help to ensure our city grows and keeps improving

North Mill Pond and Environmental Benefits

- * The Net Buffer Improvement by over 7,000sf
- * Installation of StormWa Treatment system(s) (where none currently exist)
- * Buffer enhancement by removing invasive species and replacement with native plantings
- * Treatment of storm water from neighboring city streets before discharge into NMP

From: [April Weeks](#)
To: [Planning Info](#)
Subject: December 16 meeting
Date: Tuesday, December 14, 2021 4:23:26 PM

Gentlemen and gentle women of the planning board,

I write to you about the Raynes Ave (DiLorenzo) plan to build yet another wetlands-buffer violator on the North Mill Pond.

How many times is this protection of our native habitat going to be challenged? Perhaps the message needs to be clearer to future developers: don't mess with our wetlands! Respect the buffer zone!

And while you're at it, how about refreshing your memories about the 2014 North End Preliminary Vision Plan, which was beautiful and doesn't look much like today's North End.

One more request, in the interests of trust between the board and Portsmouth's citizens. Don't schedule a huge modification of existing regulations in the week before Christmas, when everyone is too busy to adequately protest such a maneuver. It wouldn't seem like you were trying to sneak something by when vox populi were otherwise involved if you avoided such slight of hand in the future.

Thank you for your consideration in this matter. Assume that significant pushback will occur for this request for a wetlands buffer violation Conditional Use Permit.

April Weeks
Sent from my iPhone

From: [Cate Jones](#)
To: [Planning Info](#)
Subject: North End Development
Date: Sunday, December 12, 2021 11:22:00 AM

To Whom,

I am a home owner and long time resident of Portsmouth. I moved to the seacoast area in 1983 because of the proximity to the ocean, the colonial architecture, and the history of this beautiful city. I'm witnessing the architecture morphing into characterless buildings of enormous size and height. This ruins the historic aspect of our city by blocking the view of buildings of reasonable heights and scale. I feel no need nor desire to allow greedy developers to get their way by allowing these behemoths to be built. This is NOT downtown Manhattan, nor do we want it to be. My business of researching real estate titles affords me access to our history, and deepens my appreciation of structures which are lovely to look at, and small in scale. I beg you to stop any further development of any large scale projects within city limits. Have them build out at Pease if necessary. That won't affect the character of downtown Portsmouth.

Thank you for your consideration.

Sincerely,

Cate Jones

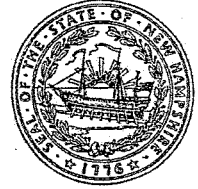
40 Dodge Avenue

Portsmouth, NH

catej@comcast.net



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

September 11, 2007

Steve Marchand, Mayor
City Of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

RE: File # 2007-01869, Urban Exemption per RSA 483-B:12, 99 Bow Street, Portsmouth

Dear Mayor Marchand:

The Department of Environmental Services (DES) has reviewed the request dated July 23, 2007 from the City of Portsmouth (the "City") to exempt a portion of the developed area along the Piscataqua River from the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B. DES concurs with the Office of Energy and Planning's August 6, 2007 recommendation for approval. This Urban Exemption is granted in accordance with Rule Env-Wq 1408.05 based upon the following findings:

1. The City has provided evidence of the current and past building density and the commercial and industrial uses of the area to be exempted, as required per RSA 483-B:12, II, (a) and (b).
2. The City has provided documentation that the site is serviced by municipal and public utilities, as required per RSA 483-B:12, II, (c).
3. The City has land use regulations in place affecting the area to be exempted, as required per RSA 483-B:12, II, (d).
4. The City has met the requirements of Part Env-Wq 1408 of the Shoreland Program Administrative Rules.

The area and specific land parcels exempted from the requirements and minimum standards of RSA 483-B are shown on the attached map. A copy of this map will be kept on file in the Shoreland Program at DES. If you have any questions or need any further assistance, please contact the DES Shoreland Program at (603) 271-2147.

Sincerely,

Thomas S. Burack
Commissioner
Department of Environmental Services

cc: David Holden, Portsmouth Planning Board
Portsmouth Conservation Commission
~~Malcolm R. McNeill Jr., McNeill, Taylor, & Gallo, PA~~

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

RECEIVED

JUN 14 2007

KELLY A. AYOTTE
ATTORNEY GENERAL

ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL



June 13, 2007

Malcolm R. McNeill, Jr., Esquire
McNeill, Taylor and Gallo P.A.
180 Locust Street, P.O. Box 815
Dover, New Hampshire 03821

RE: DES File No. 2006-02493

Dear Attorney McNeill:

I am writing to you with respect to application No. 2006-02493 for the RRJ Properties Limited Partnership ("RRJ Properties") project located on Bow Street in Portsmouth, New Hampshire. The New Hampshire Department of Environmental Services ("DES") has indicated that section 483-B:12 is the appropriate exemption to request in a case such as this one. Section 483-B:12 was developed to accommodate exactly the type of situation presented in the request from RRJ Properties. This section allows the local community to recognize the unique characteristics of its urban areas and apply for an exemption from the strict requirements of the Shoreland Act. The area in question exhibits high current and historic building density, is a commercial area, is supported by public utilities, and is governed by local zoning restrictions. All of these factors are considered when evaluating a proposal under RSA 483-B:12. The decision of whether or not to grant an exemption resides in the DES Commissioner after consultation with the New Hampshire Office of Energy and Planning. However, without knowing what the outcome will be, it appears appropriate and consistent with the purposes of RSA 483-B:12 for the City of Portsmouth to request an urbanized exemption in this case.

Thank you for your time and attention to this matter. If you have any questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Allen Brooks".

K. Allen Brooks
Assistant Attorney General
Environmental Protection Bureau
(603) 271-3679

cc: Collis Adams, Administrator IV, Wetlands Bureau, DES
Darlene Forst, Shoreland Supervisor, Wetlands Bureau, DES



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

July 16, 2007

Hon. Steve Marchand, Mayor and
Members of the Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Request for a municipal shoreland exemption (RSA 483-B:12)
for property at 99 Bow Street, Portsmouth, NH

Dear Mayor Marchand and Members of the City Council:

Please be advised that I have reviewed the materials to be submitted with the application for shoreland exemption which has been provided to the City Council, and the letter of K. Allen Brooks of the New Hampshire Attorney General's office. I am also familiar with the property which is the subject matter of the request.

As the Shoreland Section Supervisor of the New Hampshire Department of Environmental Services, and I am familiar with the Shoreland Protection Act and the intent of RSA 483-B:12. I agree with the letter of Attorney Brooks of the New Hampshire Attorneys Generals Office dated June 13, 2007 "that Section 483-B was developed to accommodate exactly the type of situation presented in the request from RRJ Properties Limited Partnership."

Given my knowledge of the statute and its application by NHDES, it is appropriate and acceptable to consider the application of the exemption to this property, and the exemption is clearly consistent with the intent of the statute.

Sincerely,

D. Forst
Shoreland Section Supervisor
NHDES Wetlands Bureau



JOHN H. LYNCH
GOVERNOR

STATE OF NEW HAMPSHIRE
OFFICE OF ENERGY AND PLANNING
57 Regional Drive, Suite 3
Concord, NH 03301-8519
Telephone: (603) 271-2155
Fax: (603) 271-2615



www.nh.gov/oeep

August 6, 2007

Thomas Burack, Commissioner
N. H. Department of Environmental Services
29 Hazen Drive
Concord, New Hampshire 03301

Re: Shoreland Protection Act Exemption Request
99 Bow Street, Portsmouth

Dear Commissioner Burack:

The Office of Energy and Planning (OEP) has been given notice, pursuant to RSA 483-B:12, of a request for exemption from provisions of the Comprehensive Shoreland Protection Act, RSA Chapter 483-B. The property in question is located at 99 Bow Street in the historic downtown area of Portsmouth.

The legislature authorized discretionary exemption from the shoreland protection standards when the Commissioner finds the special local urbanization conditions exist. OEP is charged with providing advice on exemption requests.

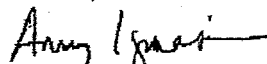
We have reviewed materials submitted by counsel to the property owner which includes proposed site plan, evidence of the property's current and prior uses, correspondence from the Attorney General's office and Wetlands Bureau, Portsmouth Planning Board approval and a recommendation by the Mayor of Portsmouth that the exemption request be granted.

OEP also recommends that the exemption be granted. The property abuts existing high density, commercial uses. Because existing infrastructure is in place, the development will not require new roads or utility service. As an area that has been developed for over 100 years, its natural conditions have long been disturbed, and this development does not appear to make that disturbance any greater. If anything, development may improve rather than diminish the area, providing greater walkways along the waterfront, as buildings now divided will be joined.

The property appears to meet the criteria set forth in RSA 483-B:12, justifying an exemption. Further, it is consistent with the principals of Smart Growth, as it takes two vacant lots caught between other developed properties and creates a unified view that is in keeping with the scale and style of the historic area.

OEP recommends that you exempt the property at 99 Bow Street in Portsmouth from the provisions of the Comprehensive Shoreland Protection Act.

Sincerely,


Amy Ignatius

AI:ml

cc: Malcom McNeill

TDD Access: Relay NH 1-800-735-2964



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 610-7200
Fax (603) 427-1526

Steve Marchand
Mayor

MEMORANDUM

FROM: Mayor, City of Portsmouth
TO: Thomas Burack, Commissioner of the Department of Environmental Services
RE: Shoreland Exemption request of RRJ Properties Limited Partnership
RSA 483-B:12
DATE: July 23, 2007

Dear Commissioner Burack:

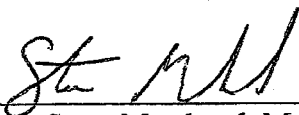
Please be advised that the City Council of the City of Portsmouth has reviewed the municipal exemption request of RRJ Properties Limited Partnership which is appended hereto, and has determined that the RRJ proposal meets all of the criteria of RSA 483-B:12 and respectfully requests that the Department of Environmental Services grant a municipal exemption to the premises as provided in RSA 483-B:12.

- It is the finding of the Portsmouth City Council that the current and past building density of the site support highly developed, urbanized activity and that the RRJ proposal is consistent with the historical uses of the site.
- The Council finds that there has been intense commercial and industrial historical usage of the development area.
- The Council further finds that the subject area is serviced by all necessary municipal and other public utilities.
- The Council further finds that current municipal land use regulations affecting the property have been thoroughly reviewed by all Portsmouth regulators, and that the site fully complies with the Land Use regulations of the City of Portsmouth and that the Applicant has received all necessary municipal approvals.

In conclusion, the City Council requests the granting of the municipal exemption.

Respectfully submitted,

Steve Marchand, Mayor
City of Portsmouth, New Hampshire

By: 
Steve Marchand, Mayor

Portsmouth Planning Board Meeting

December 16, 2021

99 Bow Street – Wharf Expansion

Application for Site Plan Approval

Outline of Sherman / 111 Bow Street Objections and Responses

I. THE MATTER IS PENDING BEFORE THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS BUREAU

The matter is currently before the New Hampshire Department of Environmental Services for consideration. The Martingale requested an extension of time to address the issues NH DES identified. Its response is now due December 23, 2021. Several issues to be addressed are directly relevant to the Planning Board's consideration including:

- (a) the projects' environmental impact,
- (b) its direct impact on endangered species, and
- (c) abutter concerns.

Responses: Martingale, LLC submitted its application on July 1, 2021 for NHDES approval which was accepted as administratively complete on July 7, 2021. Martingale received a Request for Information from NHDES on X and responses, per granted extension, are due on December 23, 2021. In response to abutter comments and in response to NHDES questions, the project has been altered and the East Deck expansion will no longer be located within 20 feet of the property line abutting 111 Bow Street. Martingale received consent from its abutters to the West Deck at 68 Bow Street.

Pursuant to RS 482-A:3,XIII(a) the East Deck is in compliance with the 20 feet setback and no abutter consent is required. Prior revisions to the plan have been made to address concerns raised by the HDC and public during three public meetings with the Historic District Commission which approved the project on X.

Martingale expects to submit revised plans, address prior abutter objections and submit updated environmental impacts (including endangered species report) with NHDES by December 23, 2021. Approval by NHDES does not depend upon Planning Board approval, nor should approval tonight be dependent upon NHDES review of the project.

Despite the objection, the revised plans were provided by email to Mr. Samonas and to Mrs. Sherman (forwarded by Mr. Samonas) on December 15, 2021, as attached to Attorney Sherman's objections. This is evidence that Martingale has been open and provided updated plans to its direct abutter, despite their ongoing objections.

II. ALL 111 BOW STREET OWNERS OBJECT; AS DO OWNERS AT 113 BOW STREET

All of the owners of condominium units in the 111 Bow Street Condominium Association (“Association”) now oppose and Object to this proposal. BowPorts (Unit 2) objects. George Bailey and Marjan Frank (Unit 3) object. John Samonas, who is a member of entities that own the five remaining units (Units 1, 4, and 5, 6 & 7) has advised—and authorized us to convey—that he too objects to the proposal.

Responses: Notwithstanding the objections by the Owners of 111 Bow Street, there are no other objections in the Public Comments posted on the City of Portsmouth’s Planning Board. The objections cited by the owners of 113 Bow Street are to the HDC meeting and are not relevant or on record with the Planning Board. To reiterate regarding abutter consent on the East Deck expansion, the consent of 111 Bow Street is not necessary because the East Deck will have a 20 foot setback as required by the Wetlands Act. As stated above, the plans as altered will minimize the impacts on the abutters both at 111 and 113 Bow Street.

III. THE CONSERVATION COMMISSION DENIED APPROVAL TWICE (2015 and September 15, 2021) also points regarding the original deck approval in 2012 limiting expansion, alleged federal navigable setback.

Responses:

1. With regards to the Conservation Commission meetings in 2015 and 2021, which did not recommend support of the application to NHDES. Since this project is located solely over state waters, the HDC and City of Portsmouth land use regulations apply in accordance with Env-Wt 513.07 (a-c) and the granted Urban Exemption in 2007; however, ultimately the State of NH through the Department of Environmental Services (NHDES) will have final approval of the project and can override the HDC and Conservation Commission decision. The state may grant a waiver of local approval if denied or not granted pursuant to Env-Wt 513.07(d).
2. With respect to the “federal navigable setback” the Chief Harbor Master sent a letter to NH DES on August 26, 2021, confirming that they examined the proposed site and found that the structure will have no negative impact on navigation in the channel.

IV. ADVERSE IMPACT ON THE ENVIRONMENT

“2,910 square feet of permanent impact of tidal wetland for an overwater deck expansion.” It is entirely Adverse Impact Endangered and Threatened Species As is required at the NH DES, the project will impact an endangered species – the shortnose sturgeon and a threatened species – the atlantic sturgeon. The magnitude of this impact should be determined by the experts at NH DES before there is any further consideration by the Planning Board.

Minimize impacts, vibratory hammer, impacts to shoreline, abutting historic building and roads, etc.

Responses:

The revised plans, as submitted, will reduce the overall square foot of the deck expansion from 2,910 square feet to 1,654 square feet, further minimizing impacts to the waterway. As stated above, Martingale will conduct the required endangered and threatened species review and submit to NHDES for their expert review (as noted by the objection), that review does not impact the Planning Board's review of the site plan or project here.

Martingale has planned to construct the proposed deck with the least impact to the shoreline and waterway. There are no abutting structures impacted by the proposed construction, as all work will be conducted entirely on Martingale property, at least 20 feet set back from the nearest abutter for the East Deck.

In a letter recommending approval of the Shoreland Exemption dated August 6, 2007, the NH Office of Energy and Planning wrote to Commissioner Thomas Burack the following:

“OEP also recommends that the exemption be granted. The property abuts existing high density, commercial uses. Because existing infrastructure is in place, the development will not require new roads or utility service. As an area that has been developed for over 100 years, its natural conditions have long been disturbed, and this development does not appear to make that disturbance any greater. If anything, development may improve rather than diminish the area, providing greater walkways along the waterfront, as buildings now divided will be joined.”

The argument that the impacts will be greater from use of a vibratory hammer to precisely install pilings supporting the decking are not factual or supported from prior statements underpinning that this is a well-developed waterfront and this project is consistent with an improvement by providing greater public access to the Piscataqua River.

V. THIS PROJECT EXCEEDS THE SCOPE OF THE URBAN EXEMPTION THE MARTINGALE RECEIVED

Responses: The Urban Exemption granted by the NHDES on September 7, 2007 pursuant to RSA 483-B:12 exempted the *entire Martingale property* at 99 Bow Street from the application of the Shoreland Protection Act. It was not a project specific exemption.

VI. THE HISTORIC DISTRICT COMMISSION DENIED THE ORIGINAL 2021 PROPOSAL BECAUSE OF ITS SIZE AND THEN APPROVED AN EVEN LARGER DECK

a. - July 7, 2021 the HDC denial

1. Massing is huge

Responses – The HDC approved the project on October 6, 2021.

2. Larger Deck = Greater Adverse Impact (light, noise, traffic, delivery congestion, parking, and trash)

a. Trash Is A HUGE Problem and Will Only Get Worse Trash

Responses: Martingale took steps, as described by Attorney Sherman, to address the abutters concerns with trash storage. Object to the characterization as “massively increase” since the reduced deck will be a seasonally operated, weather dependent deck and not likely to impact the quantities of trash generated. The restaurant and property are also located within the Downtown Overlay District which promotes mixed use and commercial properties, this project will promote and strengthen the local economy.

b. Proposed Metal Screening Is Necessary Because of Increased Light and Noise

Responses: Martingale has taken great lengths to not only beautify the decks aesthetics with planned bronze bas relief sculptures, but installation of planted screens to minimize light and noise from the seasonal use of the deck (not used during winter months). With the deck moved back 20 feet from 111 Bow Street, the screens will further minimize any impacts. The abutters are objecting to improvements done for their benefit.

c. Metal Screening “Art”

Responses: - Attorney Sherman’s or his client’s personal tastes and subjective views on artwork installations are their own; however, they were designed to create a buffer to his client’s property.

d. Increased Public Access is a Ruse

i. Public access was required as condition in 2011 As the Conservation Commission noted, it was a condition of the original deck in 2011 that the Martingale had to provide public access in an existing public access area

ii. Only Minimal Increase to Alleged “Public” Area

iii. Martingale Created The Lack of Access / “BIGGEST DECK IN PORTSMOUTH.”

iv. It is NOT Public If It Is Only Open During Restaurant Hours

Responses:

Martingale has proposed expansion of the West Deck, at its sole expense, for the benefit of the public. The public have continued access to the existing deck as the restaurant is open to the public, weather permitting. Martingale is under no obligation to provide the additional West Deck will increase existing public access and we object to the characterization as “disingenuous” or nominal. This is a great benefit, funded privately, for the public providing greater access to the Piscataqua River. Martingale repaired an existing deck in 2011 and now seeks to install a new public West Deck and East Deck for restaurant use (also open to the public). It will provide handicapped access to the deck (not provided elsewhere) and expand access.

The Martingale deck, even if expanded will not be the “Biggest Deck in Portsmouth” as cited by Attorney Sherman, using a photo from 2015. There are many adjacent and other decks in the Inner Harbor (Harborside) which are much larger and expansive than the planned expansion project here. Martingale requested the right to provide a gate for safety reasons, not to limit access.