

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

June 15, 2023

AGENDA

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the May 18, 2023 meeting minutes
- B. Approval of the May 25, 2023 Work Session minutes

II. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

*If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A. The request of **Eversource Energy (Applicant)** and **Public Service of New Hampshire (Owner)**, for properties located off **Gosling Road, Greenland Road, Borthwick Avenue** and **Ocean Road** requesting a proposed Wetland Conditional Use Permit under Section 10.1017 for utility structure replacement project involving the replacement of wooden utility poles with steel poles and associated equipment. This work would be throughout the Portsmouth transmission corridor between Gosling Road to Echo Avenue and between Borthwick Avenue and the Ocean Road Substation. In total, the proposed project requires approximately 208,734 sq. ft. of temporary wetland impact for the placement of timber matting and structure replacements. There will be approximately 3,310 sq. ft. of temporary impact to Pickering Brook in order to span the stream with timber matting. The project also proposes 78,642 sq. ft. of temporary buffer impact in uplands for clearing and grading to gain access to structures. Said properties are located on Assessor Map 238 Lots 2, 3 and 20, Map 239 Lots 7-1, 8, 13-2, 16 and 18, Map 240 Lots 2-1, and 3, Map 258 Lot 54, Map 259 Lot 12 and lies within the Gateway-1 (G1), Waterfront Industrial (WI), Office Research (OR), Industrial (I), and Rural (R) Districts. (LU-23-60)

- B.** The request of **Mojo’s West End Tavern (Applicant)**, for property located at **95 Brewery Lane** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use. Said property is located on Assessor Map 146 Lot 27 and lies within the Character District 4-W (CD-4W) and Character District 4-L2 (CD4-L-2) (LU-23-75)
- C.** **Ryan T. and Heidi E. K Mullen (Applicants)**, and **RTM Trust (Owner)**, for property located at **253 Odiorne Point Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for proposed improvements to existing drainage issues on the property including the installation of crushed stone to help with infiltration into two existing French drains and an additional French drain installation. The proposal includes an extension of existing stone walls, a concrete slab addition under the deck, an expansion of a deck and the relocation of deck footings and stairs which totals approximately 2,500 s.f. of impact within the wetland buffer. The applicant proposes additional native buffer plantings and a rain garden to help slow and infiltrate stormwater before it reaches the wetland source on the property. Said property is located on Assessor Map 224 Lot 10-19 and lies within the Single Residence a (SRA) District. (LU-23-36)
- D.** The Planning Board will consider a recommendation to City Council to adopt amendments to Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum Building Footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth.

III. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **Prospect North 815 LLC (Owner)**, for property located at **815 Lafayette Road** requesting preliminary conceptual consultation for the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking and a 2-story, 15,000 SF office building. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting and landscaping. Said property is located on Assessor Map 245 Lot 3 and lies within the Gateway Corridor (G1) District. (LUPD-23-4)

IV. OTHER BUSINESS

- A.** The request of **Granite State Convenience LLC (Applicant)**, and **Mastoran Restaurants INC (Owner)**, for property located at **2255 Lafayette Road** requesting a 1-Year Extension of the Site Plan Approval, Conditional Use Permit, and Wetland Conditional Use Permit granted on **June 23, 2022. (LU-22-13)**
- B.** The request of **RIGZ Enterprises LLC**, for property located at **806 US Route 1 Bypass** requesting a 1-Year Extension of the Site Plan Approval granted on June 23, 2022. (LU-22-81)
- C.** Chairman updates and discussion items
- D.** Planning Board Rules and Procedures
- E.** Board discussion of Regulatory Amendments, Master Plan & other matters

V. ADJOURNMENT



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board
From: Peter Stith, Planning Manager
Date: June 15, 2023
Re: Recommendations for the June 15, 2023 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the May 18, 2023 and May 25, 2023 minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the May 18, 2023 regular meeting and May 25, 2023 work session and vote to approve meeting minutes with edits if needed.

II. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of **Eversource Energy (Applicant)** and **Public Service of New Hampshire (Owner)**, for properties located off **Gosling Road, Greenland Road, Borthwick Avenue** and **Ocean Road** requesting a proposed Wetland Conditional Use Permit under Section 10.1017 for a utility structure replacement project involving the replacement of wooden utility poles with steel poles and associated equipment. This work would be throughout the Portsmouth transmission corridor between Gosling Road to Echo Avenue and between Borthwick Avenue and the Ocean Road Substation. In total, the proposed project requires approximately 208,734 sq. ft. of temporary wetland impact for the placement of timber matting and structure replacements. There will be approximately 3,310 sq. ft. of temporary impact to Pickering Brook in order to span the stream with timber matting. The project also proposes 78,642 sq. ft. of temporary buffer impact in uplands for clearing and grading to gain access to structures. Said properties are located on Assessor Map 238 Lots 2, 3 and 20, Map 239 Lots 7-1, 8, 13-2, 16 and 18, Map 240 Lots 2-1, and 3, Map 258 Lot 54, Map 259 Lot 12 and lies within the Gateway-1 (G1), Waterfront Industrial (WI), Office Research (OR), Industrial (I), and Rural (R) Districts. (LU-23-60)

Project Background

The applicant was granted a Wetland CUP on December 30, 2021 for replacement of 8 utility poles within their easement area. They are proposing to replace additional wooden poles with steel structures throughout their easement area from Gosling Road to Ocean Road. This is a utility structure replacement project with work throughout the Portsmouth transmission corridor between Gosling Road to Echo Avenue and between Borthwick Avenue and the Ocean Road Substation. The Site crosses through residential, industrial and commercial properties, as well as wooded areas and wetlands. Work in the right of way is proposed in palustrine (marsh) scrub-shrub and palustrine emergent wetland systems, including the Great Bog. Additionally, there will be temporary impacts to the Pickering Brook tributary and within the 100-foot wetland buffer. In total, the proposed project requires approximately 208,734 sq. ft. of temporary wetland impact for the placement of timber matting and structure replacements. There will be approximately 3,310 sq. ft. of temporary impact to Pickering Brook in order to span the stream with timber matting. The project also proposes 78,642 sq. ft. of temporary buffer impact in uplands for clearing and grading to gain access to structures.

Project Review, Discussion, and Recommendations

The project has been before the Conservation Commission. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, April 12, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board as presented with no conditions.

Staff Analysis

According to Article 10 Section 10.1017.60 the applicant must satisfy the following conditions for approval of this utility project.

1. The proposed project is in the public interest.

The project is necessary maintain existing corridor powerlines with upgraded support poles.

2. Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade condition and vegetated state.

The applicant has stated that the work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (NH DNCR 2019). Prior to placement of timber mats the applicant has stated they will inspect the mats to ensure cleanliness and will clean them off with each reuse. Wooden timber matting will be used to minimize the disturbance of wetlands and sensitive areas and once removed, the areas will be restored and stabilized with seed and mulch. Any areas of soil disturbance will be stabilized with seed and straw mulch. Additional proposed BMPs include silt fences, straw wattles/bales, and the use of water bars.

3. No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.

The applicant has chosen the only routes available to access the replacement poles, but the applicant has selected access designed to utilize existing historical access routes where possible to minimize impacts.

4. Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

Generally, the vegetation is expected to return to its original configuration after the timber mats are removed. After removal, if erosion has occurred the areas will be restored with seed and mulch. However, there will be some vegetation removed exactly where the structure replacement is proposed to occur.

Planning Department Recommendation

Wetland Conditional Use Permit

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and to adopt the findings of fact as amended and read into the record.

2) *Vote to grant the Wetland Conditional Use permit as presented.*

(Alt.) Vote to grant the Wetland Conditional Use permit with the following conditions:

II. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- B.** The request of **Mojo's West End Tavern (Applicant)**, for property located at **95 Brewery Lane** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use. Said property is located on Assessor Map 146 Lot 27 and lies within the Character District 4-W (CD-4W) and Character District 4-L2 (CD4-L-2) (LU-23-75)

Project Background

The applicant is proposing to have permanent outdoor dining and drinking area off the rear of the existing restaurant. During the Covid-19 emergency, restaurants were able to have outdoor dining areas and Mojo's utilized part of the travel aisle in the rear parking lot for outdoor dining. An outdoor dining and drinking use is an accessory use and requires a CUP in the CD4-W district. The proposal includes converting an existing landscaped area into a fenced in pervious patio area that will accommodate outdoor seating for patrons. The applicant has submitted a request for minor site plan amendment to the Planning Director, which is contingent on receiving approval for the CUP. The use does not trigger the need for additional off-street parking as it is accessory and will be seasonal. This approval would be subject to any other Health or Inspections Department permits and/or review through a separate permitting process.



Planning Department Recommendation

Outdoor Dining Conditional Use Permit

1) *Vote to 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.*

(Alt.) Vote to 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 amended and read into the record.

2) *Vote to approve the conditional use permit as presented.*

II. PUBLIC HEARINGS – NEW BUSINESS

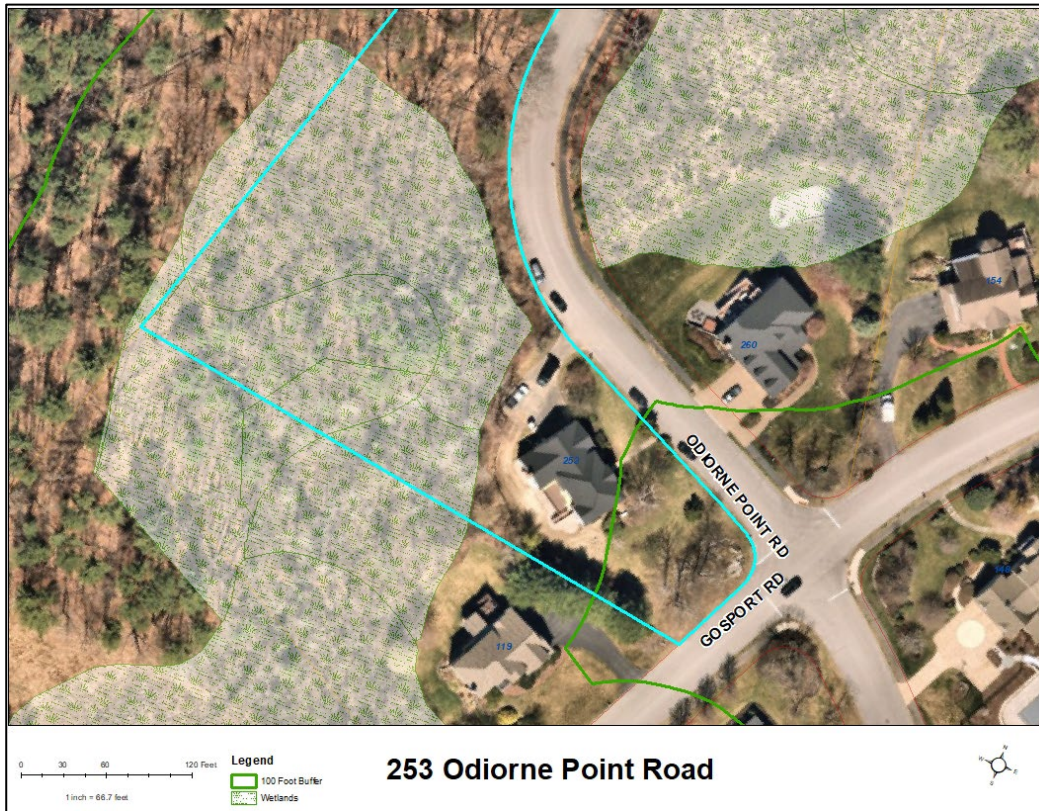
The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- C. **Ryan T. and Heidi E. K Mullen (Applicants), and RTM Trust (Owner)**, for property located at **253 Odiorne Point Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for proposed improvements to existing drainage issues on the property including the installation of crushed stone to help with infiltration into two existing French drains and an additional French drain installation. The proposal includes an extension of existing stone walls, a concrete slab addition under the deck, an expansion of a deck and the relocation of deck footings and stairs which totals approximately 2,500 s.f. of impact within the wetland buffer. The applicant proposes additional native buffer plantings and a rain garden to help slow and infiltrate stormwater before it reaches the wetland source on the property. Said property is located on Assessor Map 224 Lot 10-19 and lies within the Single Residence a (SRA) District. (LU-23-36)

Project Background

The applicant is proposing to extend two sections of an existing rock wall to help divert stormwater from the foundation of the house into the wetland. The applicant is also proposing granite steps to connect these areas to existing grading. A portion of the existing patio which has been damaged by water has been removed and 12-18" of clay soil is proposed to be dug up and replaced with a 12" of permeable crushed stone base and permeable pavers which sit over two existing French drains, allowing for better stormwater infiltration. The existing clay soil will be placed behind the extended 25' long rock wall along the southeast side of the property. A fire pit with a diameter of five feet will be placed in the center of the patio and a 10 x 10' concrete slab will be poured underneath the deck to support a hot tub. A French drain with a crushed stone lining will be installed where a natural culvert currently exists but is not effective. The existing back deck will have new support piers reinstalled and the deck will expand, which will include repositioning of the stairs.



Project Review, Discussion, and Recommendations

The project has been before the Zoning Board of Adjustment and the Conservation Commission. See below for details.

Zoning Board of Adjustment

The applicant was before the Zoning Board at their regularly scheduled meeting of Tuesday, February 28th, and was granted a variance for a mechanical unit located closer to the street than the principal structure. The mechanical unit is outside of the wetland buffer and is not subject to this CUP application. The applicant was before the Zoning Board again at their May 2nd meeting and was granted a variance to allow a 30-foot rear yard where 40 feet is required for a deck extension. The deck is located within the buffer and is part of this CUP application.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, April 12, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following stipulations:

- 2.1) *A silt sock shall be used in addition to the existing silk fence to help mitigate construction impacts.*
- 2.2) *No plantings shall be planted within the wetland itself, just the buffer, and no removal of invasive shall be performed within the wetland.*

- 2.3) *A final planting site plan shall be submitted to the Planning Department for review and approval prior submission to the Planning Board.*
- 2.4) *In accordance to Section 10.1018.40 of the Zoning Ordinance, the applicant shall install permanent wetland boundary markers during the construction process. The signs can be purchased through the City of Portsmouth Planning and Sustainability department.*
- 2.5) *The Conservation Commission recommends the homeowner to follow NOFA land care management standards at the site.*
http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

Staff Analysis

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. The land is reasonably suited to the use activity or alteration.

This location is currently inundated during precipitation events and the principal structure along with the surrounding yard suffers from ponding damage and lack of infiltration. The proposed permeable pavers, replacement of clay soil, renovation of existing rock walls and installation of a new French drain should help to divert and better infiltrate stormwater into the wetland behind this home.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

The entire backyard of this property is within the buffer and retains water during rain events. This area requires better stormwater mitigation and redirection in order to prevent further damage to the existing home.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The proposed project will be redirecting stormwater into the wetland and allowing for better infiltration with the loss of the clay soils. Additionally, the applicant is proposing to remove invasive Phragmites from the wetland and will install native wetland plantings which should help with the overall health of the wetland.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The proposed new areas of impact will only occur over existing lawn. The applicant is proposing to remove invasives within the immediate wetland but will

be replacing with native plantings.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

Overall, the applicant has provided an alternative with a small impact to the wetland buffer and will be improving the health of the wetland through invasive removal and native plantings. The redirection of stormwater flow should help to infiltrate and slow stormwater as it reaches the wetland.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The applicant is proposing to plant winterberry along the wetland edge where invasives currently exist. Additional buffer plantings could be useful surrounding the proposed patio area and along the extended walls to help slow stormwater.

Planning Department Recommendation
Wetland Conditional Use Permit

- 1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.

- 2) *Vote to grant the Wetland Conditional Use permit with the following conditions:*

- 2.1) *A silt sock shall be used in addition to the existing silk fence to help mitigate construction impacts.*

- 2.2) *No plantings shall be planted within the wetland itself, just the buffer, and no removal of invasive shall be performed within the wetland.*

- 2.3) *A final planting site plan shall be submitted to the Planning Department for review and approval prior submission to the Planning Board.*

- 2.4) *In accordance to Section 10.1018.40 of the Zoning Ordinance, the applicant shall install wetland boundary markers during the construction process. The signs can be purchased through the City of Portsmouth Planning and Sustainability department.*

- 2.5) *The Conservation Commission recommends the homeowner to follow NOFA land care management standards at the site.*

http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

II. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- D. The Planning Board will consider a recommendation to City Council to adopt amendments to Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum Building Footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth.

Background

The amendments before the Board are part of Phase 3 of the regulatory amendment workplan adopted by the City Council last year.

On February 7, 2022, the City Council established the Land Use Committee to look at diversifying land use regulations within the City. As part of the first package of amendments, the Land Use Committee has focused on advancing the citywide housing goals identified by City Council in their 2022-2023 Goals. These objectives were refined on February 27, 2022 and include:

1. Increase diversity of housing types and price points;
2. Remove regulatory barriers for housing diversification in neighborhoods (ADUs) with context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts;
3. Restructure incentives to deliver greater public benefit in workforce housing construction; and
4. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

Regulatory Amendment Work Plan and Status of Amendments

On April 9, 2022, the Land Use Committee approved transmittal of the draft 2021 Regulatory Amendment Work Plan to City Council. The City Council approved the Regulatory Work Plan on April 18, 2022. The work plan consists of three phases:

1. **Phase 1: Code Clean-Up – Building Height Standards.** ***Adopted** Purpose: Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences. (Adopted October 4, 2022)*
2. **Phase 2: Accessory Dwelling Unit Amendments (ADUs)** ***Adopted***

Purpose: Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities. (Adopted May 1, 2023)

3. Phase 3: Incentive Amendments Under Consideration

Purpose: Adjust incentives to place a higher emphasis on Workforce Housing.

Phase 1 was completed in the fall of 2022 with Zoning Amendments adopted in October and Phase 2 was completed with the ADU amendments adopted in May 2023. The amendments before the Board are part of the third phase and relate to development incentives in the Character-based zoning districts. It is anticipated that additional amendments will be brought forward related to the Gateway zoning districts later this summer or early fall.

Phase 3 Amendments Timeline | Land Use Committee Review and Recommendation

- The Land Use Committee, at their May 5, 2023 meeting, referred the density incentive amendments to the City Council.
- The City Council, at their May 15, 2023 meeting, referred the amendments to the Planning Board for a report back and scheduled a second reading for July 10, 2023.
- The Planning Board, at their May 25, 2023 work session, reviewed the amendments with some proposed changes in advance of the public hearing on June 15.
- The Land Use Committee, at their June 2, 2023 meeting, were given an update of the changes discussed at the Planning Board work session.

The City Council version of the amendments is included in the packet as well as a revised version with changes that were discussed at the May 25 Planning Board work session.

Planning Department Recommendation

- 1) *Vote to recommend approval of the zoning ordinance amendments to City Council.*
- 2) *Vote to recommend approval of the zoning amendments to City Council as amended.*

III. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Prospect North 815 LLC (Owner)**, for property located at **815 Lafayette Road** requesting preliminary conceptual consultation for the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking and a 2-story, 15,000 SF office building. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting and landscaping. Said property is located on Assessor Map 245 Lot 3 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District. (LUPD-23-4)



The applicant has provided a set of preliminary plans for discussion with the Board. As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows:
[Preliminary conceptual consultation] ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

IV. CITY COUNCIL REFERRALS

Public Hearing and consideration of the amendments on density incentives referred to the Planning Board by the City Council at their May 15, 2023 regular meeting. (See Item III D above).

V. OTHER BUSINESS

- A. The request of **Granite State Convenience LLC (Applicant)**, and **Mastoran Restaurants INC (Owner)**, for property located at **2255 Lafayette Road** requesting a 1-Year Extension of the Site Plan Approval, Conditional Use Permit, and Wetland Conditional Use Permit granted on **June 23, 2022**.

Project Background

On June 23, 2022, the Planning Board granted a Wetland CUP and a CUP for a drive-thru facility in addition to the Site Plan approval for the project. The applicant is still working through the conditions of approval prior to obtaining a building permit, which will not be issued prior to the June 23rd expiration, thus they are requesting the extensions.

Section 10.246.10 below allows the applicant to request a one-year extension prior to the expiration of the original approval for a Conditional Use Permit for a drive-thru facility and the Wetland Conditional Use permit. Section 2.14 of the Site Plan regulations allows for an extension.

10.246 Expiration and Abandonment of Approvals

10.246.10 A conditional use permit shall expire unless a **building permit** is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The **Board** may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to June 23, 2024.*
-

- B.** The request of **RIGZ Enterprises LLC**, for property located at **806 US Route 1 Bypass** requesting a 1-Year Extension of the Site Plan Approval granted on June 23, 2022. (LU-22-81)

Project Background

On June 23, 2022, the Planning Board granted Site Plan approval for the project referenced above. The applicant has yet to obtain a building permit and has requested the one-year extension per Section 2.14 of the Site Plan Regulations below.

Section 2.14 of the Site Plan regulations allows for an extension.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Planning Department Recommendation

- 2) *Vote to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to June 23, 2024.*
-

- C.** Chairman’s Updates and Discussion Items
- D.** Planning Board Rules and Procedures
- E.** Board discussion of Regulatory Amendments, Master Plan & other matters

VI. ADJOURNMENT

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

May 18, 2023

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Greg Mahanna (via Zoom), Peter Harris, James Hewitt, Jayne Begala; Andrew Samonas, Alternate; Ernest Carrier, Alternate

MEMBERS ABSENT: Corey Clark, Vice-Chair

ALSO PRESENT:
.....

Note: Items in brackets denote recording timestamp.

Chairman Chellman called the meeting to order at 7:06. He announced that Alternate Andrew Samonas would take a voting seat for the entire meeting and that Alternate Ernest Carrier would take a voting seat for Section II, Petitions A and B, and Section III Petition A for Mr. Mahanna, who was not able to attend the meeting via Zoom at that point.

I. APPROVAL OF MINUTES

A. Approval of the April 20, 2023 Minutes.

*The Board voted to **approve** the minutes as amended.*

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

SITE PLAN REVIEW

Chairman Chellman read Petitions A and B together.

A. The request of **Nicole J. Giusto** and **David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is

located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. (LU-22-196)

- B.** The request of and **Thomas E, Marybeth B, James B, and Meegan C. Reis (Owners)**, for property located at **305 Peverly Hill Road** requesting Site Plan Approval for redevelopment of the property including the addition of two new dwelling units for a total of three units with associated site improvements. Said property is shown on Assessor Map 255 Lot 5 and lies within the Single Residence B (SRB) and Natural Resources Protection (NRP) Districts. (LU-23-18 and LU-22-25)

*Councilor Moreau moved to determine the applications to be complete according to the Site Plan Review Regulations (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration, seconded by Mr. Almeida. The motion **passed** with all in favor, 9-0.*

III. PUBLIC HEARINGS -- OLD BUSINESS

- A.** The request of **Nicole J. Giusto and David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. (LU-22-196)

SPEAKING TO THE APPLICATION

[11:59] Project engineer Eric Weinberg was present, along with project designer Jennifer Ramsey, owner David Sinclair, Attorney Tim Phoenix, and landscape architect Vicky Martel. He reviewed the petition, noting that at one time the property was two parcels but was merged and a pool was constructed on the northerly lot, so the parcels could not be unmerged. He said the property also would have had site line and access issues if it was subdivided. He said they were granted variances to allow the additional dwelling unit and garage and also rear setback and lot density variances. He said they also got approval from TAC and were waiting to finish the HDC process. He said there were no wetlands on the property or within 100 feet. He said the garage would have an apartment above and three parking spaces and the driveway would be constructed using pavers. He said a drainage study was completed for the site.

[16:20] Ms. Martel reviewed the landscape plan. Ms. Begala asked what tree would maintain the large mature tree that would be removed. Ms. Martel said they would plant a magnolia tree that was a more moderate size than the large tree. Councilor Moreau asked how the drainage off the roof would be maintained and where it would go. Mr. Weinberg explained that they had a ridgeline, so everything from the front goes toward the driveway and there was an underground infiltration basin under the paver. He said they have an oversized stone drip edge and reservoir that allows the water in the back to infiltrate. He said that any overflow would be equal or less than what was running off the site now.

[19:43] In response to Mr. Hewitt's question, Mr. Weinberg said all three units would be under the same ownership, and the owner would live in the large building and would rent out the duplex. He said there would be no condos. Chairman Chellman said the ordinance talked about detached dwellings, not principal, and he asked if the applicant considered the main house to be the principal dwelling and the other detached dwellings. Mr. Weinberg agreed. Ms. Begala noted that the packet said the variance was to allow three principal dwellings on the lot, and she asked why. Attorney Phoenix said there used to be and still were two principal dwellings, the single-family home, and the carriage house that is two dwelling units. He said the BOA approval was to add another detached building, which makes it a dwelling with a unit it, so there are three dwellings and four dwelling units. Ms. Begala said it should be noted in the meeting notes because it wasn't the way it was written in the packet. Mr. Stith said that's how it was presented to the BOA. He said the ordinance allowed for three freestanding dwellings. Chairman Chellman said it was the same thing from a use perspective.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

*Councilor Moreau moved to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented, seconded by Mr. Almeida. The motion **passed** by unanimous vote, 9-0.*

Councilor Moreau moved to vote that the Board grant Site Plan Approval with the following conditions:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *A licensed utility engineer will determine the appropriate sizing for the fire service and domestic water lines.*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.3) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*

*Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

[26:20] Chairman Chellman discussed the unusual situation of having a Planning Board member attend the meeting via Zoom (in this case, Mr. Mahanna) and whether the two alternate members should be used instead. It was further discussed.

The Board voted to include Mr. Mahanna via Zoom. The motion passed by a roll call vote of 5-4, with Councilor Moreau, City Manager Conard, Mr. Carrier, and Mr. Almeida opposed.

At this point, Mr. Mahanna joined the meeting via Zoom and Mr. Carrier went back to alternate status.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A.** The request of **238 Deer Street, LLC (Owner)**, for property located at **238 Deer Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where 11 spaces are required. Said property is shown on Assessor Map 125 Lot 3 and lies within the Character District 4 (CD4) District. (LU-20-238)

SPEAKING TO THE APPLICATION

[33:08] Attorney Sharon Somers was present on behalf of the applicant, with project engineer and the two owners. Attorney Somers said they wanted to receive a Conditional Use Permit (CUP) to replace an expired one.

[35:00] Mr. Chagnon explained that TAC reviewed the application on May 2 and made a recommendation for approval by the Planning Board subject to parking demand and a different land use code of 221 instead of 223. He reviewed the parking spaces required and allowed, the parking demand and peak periods, the ITE data studies, the census tracking data, and the site plan. He emphasized that there were plenty of parking options near the development and that a lot of the tenants would not have cars.

[48:25] Chairman Chellman asked if the same arrangement was proposed as the conditions of approval from the prior Planning Board vote. Mr. Chagnon said it was not because that was part of the previous approval. He said they were now requesting that the parking CUP be approved without requiring that leases be entered into. Councilor Moreau asked how a tenant who had a car could be prevented from parking on a side street or using other free parking in the neighborhood. Mr. Chagnon said there were plenty of nearby parking lots but that the leasing of the unit would require the tenant to disclose whether they needed a parking space, in which case they would have to prove they had a parking pass.

[51:07] Attorney Somers said the units would be 500 square feet and occupied by some people who may not have cars because they live in the city and prefer to walk. She said if the dwelling units each had a tenant with one car, the applicant thought the Foundry Parking Garage across the street could be used. She said the applicant couldn't guarantee that there would be a monthly pass available for every tenant but thought it was reasonable to assume so. She said they couldn't put off-street parking on the property, which meant they couldn't develop the project as it was. She noted that the Staff Report indicated that the HDC supported the buildings and site design and would not like to see the project fail to gain the CUP. Relating to intensity of use, she said that a few other lots were larger and every other property had onsite parking, so the project would not overburden the existing parking properties.

[56:14] Ms. Begala said the hypothesis was a forecast and that a lot of statements made by the applicant indicated how there would be no parking demand or a lower parking demand than normal. She asked what would happen if a tenant worked in the next town. She thought there could be some discrimination if it was assumed that certain tenants who could only afford small units would not be able to afford a car. She asked if it was possible to meet the limited parking demand by substituting the first-floor commercial business with parking. She also noted that the applicant used ITE parking data from the 1980s for a commercial apparel store demand. She said the concentric circles in the exhibit showed neighborhoods with unmetered parking and asked how the applicant would not increase the burden of parking in front of nearby private residences. Mr. Chagnon said they weren't claiming that 100 percent of the tenants would not have vehicles. He said there were opportunities for parking. He said characterizing people who didn't have cars in a derogatory manner was not appropriate. He said younger people starting their careers might want to live without a car. He said there were trends that indicated large groups of people who did not want to own vehicles in a city center. He said putting in first-floor parking would take up a large portion of the property to build a ramp. He said the ordinance was clear that parking on the first floor was not allowed or desired and that the first floor should be enlivened with commercial uses and sidewalk activation. He said their ITE parking data was not chosen from the 1980s but was updated and they didn't have a general code for unspecified office or retail space. He said it could even be a restaurant. Councilor Moreau said she liked the idea of having tenants prove that they had a leased parking space.

[1:06:22] Ms. Begala said the packet included a statement that the 238 Deer Street project proposes microunits under 500 square feet in floor area, which by their nature will decrease parking demand as their small size will attract occupants who wish to minimize housing costs while at the same time providing immediate access to the city. She asked whether that was a hypothesis. She said the price point for the leases in the downtown area had lots of residential options, including high-end ones, and the project had microunits. She said she thought that the price point would be high enough to assume that there would be a lot of parking demand by the project's tenants who could afford a higher price point. Mr. Chagnon said the size of the units was such that someone who wants a two-bedroom luxury apartment would not want to rent a 500-sf unit. He said the size of the unit was related to how much rent it would gather in the marketplace. Ms. Begala said the parking demand might be higher than what the applicant projected and that she had an issue with zero parking spaces. Mr. Chagnon said many applicants came before the Board and utilized parking calculated and estimate parking demands. He said it wasn't hypothetical but was how each project with a parking demand was reviewed. He said the numbers presented were the standard. Chairman Chellman said the request was for a CUP and not a variance, and the Board had the authority to require more parking than the ordinance said or down to zero. He said the ITE was not a standard but a database of information that was meant to be used by engineers. He said in considering the CUP request, one had to look at not just the parking aspect but the effect of people living in these units in that part of downtown.

[1:12:20] The market rate and affordability of the units was discussed. Chairman Chellman asked if the applicant would be willing to have a system in place whereby a certain number of unit owners or renters with vehicles were required to seek a permit in a garage to park their vehicles. It was further discussed. Mr. Mahanna asked what happened to the seven or eleven spaces that

the project was previously committed to go and if the community space deck would be accessible to anyone on the street. He noted that a studio at Portwalk rented for \$3500 a month and asked how many people who paid that for rent lived without a car. Attorney Somers said Portwalk wasn't relevant. She said the community space would be shared by the residents and would not be open to the public. She said the seven spaces was a condition of approval for the 2021 CUP but it wasn't one they were seeking on the current application because the earlier CUP had gone by the wayside. Mr. Mahanna said normally a CUP required a benefit to the city. He said the applicant was asking for a CUP with no affordable housing, no community space, and no public benefit. Attorney Somers disagreed and said they would provide an easement to the city on the alley between their building and the adjacent one. Mr. Chagnon said the easement to provide more access and community space was required in the site plan approval and the seven parking spaces requirement was part of the previous approval. He said those spaces had to be leased, which was difficult because until a person was a resident, they couldn't lease a space in the Foundry Place Garage. He said people who own private lots for lease won't say that they will lease the applicant seven spaces in perpetuity before the building is even up. He said TAC thought the project's lot size was very small.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

SPEAKING TO, FOR, OR AGAINST THE PETITION

[1:24:15] Elizabeth Bratter of 159 McDonough Street passed out samples of what could be done with different sizes. She said she was a landlord and knew other landlords who had apartments with more one bedroom and one space for each unit, and they provided the parking permits for their tenants to park on the street. She said all her one-bedroom units shared one parking space. She said if there was a unit, there was a car associated with it.

Chairman Chellman also noted that the Board received a letter that was not in support of the application. He called for second-time speakers.

SECOND-TIME SPEAKERS

[1:26:25] Ms. Bratter said the building could be smaller to allow for parking. She said other projects received CUPs for first-floor parking in the rear. She discussed how Portsmouth came up with the least number of parking spaces needed for the number of apartments in the city. She said Foundry Place Garage was predicted to be full within three years, and the units were likely to be higher than market rates and the tenants would have cars. She asked that the Board not grant the CUP and that they ask for ten parking spaces.

[1:32:40] Attorney Somers said she spoke to the client, who were willing to assure as part of the conditions of approval that whoever resides in the units will need to state whether they have a car or not before moving in and have evidence of a parking pass. She said the applicant would not be amenable to being required to have seven spaces because the mechanics were next to impossible. She said they contacted people who were not willing to commit to leasing spaces, but she said

the applicant could work with City Staff to arrange off-site parking. She said there were other options out there besides the Foundry Place Garage.

There were no third-time speakers, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[1:35:56] Mr. Samonas said 132 Middle Street was a 21-unit apartment building about a ¼-mile away and had seven parking spaces, with four off site and three on site. He said he found it pertinent that the project was in the same geographical context. He said the Middle Street building had four studio apartments, three one-bedrooms and one 3-bedroom and was a good example of a parking situation. He said he didn't think it was suitable for the Board to shed the seven parking spaces that were previously stipulated. Mr. Stith explained why certain groups were allowed blocks of spaces versus individuals in the Foundry Place Garage. He said DSA owned that property and as part of the sale, they secured 68 parking spaces. He said no one else had an arrangement like that and individuals had to get a monthly parking pass. Ms. Begala agreed with Mr. Samonas and said the location of the applicant's building was such that other uses could be done if the CUP wasn't approved. She said the CUP should include the original condition of seven parking spaces being procured or found by permit prior to having occupancy. She said market price was based on prime location, so she felt that the project would have a high price point even for small units and the tenants would have cars. It was further discussed. Ms. Begala said she thought the pressure of parking had to be on the applicant and not the tenant, especially since there wasn't an extensive bus system in town. Councilor Moreau said she created the stipulation the previous time and thought there had to be a way for the applicant to prove that if a tenant had a car, they had parking available. It was further discussed.

*Councilor Moreau moved to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as presented. Mr. Samonas seconded. The motion **passed** unanimously, 9-0.*

Councilor Moreau moved to vote that that the Board grant the Conditional Use Permit with the following condition:

2.1) For a period of 5 years, the applicant shall provide an annual monitoring report documenting that occupants with vehicles have secured off-site parking.

*Mr. Hewitt seconded. The motion **passed** unanimously, 9-0.*

At this point in the meeting, Ms. Conard moved to take Item IV. D out of order so that it could be addressed next, and Councilor Moreau seconded. The motion passed unanimously, 9-0.

- B. Request of Nobles Island Condominium Association, (Owner), and CP Management, Inc. Applicant,** for property located at **500 Market Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to remove and replace existing decks on Buildings A, B, and C including the addition of new structural supports with no expansion of the existing footprint resulting in 27 square feet of permanent impact and up to 1,240 square feet of temporary impacts all within the 100' tidal wetland

buffer area. Said property is shown on Assessor Map 120 Lot 2 and lies within the Character District 4-L1 (CD4-L1) and the Historic District. (LU-23-34)

SPEAKING TO THE APPLICATION

[2:42:20] Property manager Mike Street was present. He said the previous project approval lapsed due to skyrocketing lumber prices. He said the steel beams were corroded so that the sliding doors on the first floor didn't work. He said they wanted to demolish the existing cantilevered decks and build a raise deck on concrete piers. He said they would meet the Conservation Commission's conditions.

[2:45:05] Councilor Moreau said the steel was being cut off at the foundation and she asked if part of that steel would be left inside the building. Mr. Street said the raised deck would be attached to a ledger and the joist for the deck would go into that and be supported by a joist hanger. He said the cantilevered beams were not built to code. It was further discussed. Ms. Begala noted that the application said there was no flood storage and she asked why, given that the property was close to the high mean tide. Mr. Street said he saw it in the 100 Year Floodplain. Ms. Begala asked if the project would be able to meet the demands for the projected 25- and 50-year flooding. Mr. Street said it was more of an engineering question.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

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

DECISION OF THE BOARD

*Councilor Moreau moved to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

Councilor Moreau moved to find that the Board grant the Wetland Conditional Use permit with the following conditions:

- 2.1) The Applicant shall submit plans for approval to the Planning & Sustainability Department prior to building permit issuance for the two storm-water outfall areas off the parking lot. These areas should be provided with some sort of infiltration before it reaches the North Mill Pond. This can include digging down into the soil and placing crushed stone or the planting of native buffer species to slow storm-water.*
- 2.2) Native buffer plantings shall be placed along the bank behind Building B as a replacement of portions of the grass as well as other areas where appropriate.*
- 2.3) The Conservation Commission recommends the property owner follow NOFA land care standards on the site*

http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

2.4) *In accordance with Section 10.1018.40 of the Zoning Ordinance, the applicant shall install wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

*Mr. Almeida seconded the motion. The motion **passed** by unanimous vote, 9-0.*

- C. The request of and **Thomas E, Marybeth B, James B, and Meegan C. Reis (Owners)**, for property located at **305 Peverly Hill Road** requesting Site plan Approval for redevelopment of the property including the addition of two new dwelling units for a total of three units with associated site improvements. Said property is shown on Assessor Map 255 Lot 5 and lies within the Single Residence B (SRB) and Natural Resources Protection (NRP) Districts. (LU-23-18 and LU-22-25)

SPEAKING TO THE APPLICATION

[2:54:30] Project engineer Erik Saari was present on behalf of the applicant. He reviewed the petition and said they wanted to add two units to the property. He said an existing section of the house would be demolished and a new structure would be placed for a one-bedroom apartment. He said a new detached 2-bedroom home would house the Reis family. He said the utilities would be upgraded and there would be a new leach field, which was approved by DES. He said TAC and the city's fire department looked at the property and the applicant added extra turning space. He reviewed the waivers for the lighting, stormwater management and landscaping plans.

[2:57:25] Mr. Samonas asked how heavy rain or snowmelt would be contained. Mr. Saari said it was in the low spot for that section of the neighborhood and didn't believe there was an outlet for it, but he thought the city would do something about it. He said there were no concerns about it being the low point of the neighborhood because the area was 100 percent contained on the site and wouldn't impact any abutters. Mr. Hewitt noted that there would be two septic systems for the two new buildings, and he asked whether there was sewer on the road. Mr. Saari said there was but it was too far from the site, so it was cheaper to do the septic systems.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

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

DECISION OF THE BOARD

Councilor Moreau moved that the Board find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations:

1. *Section 2.5.4.3J – outdoor Lighting; Section 10.1 – Dark Sky Lighting Measures; Section 2.5.4.3K – Landscaping; Section 7.6.5 – Stormwater Management; and Section 7.6.5 – Inspection and Maintenance Plan.*

*Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0*

*Councilor Moreau moved to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

Councilor Moreau moved to find that the Board grant Site Plan Approval with the following conditions:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

2.1) The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

*Mr. Almeida seconded. The motion **passed** by unanimous vote, 9-0.*

- D.** The request of **Ken Linchey (Applicant)**, and **The City of Portsmouth (Owner)**, for property located at **50 Andrew Jarvis Drive** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the reconfiguration of the existing four tennis courts at the high school along with resurfacing work and the addition of two more courts over existing wetland buffer area which will result in 84,676 s.f. of impact to the wetland buffer. The applicant is proposing pervious surfaces and improved stormwater infiltration from crushed stone areas to help mitigate and slow impacts to the wetland. Said property is shown on Assessor Map 229 Lot 3 and lies within the Municipal (M), Single Residence B (SRB), and Natural Resource Protection (NRP) Districts. (LU-23-32)

SPEAKING TO THE APPLICATION

[2:06:50] Facilities Director for Portsmouth Schools Ken Linchey said they wanted to upgrade the tennis courts at the high school to two more courts. He discussed the proposed changes, environmental impacts, and the five requirements of the wetlands CUP request.

[2:16:49] In response to Mr. Hewitt's question, Mr. Linchey said the tennis courts were oriented to minimize glare as well as any other impacts. Ms. Begala said the project would impact 85,000 square feet of wetland buffer and asked why the left side of the property, where there was a lot of space, couldn't have the tennis courts. Mr. Linchey said the 85,000-sf impact already included the existing impact and they were in the buffer. He said the new area was 33-35,000 square feet. It was further discussed. Ms. Conard said the two tennis courts at the community campus were being converted to eight pickleball courts. She said there was ample space in the turf field, but an additional turf field was slated for that part of the campus. She said the school board deemed the

site the most appropriate for six new tennis courts. Ms. Begala said her issue was the 85,000 square feet of wetland buffer. Mr. Linchey said each NHA sport had its own criteria and that they had to provide so many courts or so much field to play at the NHA level, otherwise it would be just an extracurricular activity. He said they would only impact a certain corner of wetland. Ms. Begala asked why shelters and 10-ft wide walkways were needed. Mr. Linchey said they already reduced the walk from 12 feet and that it would provide access for emergency vehicles. He said the structures would be bolted down. He said any tree roots within the tennis court could damage the court. He said the budget was \$850,000 and there would be a total of 60 players.

Chairman Chellman opened the public hearing.

PUBLIC HEARING

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

DECISION OF THE BOARD

*Councilor Moreau moved that the Board find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** by a vote of 8-1, with Ms. Begala voting in opposition.*

Councilor Moreau moved to find that the Board grant the Wetland Conditional Use Permit with the following conditions:

- 2.1) A planting plan shall be submitted to and approved by the Planning and Sustainability Department prior to issuance of a building permit or any site work.*
- 2.2) The applicant shall reduce walkways from 12 feet wide to 10 feet wide where possible.*
- 2.3) The applicant shall consider the use of pervious pavement wherever possible.*
- 2.4) The applicant shall replace the proposed silt fences and use silt socks during construction.*
- 2.5) The applicant shall replace all Maple trees to be removed with new Maple trees and replace all trees over 4" dbh with new trees around the site and school property.*

*Mr. Almeida seconded. The motion **passed** by a vote of 8-1, with Ms. Begala voting in opposition.*

(NOTE: Councilor Moreau cited Conditions as 2.7 thru 2.7 in error).

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Giri Portsmouth 505 INC (Owner)**, for property located at **505 US Route 1 Bypass** requesting demolition of the existing motel and the construction of a 5-story, 122-key hotel with first floor parking and a 1-story fast food restaurant/coffee shop with an accessory drive-through including associated site improvements for parking, pedestrian access, utilities, stormwater management, lighting, and landscaping. Said

property is shown on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LUPD-23-2)

[3:03:39] Project engineer Patrick Crimmins was present on behalf of the applicant, along with owner Karen Whitman and Attorney John Bosen. Mr. Crimmins said they wanted to redevelop the existing motel with a 122-key hotel and a Starbucks coffee shop by demolishing the existing building. He said they would pull everything further away from Hodgdon Brook to create buffer enhancements. He reviewed the petition and addressed the stormwater improvements, parking demand, traffic flow, driveway, and other items. He said the site would need a traffic study with TAC and the State of NH.

[3:11:39] Councilor Moreau said she liked the fact that the curb cuts directly to Route One would be closed and liked that the building would be pulled further away from Hodgdon Brook. She said the new traffic flow was positive but would like to see the drive-thru window on one of the two sides instead of the front. She suggested screening the dumpsters. She asked Mr. Crimmins if he was aware that the intersection outside the property would be changed within five years, and Mr. Crimmins agreed. Mr. Almeida said the exit from the drive-thru onto Coakley Road looked so close to the intersection that a vehicle might not be able to get out if traffic was queuing. He asked if it could be moved to the left. Mr. Crimmins said they were trying to align it with the drive-thru and the existing curb cut but that they would further research it.

[3:13:37] Mr. Samonas said there was a large hospital and office space nearby, and during the day when people were trying to make a left or right turn south at the intersection toward the bypass, they got caught in the middle of the intersection. He said the queue would only exacerbate it. Mr. Crimmins said they would mitigate it as needed when they performed the traffic analysis. In response to further questions from Mr. Samonas, Mr. Crimmins said the front setback was 30 feet and the aisles were 24 feet. He said they would look at ways to reorientate the building to make it closer to Coakley Road or angled toward the bypass and pulled out of the 50-ft buffer more. Mr. Harris asked if the building was presently within 25 feet of the wetlands. Mr. Crimmins said the edge of pavement was right up to the edge of the brook and the building came down into that 25 feet. He said there would be no building in the 25-50 feet but there would be some pavement of 7,322 square feet between 25-50 feet where there was presently 10,700 square feet. He noted that those were preliminary numbers.

[3:17:35] Mr. Hewitt said the maximum building height indicated that it was existing greater than 60 and the proposed height was greater than 60. Mr. Crimmins said it should be less than 60. Mr. Hewitt said Portsmouth parking regulations overestimated the demand by about 60 spaces, and he assumed that the applicant did a parking demand already. He said it was interesting that Portsmouth's parking requirements were overestimated at the applicant's site, yet at Western Yard they were at about 50 percent under and 122 spaces short. It was further discussed. Mr. Hewitt said there were 1.25 spaces for guests and asked if .8 was more reasonable. Mr. Crimmins said .75 or .8 was the right number for ITE and that the peak parking demand at night would be 98 spaces. Mr. Samonas asked if Starbucks could be put on the back side of the property. Mr. Crimmins said it would create challenges with queuing because they would have to push more pavement down in the buffer.

[3:20:30] Chairman Chellman asked if the gap between the two buildings would be attached. Mr. Crimmins said they would not be attached and that it was a shared patio open space for both users. Chairman Chellman said the building had two different owners and said the building development for building sites was a definition for subdivision, so he thought subdivision approval might be needed. He noted that the back corner of the hotel building was closest to the brook and asked if parking would be on the first floor, with hotel rooms above. Mr. Crimmins said the original concept had rooms in that location, and to reduce surface parking and asphalt pavement, they pulled the building out and created parking underneath, so all the rooms would be above. Chairman Chellman asked if the soils would preclude going down, and Mr. Crimmins said he didn't know the answer to that yet. Mr. Mahanna suggested that he consider pervious pavement on the southern edge of the property next to the brook.

No Board action was taken.

VII. CITY COUNCIL REFERRALS

This was not addressed.

VIII. OTHER BUSINESS

- A.** The request of **2082 IL-50 VZ, LLC** and **PWBARRETT, LLC (Owners)**, for property located at **Martin Hill Inn, 404 Islington Street** requesting a 1-year extension to the Planning Board Parking Conditional Use Permit originally granted on **June 16, 2022**. (LU- 22-74)

*Councilor Moreau moved that the Board vote to grant a one-year extension to the Planning Board Approval of the Conditional Use Permit to June 16, 2024. Mr. Samonas seconded. The motion **passed** by unanimous vote, 9-0.*

- B.** Chairman updates and discussion items

No Board action was taken.

- C.** Planning Board Rules and Procedures

No Board action was taken.

- D.** Board Discussion of Regulatory Amendments, Master Plan & Other Matters

No Board action was taken.

IX. ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Joann Breault
Secretary for the Planning Board

**PLANNING BOARD WORK SESSION
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

May 25, 2023

MEMBERS PRESENT: Rick Chellman, Chairman; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Greg Mahanna, Peter Harris (via Zoom), James Hewitt, Jayne Begala; Greg Mahanna, Andrew Samonas

ALSO PRESENT: Peter Stith, Planning Manager; Nick Cracknell, Principal Planner

Chairman Chellman called the work session to order at 7:00. Nick Cracknell was present to give a presentation on the proposed zoning amendments scheduled for a City Council public hearing on July 10. Chairman Chellman also suggested that the board could have a public hearing on it on June 15. Mr. Cracknell said he had been working on incentive amendments put together by the Planning Department with inputs from the land use committees relating to the zoning ordinance that affects workforce housing and community spaces downtown. He said the incentives were either in the Character District that includes the north and west ends, downtown, and the Islington Street corridor that connects them, and the Gateway District. He said he would focus on the density incentives in the Character Districts and that the Gateway District would be addressed at a later time.

He said the presentation was broken into six parts:

1. Density incentives in the Overlay Districts (north and west ends).
2. Density incentives for large building footprints.
3. Density incentives for larger parcels in downtown and north and west ends.
4. New community space types that would be useful to add to the current 16 or so community space types.
5. Exemption of community spaces like plazas or parks that sit on top of subsurface parking from being counted in the building footprints.
6. Minor changes to the building height map, specifically for the south side of Bow Street, to be more consistent with the existing context and character.

Part 1: Density incentives in the Overlay Districts (north and west ends).

Mr. Cracknell said the existing density indicated that a parcel could be of any size. The incentive for the developer would be to get an additional story or height of ten feet and an increased footprint anywhere between 20,000-30,000 square feet, depending on the district. He said the incentive required the property owner to deed the City 20 percent of the parcel size as

community space. The second incentive was to have either community space or workforce housing. He noted that the workforce housing was pretty high for 30 percent ownership or ten percent rental, and he cited a few projects who used it, including 53 Green Street and 89 Foundry Place. He said the proposed changes to the density incentives in the Overlay District would require 1) a Conditional Use Permit (CUP) from the Planning Board instead of as-of-right; 2) lots greater than 100 feet from the North Mill Pond to provide both community space and workforce housing instead of either/or, and 3) adjusting the community space and workforce housing requirements to be more effective and equitable. He said the potential affected parcels could be 111 Maplewood Avenue, 163 Deer Street, 126 Bridge Street, and 361 Hanover Street, and he discussed them each in more detail.

Mr. Almeida said the deeded 20 percent community space was deeded to the City, and he asked if the City had to maintain or rebuild it. Mr. Cracknell said it would depend on the type of community space created. As an example, he said a wide pedestrian sidewalk would have outdoor dining and would typically be maintained by the City if it was along the street. Mr. Almeida asked if the 20 percent would be a taxpayer burden, and Mr. Cracknell said it sometimes would. Mr. Mahanna asked if it was assumed that lots less than 100 feet from the pond would not be built. Mr. Cracknell discussed it further and said all lots within 100 feet of the North Mill Pond would still be required to give community space. Mr. Hewitt said there were 13 types of community space, most of which were parks, ball fields and so on. He asked if the only two types that had been used since the enactment were pedestrian alleyways and sidewalks. Mr. Cracknell said there were also pocket parks and greenways. Mr. Hewitt said he had a problem with fire lanes and driveways being used for community space and thought there had to be a mutual sacrifice for the developer and the City. Workforce housing was further discussed.

Part 2: Density incentives for larger building footprints.

Mr. Cracknell said it applied to people living in the Overlay District or outside the District that wanted to put bigger footprints on their lots than the code allowed. He said the incentive was a CUP that gave the Planning Board control. He said if parking was placed on the ground floor, a liner building with businesses in it had to be built so that no one saw the cars when they walked by the parking lot at grade. He said 30 percent of community space was required instead of 20 percent community space. He noted that the AC Hotel and the Brick Market Way had used it and that, moving forward, he'd like to find a way through the CUP process for the Planning Board to ensure that there was enough funding and momentum to build the buildings faster. It was further discussed. Mr. Cracknell said if the in lieu payment couldn't come back, the 30 percent needed to be kept and not dropped to 10 percent. He said he would return with another amendment at the June 15th meeting to go back to 30 percent for projects that didn't have housing.

Part 3: Density incentives for larger parcels downtown and in the north and west ends.

Mr. Cracknell said potentially affected parcels for large building footprints were 62 Daniel Street, 143 Pleasant Street, 361 Hanover Street, and 124 Bartlett Street. He discussed the existing density requirements for larger parcels and said they had to be outside the north or west Overlay District. He said a bank could get an extra story of height in exchange for 20 percent of community space as of right. He noted that only the Portsmouth Housing Authority had used the

density requirement at 160 Court Street. He discussed several properties that were potentially affected and said they proposed to require a CUP instead of an as-of-right; require all project to provide both community space and workforce housing; recalibrate the numbers to be more equitable and effective; consider removing properties in the Civic Districts, like the Baptist Church; and consider adding incentives for smaller-scale developments.

Chairman Chellman said he would not exclude fire lanes altogether because some had grass growing on them. Mr. Hewitt said it had to be a mutual benefit and mutual sacrifice. Mr. Cracknell discussed shared streets that had millions of dollars put into them for paving, curbing, and so on. He said a shared street should be added as one of the community space types because people were willing to spend a lot of money to build a pedestrian friendly street that cars only occasionally used. It was further discussed. Ms. Begala said she thought moving it to a CUP decision was a positive shift and that the community spaces should have examples of shared streets as well as environmental considerations. Mr. Samonas said labeling a community space as a fire lane was a competing concept for community space. It was further discussed.

Part 4: New community space types that would be useful to add to the current 16 or so community space types.

Mr. Cracknell said they proposed to add three more community space types: a pedestrian passageway, a public observation deck on the roof, and a pedestrian arcade. He said he also proposed a shared street option. Ms. Begala suggested some sort of signage indicating when a community space or a greenway was going to be installed.

Part 5: Exemption of community spaces like plazas of parks that sit on top of subsurface parking from being counted in the building footprints.

Mr. Cracknell showed two examples, a formal plaza on one side and a parklike plaza on the other. He suggested considering that elevated underground parking with qualified community space on top of it be exempted. Mr. Samonas asked if there was a maximum square footage that could be applied to it. Mr. Cracknell said hopefully not. He said it was either a building or a community space.

Part 6: Minor changes to the building height map, specifically for the south side of Bow Street, to be more consistent with the existing context and character.

Mr. Cracknell said there was a building height map for all the Character Districts, and on Bow Street, most of the block was three-story and 40 feet tall buildings. He said they proposed to lower the building height standard to 2-3 stories and 40 feet along the south side of Bow Street to be consistent with existing conditions and the abutting properties along Chapel and Penhallow Streets. He said it would continue to allow for taller buildings under the density incentives for large parcels.

Chairman Chellman said the analysis didn't necessarily create the community plan. Mr. Cracknell said the incentive was for the one-acre zoning, and it went from 20 percent community space to 50 percent. Ms. Begala asked if the Board could require preliminary conceptual design

for the projects that were an acre. Chairman Chellman said it was already included. City Councilor Moreau said they also had design reviews, which were different from conceptual design because they locked in the applicant's zoning. Mr. Hewitt said he was concerned about the way future development in that area would affect the shadows on Bow Street. He said he hoped shadow studies would be done to ensure that section of Bow Street had the feel of being well lit in the winter. Mr. Cracknell said the community group has done shadow studies and that they should be online, and that the proposal was neutral and wasn't intended to lower what was there today. It was further discussed.

Councilor Moreau said that, because they were doing the CUP for the over one-acre properties and increasing the community space to 50 percent, they had also asked for workforce housing at 10 percent, but because it was a CUP, they could put it up to 20 percent and negotiate it down if they had to. Mr. Cracknell said workforce housing was incredibly expensive in that market, noting that sales numbers for downtown condos went up by a million dollars each floor for a two-bedroom unit. He said they didn't want to put a developer in a position where he wouldn't want to even negotiate. He said they had to be careful in recognizing the differences between Market Square, the north and west ends, the bypass, and Route One as far as economic costs and the benefits of building a unit.

Ms. Begala suggested that the No. One item on page 3, Letter E, rent affordable to a household figure needed to be stated better and that a No. 2 was needed. She asked if the caliper of the trees in a community space could be better defined.

After Mr. Cracknell left the meeting, Chairman Chellman showed a few slides that he put together to remind the board of their workshop discussions. He said the Master Plan was important to get started this year. He said they were still waiting for the Planning Board rules and procedures from the Legal Department. He said some of the things Mr. Cracknell discussed might inform some additions to the Site Plan Review Regulations. He said it was important for the Planning Board to work on the Master Plan from time to time and wondered if there should be two large Planning Board committees to work on it or subcommittees to work on different elements of it, like sustainability. He suggested that they start talking about consulting selection in July if the money was available, and that they should also get different citizens involved – younger, older, and various backgrounds because Portsmouth was changing. Mr. Hewitt said a priority of his was to review the existing Master Plan and see which goals had been met and which ones they wanted to carry forward. Chairman Chellman said the Master Plan was supposed to inform ordinance changes as well. He said parking requirements should be part of the site plan because it was a complicated topic, and he thought there should be more Planning Department input for zoning requirements because they had public hearings that could engage the public more. He said they would have a public hearing on June 15th.

Mr. Hewitt noted that the project at 2 Russell Street would look the same whether it was four or five stories, as far as the concept of mutual sacrifice on incentives and bonuses. He said they had to build a fire lane and were given credit for community space, so they got an extra story but the building still looked the same. It was further discussed. Chairman Chellman said they were talking about a CUP that would change the process, and if the majority of the board felt that it needed to be a certain way, that could be a requirement.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Joann Breault
Secretary for the Planning Board

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: June 15, 2023

Property Address: Gosling – Ocean Rd

Application #: LU-23-60

Decision: Deny Approve Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.60 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.60 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The proposed project is in the public interest.</i>	Meets/Does not Meet	The project is necessary maintain existing corridor powerlines with upgraded support poles.
2	2.Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade condition and vegetated state.	Meets/Does not Meet	The applicant has stated that the work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (NH DNCR 2019). Prior to placement of timber mats the applicant has stated they will inspect the mats to ensure cleanliness and will clean them off with each reuse. Wooden timber matting will be used to minimize the disturbance of wetlands and sensitive areas and once removed, the areas will be restored and stabilized with seed and mulch. Any areas of soil disturbance will be stabilized with seed and straw mulch. Additional proposed BMPs include silt fences, straw wattles/bales, and the use of water bars.

	Zoning Ordinance Sector 10.1017.60 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3.No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.</i>	Meets/Does not Meet	The applicant has chosen the only routes available to access the replacement poles, but the applicant has selected access designed to utilize existing historical access routes where possible to minimize impacts.
4	<i>4.Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets/Does not Meet	Generally, the vegetation is expected to return to its original configuration after the timber mats are removed. After removal, if erosion has occurred the areas will be restored with seed and mulch. However, there will be some vegetation removed exactly where the structure replacement is proposed to occur.
5	<u>Other Board Findings:</u>		

DRAFT

April 25, 2023

Attention: City of Portsmouth Conservation Commission
1 Junkins Avenue
Portsmouth, NH 03801

Reference: Agent Authorization, E194 & U181 Structure Replacement Project

Dear Members of the Board,

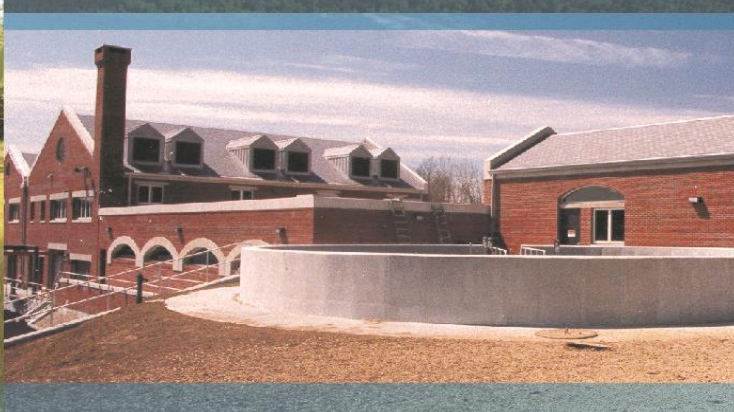
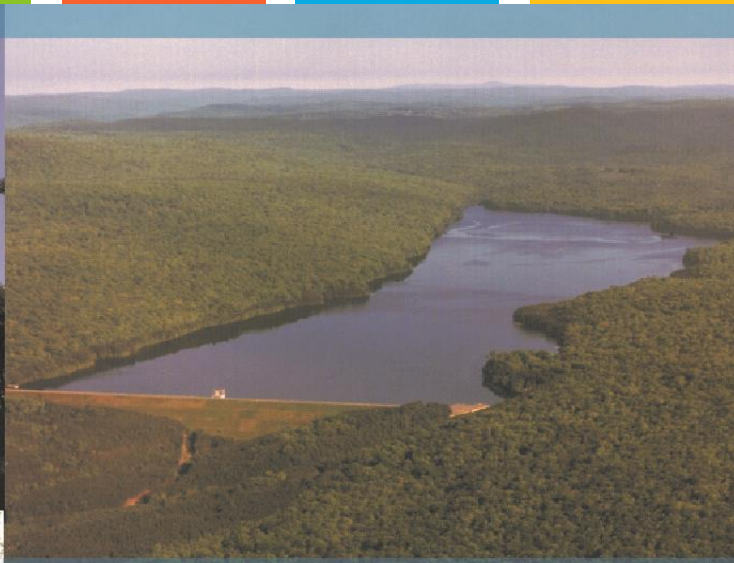
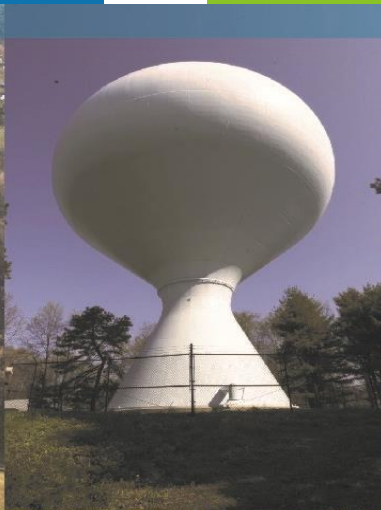
The intent of this letter is to authorize Tighe & Bond, Inc. to act as my agent in submitting local permit applications and answering questions associated with the E194 & U181 Structure Replacement Project in Portsmouth, New Hampshire proposed by the Public Service Company of New Hampshire d/b/a Eversource Energy. The proposed project is located within an existing line right-of-way in Portsmouth.

Regards,

A handwritten signature in black ink, appearing to read "Ashley Friend". The signature is fluid and cursive, with a large initial "A" and "F".

Ashley Friend

Specialist-Licensing & Permitting
Eversource



E194 & U181 Structure Replacement Project
Portsmouth, New Hampshire

CITY OF PORTSMOUTH CONDITIONAL USE PERMIT

Eversource Energy
13 Legends Drive
Hooksett, New Hampshire

April 2023

E-5034-200-01
April 25, 2023

Ms. Barbara McMillan, Chair
City of Portsmouth Conservation Commission
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: **Eversource E194 & U181 Structure Replacement Project
Wetland Conditional Use Permit Application
Portsmouth, NH**

Dear Ms. McMillan:

On behalf of Eversource Energy dba Public Service Company of New Hampshire (Eversource), Tighe & Bond is pleased to submit the following Conditional Use Permit (CUP) for the above referenced project. Eversource proposes to replace existing utility structures on the E194 and U181 lines within an existing maintained transmission right-of-way (ROW) in Portsmouth. These structures are being replaced due to overall age and condition to allow for continued reliable utility transmission. Enclosed is a project description and supporting documents including project mapping, a wetland resource area description and assessment, representative site photographs, and an application fee check (file copy) in the amount of \$1,000.

The proposed project is located on the Eversource Lines E194 and U181 Right-of-Way (ROW) in Portsmouth and Newington, New Hampshire. The transmission line within Portsmouth runs from Gosling Road to Echo Avenue, and between Borthwick Avenue and the Ocean Road Substation on the Greenland/Portsmouth town line. The ROW and access roads are surrounded by residential, industrial, and commercial buildings, wooded areas, and wetlands. The proposed project will consist of the replacement of forty-two (42) structures and associated static wire work at eight (8) structures on the E194 and U181 lines. Existing wooden utility structures will be replaced with new steel structures. In addition to the structure replacements, existing upland access roads and work pads will need to be established. Impacts to the 100-foot Buffer Zone will result from the creation of approximately 100-foot by 100-foot work pads and 16-foot-wide access roads. Wetlands and other sensitive areas are to be protected with timber matting along proposed access and surrounding the structures to be replaced.

We trust the enclosed information addresses the requirements for the CUP application. If you have any questions or require any additional information, please feel free to contact me at (413) 875-1305 or at KLWilkins@tighebond.com.

Respectfully,

TIGHE & BOND, INC.



Katherine Wilkins
Project Manager

Enclosures

Copy: Planning Board, City of Portsmouth
Ashley Friend, Licensing and Permitting, Eversource Energy



Filing Fee Check (File Copy)

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Appendices

- A Project Mapping
- B Wetland Resource Area Description and Assessment Report
- C Site Photographs

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Tighe & Bond, Inc.
53 Southampton Road
Westfield, MA 01085

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions call Deluxe Payment Exchange customer support at 1-877-633-6964. Ref: 7303-164F

6509

Date 03/23/2023
Void after 90 days

PAY TO THE ORDER OF City of Portsmouth

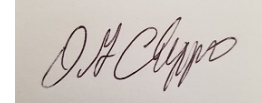
\$ 1,000.00

One thousand and 00/100

Dollars

TD Bank, NA

Memo _____



Verify check at <https://echecks.com/verify>

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Account numbers are concealed for your security

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Check Details

Check issued: 03/23/2023

Check number: 6509

From: Tighe & Bond, Inc.

Amount: \$1,000.00

Payable to: City of Portsmouth

Delivered to: jnovotny@tighebond.com

Documents: Yes - see Remittance below

Message from sender: Hi, attached is your Tighe & Bond electronic check. Any questions please email AP@tighebond.com.

Notes

Activity

ACTIVITY TYPE	TIME	DATE
Tracy Houle issued check 6509	10:40 AM EDT	03/23/2023
Check 6509 file copy printed by Julia Novotny	12:35 PM EDT	03/23/2023

Section 1

Project Description

Eversource Energy has determined that forty-five (45) wooden utility structures on the E194 and U181 Lines in Portsmouth and Newington need to be replaced with steel structures due to their overall age and condition. Forty-two (42) of these structures are located within Portsmouth. These include Structures 13-16, 19, 37-41, 43-45, 48-54, 65.5 and 66 on the U181 Line and Structures 12-14, 19, 41-53, 65.5, and 66 on the E194 Line. Additionally, static wire work will be conducted at STRs 65-67 on the U181 and STRs 65-67 on the E194. The proposed structure replacements are required to maintain the safety and reliability of the existing transmission system. All practicable alternatives to avoid or minimize impacts from this work have been assessed and incorporated into the project design.

As part of the work, the existing access roads will need to be regraded, and proposed access routes established. Work pads will also be established around the structures to be replaced or that require overhead work. This regrading and gravel placement will only be completed within upland areas. Portions of the access roads and work pads located in wetlands will be protected with timber matting, as will some uplands where the work is proposed within sensitive areas.

The following narrative describes existing conditions and proposed activities within jurisdictional areas. Representative photographs of the project area are found in Appendix C and Project Mapping is provided in Appendix A.

Section 2

Existing Conditions

2.1 Project Site

The E194 and U181 transmission lines originate at the Newington Substation off Gosling Road in Newington and run southwest of the Piscataqua River. The lines then extend southeast, parallel with Route 4 before turning southwest again, parallel with Interstate 95. The lines continue southwest through Great Bog in Portsmouth before turning west and terminating at the Ocean Road Substation in Greenland. The topography is generally flat throughout the right-of-way (ROW) with slight depressions and hills located in the less developed reaches. The areas surrounding the ROW are mostly commercial, industrial, and residential, with some large portions of forested and wetland areas closer to the Greenland town line.

The proposed limits of work, as shown on the Project Mapping, consist of the existing ROW corridor. The work proposed within Portsmouth is located between Gosling Road and Echo Avenue, and between Borthwick Avenue and the Ocean Road Substation on the Greenland/Portsmouth border. Representative site photographs are provided in Appendix C.

2.2 Jurisdictional Wetland Resource Areas

There are multiple wetland resource areas within the E194 and U181 ROW corridor. Jurisdictional wetland resource areas within the project area were identified and delineated on December 21, 2022, and January 4, 9, and 17, 2023 by Tighe & Bond wetland scientists, including a New Hampshire Certified Wetland Scientist. Refer to the Wetland Resource Area Description and Assessment Report provided in Appendix B for a detailed description of these areas.

2.2.1 Wetlands

Wetlands within the project area are characterized as a mixture of palustrine scrub-shrub (PSS) and palustrine emergent (PEM) systems. Several of these wetlands are situated within disturbed areas surrounded by development. The E194 and U181 ROW crosses through these wetlands and adjacent developed areas, in addition to Great Bog between Greenland Road and the Ocean Road Substation in Greenland. The wetlands adjacent to Borthwick Avenue near Structures 37 through 42, in addition to Great Bog, are designated as Prime Wetlands.

Approximately 208,734 square feet (SF) of temporary impacts to wetlands will result from the placement of timber matting for access to the structures. Several of the structures to be replaced are located within wetlands.

2.2.2 Pickering Brook

A tributary to Pickering Brook flows northeast to southwest through the project area within Great Bog. This stream flows adjacent to Structure 49 on the E194 and Structure 49 on the U181. Work at these structures will require temporary impacts of approximately 3,310

SF to span the stream with timber matting. This tributary flows to the main stem of the river, which is located west of the project site.

2.2.3 100-foot Buffer Zone

The 100-foot Buffer Zone within the project area is a mixture of impervious/paved, forested, residential, and commercial areas, as well as the existing maintained ROW.

Buffer Zone between Structures 12 and 16 and around Structure 19 on both lines is mainly comprised of impervious area (e.g., parking lots and roadways) and residential or commercial development, with some upland areas in and adjacent to the ROW. Additionally, Buffer Zone between Structures 37 and 41 is comprised nearly entirely of paved roadways or parking lots. Buffer Zone between Structures 45 and 54 on both lines and at the Ocean Road Substation is comprised entirely of upland maintained ROW and forested areas. Vegetation in this area is mainly scrub-shrub and a mixture of deciduous and coniferous forest.

Impacts to Buffer Zone total approximately 78,642 SF resulting from proposed clearing and grading for access to the structures.

Section 3

Proposed Activities

3.1 Structure Replacement and Maintenance

The structure replacements will consist of drilling holes up to four feet in diameter and the installation of a caisson (metal culvert) into each hole approximately 15 to 20 feet (10% of structure height plus 2 feet) below the ground surface. The new poles will be placed into the caissons and backfilled with clean, suitable materials. Spoils generated from the drilling operations will be disposed in appropriate upland areas at least 100 feet away from wetland areas and then stabilized.

Concrete block anchors will be installed by excavating trenches to a sufficient depth, installing the anchors, and backfilling the trenches. Where block anchors are required within a wetland, hydric soils will be segregated upon excavation and replaced to maintain the hydric soil profile. Any additional spoils will be disposed in upland areas away from wetland areas. Disturbed soil will be seeded with a conservation seed mix and mulched with straw.

Once the new poles are installed, old poles will then be removed by cutting them below the ground surface. The old poles, cross-arms, wires, and accessory equipment will be removed and disposed off-site. The pole butts associated with the existing poles will only be removed if they impact the structural integrity of the new poles.

3.2 Access

Access road improvements and development are needed to provide reliable access for the proposed work, as well as for future maintenance and emergency repairs. The access routes will follow existing entrances onto and within the ROW and have been sited to minimize ground disturbance. Improvements will include regrading as needed with up to a 16-foot-wide disturbance. Disturbance of wetlands and sensitive upland areas will be minimized through the use of wooden timber matting.

3.3 Work Pad Construction

The proposed project includes the construction of 100-foot by 100-foot gravel work pads to provide level and stable surfaces needed to facilitate the structure installations. Work pads in upland areas will be constructed using crushed stone, top-dressed with 1.5- to 3-inch diameter clean stone. Where work pads overlap with wetlands and other sensitive areas, they will utilize temporary construction matting, which will be removed upon completion of the work. Any areas of soil disturbance around the work pads will be stabilized with seed and straw mulch. Matted upland work pads will be restored upon the removal of the timber mats, and exposed soils will be stabilized with seed and mulch.

3.4 Construction Sequence

The work is proposed to begin in September of 2023, with all work requiring regulatory approval beginning following the receipt of all applicable permits. The following is a description of the anticipated construction sequence. The actual sequence and schedule

will be determined by the selected contractor(s).

- Install sediment and erosion controls
- Upgrade access roads and build work pads, install construction mats where needed
- Conduct structure replacements
- Remove construction mats and stabilize/restore disturbed areas
- Stabilize exposed soils within the ROW
- Remove erosion and sedimentation controls following stabilization

3.5 Protective Measures

Work will be performed utilizing the latest *Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire* (NH DNCR 2019) to limit impacts to the environment. Where deemed necessary, perimeter protective measures consisting of silt fence, straw wattles, and or straw bales will be installed around the structure to minimize potential impacts to the nearby wetland resource areas. Water bars will be installed in areas of road improvements and in areas with steep slopes as identified by the Contractor. Any areas of disturbed soil will be mulched with hay or straw as necessary following the completion of work. No equipment or material will be stored within wetland resource areas or wellhead protection areas. Erosion controls will be implemented during construction, as noted on the project plans in Appendix A, to minimize the potential impacts during construction.

Timber matting will be removed promptly upon completion of work to avoid long-term impacts to wetland vegetation or hydrology. Once the project work is complete, any disturbed upland areas will be restored and stabilized. Areas of exposed soils will be seeded and/or mulched appropriately.

Section 4

Regulatory Compliance

4.1 City of Portsmouth Zoning Ordinance – Article 10

The proposed work will be completed in compliance with the requirements set forth in the City of Portsmouth Zoning Ordinance (Article 10, Environmental Protection Standards). The work complies with the criteria set forth in Article 10, Section 1017.60, Public and Private Utilities within Rights-of-Way in Wetlands and Wetland Buffers, discussed below.

(1) The proposed construction is in the public interest;

The proposed construction is in the public interest, as these structure replacements are necessary to continue reliable transmission of public utilities.

(2) Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade, condition, and vegetated state;

Eversource will utilize Best Management Practices, as described in Section 3.5, during construction to mitigate impacts to wetland resource areas. Following construction, all disturbed areas will be restored to previously existing conditions, where feasible. Certain work pad areas and access roads (outside of wetlands) may not be restored to original grades if it is not feasible to achieve. These areas will be stabilized and previously vegetated areas will be mulched and seeded.

(3) No alternative feasible route exists which does not cross or alter a wetland or have less detrimental impact on a wetland; and

The proposed work has been designed in consideration of environmental impacts. The replacement activities are limited to the existing maintained ROW and limits of work have been established to allow only for work necessary to complete the structure replacements. Access to the structures will primarily be utilizing existing access routes in previously disturbed areas to replace existing infrastructure. Timber matting in wetlands has been limited to the extent practicable to complete the proposed utility maintenance. Due to the location of the existing structures, no feasible alternatives exist which would have less impact on wetlands.

(4) Alterations of natural vegetation of managed woodland will occur only to the extent necessary to achieve construction goals.

There is no proposed alteration of woodland vegetation as all work is within the maintained extent of the ROW. Alterations to wetland vegetation are temporary and timber matting will be removed promptly upon completion of work to avoid long-term impacts. As noted above, the limits of work have been established to allow work only necessary to complete the structure replacements.

4.1.1 Wetland Functions and Values Assessment

Pursuant to Article 10, Section 1017.22 of the City of Portsmouth Zoning Ordinance, a project that proposes the temporary or permanent alteration of greater than 1,000 square feet of wetland and greater than 250 square feet of wetland buffer requires a function and values assessment and wetland buffer description. A full description of the wetlands delineated within the project area and their respective buffers is provided in Appendix B.

4.1.2 Wetland Buffer Impervious Surface Impacts

Impacts resulting from the construction of access roads and work pads will be temporary and will not increase impervious surfaces within wetland buffers. A wetland buffer enhancement plan is not feasible due to the nature of the proposed work and the likelihood of future maintenance within the ROW. Vegetation within the ROW is routinely maintained and access will be necessary for future utility maintenance.

4.2 State Permits**4.2.1 Alteration of Terrain**

The proposed work exceeds 100,000 square feet of earth moving activities and as such requires an Alteration of Terrain (AoT) permit from the New Hampshire Department of Environmental Services (NHDES) AoT Bureau. This permit will be submitted after the filing of this CUP.

4.2.2 Utility Statutory Permit-by-Notification

This project includes direct impacts to wetlands and waters of the state, and thus requires authorization under NH RSA § 482-A. Utility Statutory Permit-by-Notification applications will be filed for each municipality where work is proposed after the filing of this CUP.

4.3 Federal Permits**4.3.1 EPA 2022 Construction General Permit**

The proposed work will exceed one acre of earth moving activities and will require a Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA). A Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) will be completed at least 14 days prior to the start of construction.

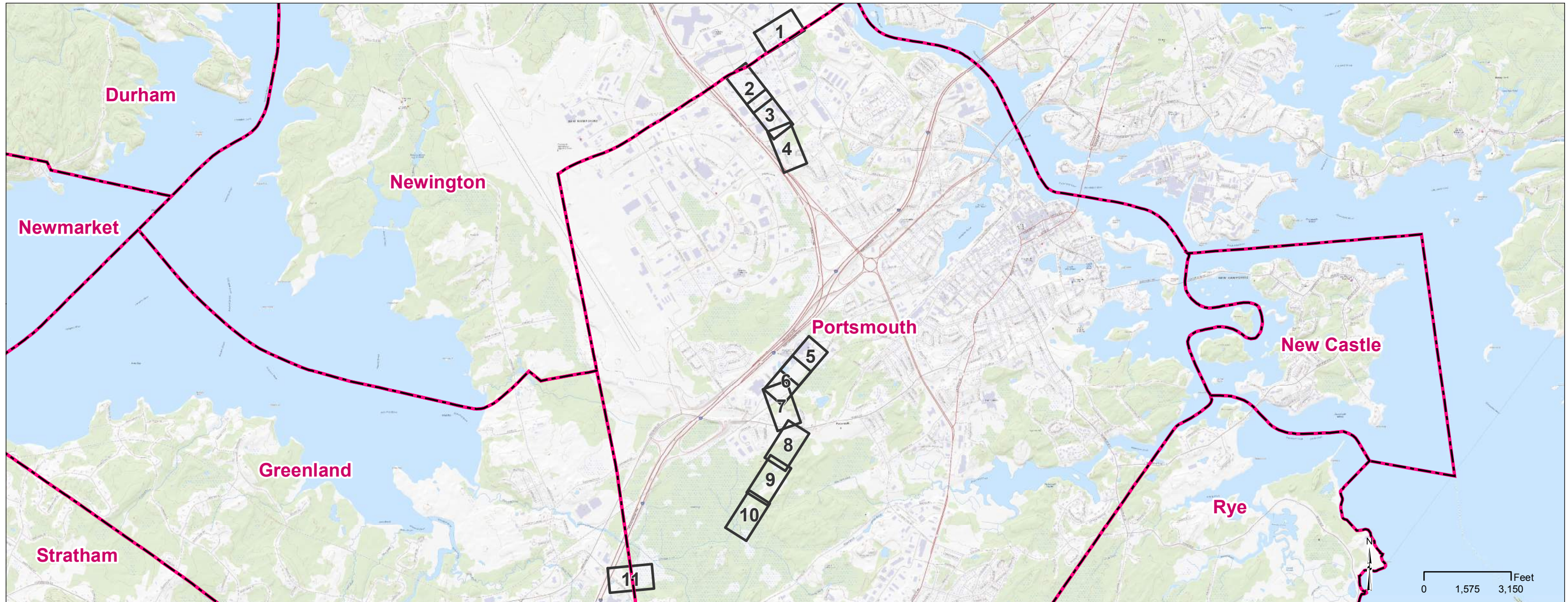
Tighe&Bond

APPENDIX A

Line E194 and U181 Structure Replacement Project

NEWINGTON AND PORTSMOUTH, NEW HAMPSHIRE Environmental Resources Map

Date: March 23, 2023



PREPARED FOR:

EVERSOURCE

13 Legends Drive
Hooksett, NH 03106

Legend

- Map Index
- Municipal Boundary

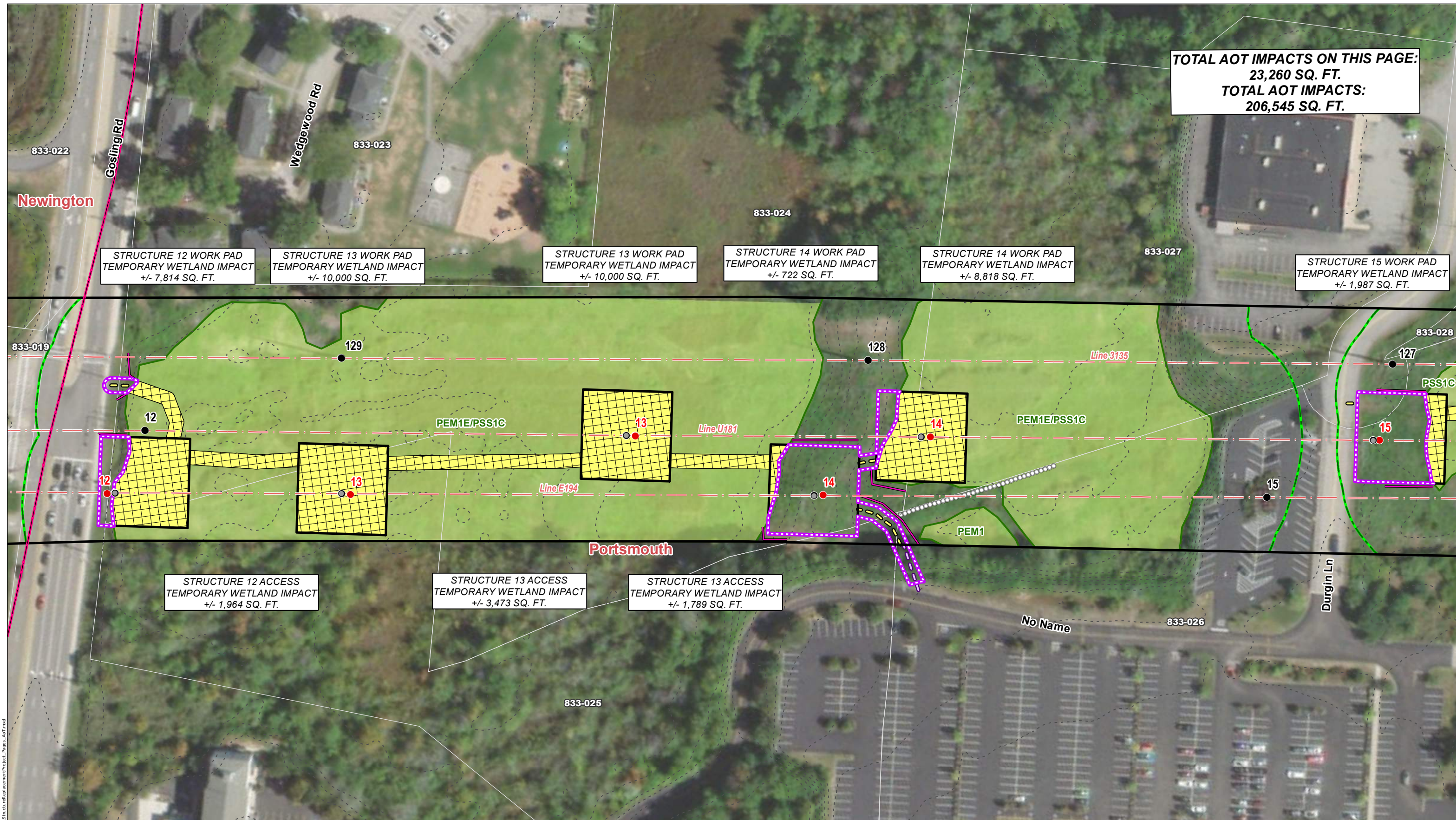
INDEX OF FIGURES

Title Sheet / Index Map
Map Sheets 1-11

PREPARED BY:

Tighe&Bond

53 Southampton Road
Westfield, MA 01085



TOTAL AOT IMPACTS ON THIS PAGE:
23,260 SQ. FT.
TOTAL AOT IMPACTS:
206,545 SQ. FT.

STRUCTURE 12 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 7,814 SQ. FT.

STRUCTURE 13 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 10,000 SQ. FT.

STRUCTURE 13 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 10,000 SQ. FT.

STRUCTURE 14 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 722 SQ. FT.

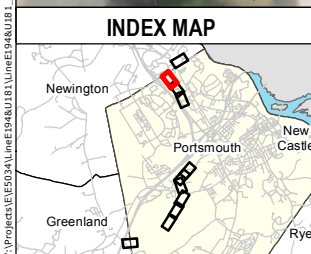
STRUCTURE 14 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 8,818 SQ. FT.

STRUCTURE 15 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 1,987 SQ. FT.

STRUCTURE 12 ACCESS
TEMPORARY WETLAND IMPACT
+/- 1,964 SQ. FT.

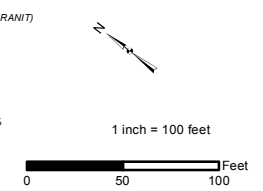
STRUCTURE 13 ACCESS
TEMPORARY WETLAND IMPACT
+/- 3,473 SQ. FT.

STRUCTURE 13 ACCESS
TEMPORARY WETLAND IMPACT
+/- 1,789 SQ. FT.



- Legend**
- Proposed Structure
 - Existing Structure to be Modified
 - Existing Structure to be Removed
 - Existing Structure
 - Gate
 - Culvert
 - Existing Access
 - Proposed Access
 - Off-ROW Access Pending Rights
 - Railroad
 - Contour Line (2 Ft.)
 - Fence
 - Overhead Eversource Line
 - Distribution Line
 - Stonewall
 - Sediment Control Barrier
 - 25' Wetland Buffer (Newington)
 - 100' Buffer Zone (Portsmouth)
 - Existing Right-of-Way
 - Municipal Boundary
 - Delineated Intermittent Watercourse
 - Delineated Wetland Boundary Outline
 - Field Delineated Wetland*
 - Parcel Boundary
 - Work Pad
 - 100 Year Flood Zone
 - Wellhead Protection Areas
 - Alteration of Terrain

Map Notes:
Data valid as of March 2023.
Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
Contours downloaded from New Hampshire GRANIT
Parcels provided by New Hampshire GRANIT
Figure intended to be printed on 11x17
*Indicates datasets with a transparency setting of 30-70%
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NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
Structure Replacement Project**

Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 2 of 11

Tighe & Bond

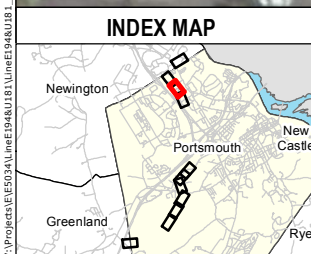
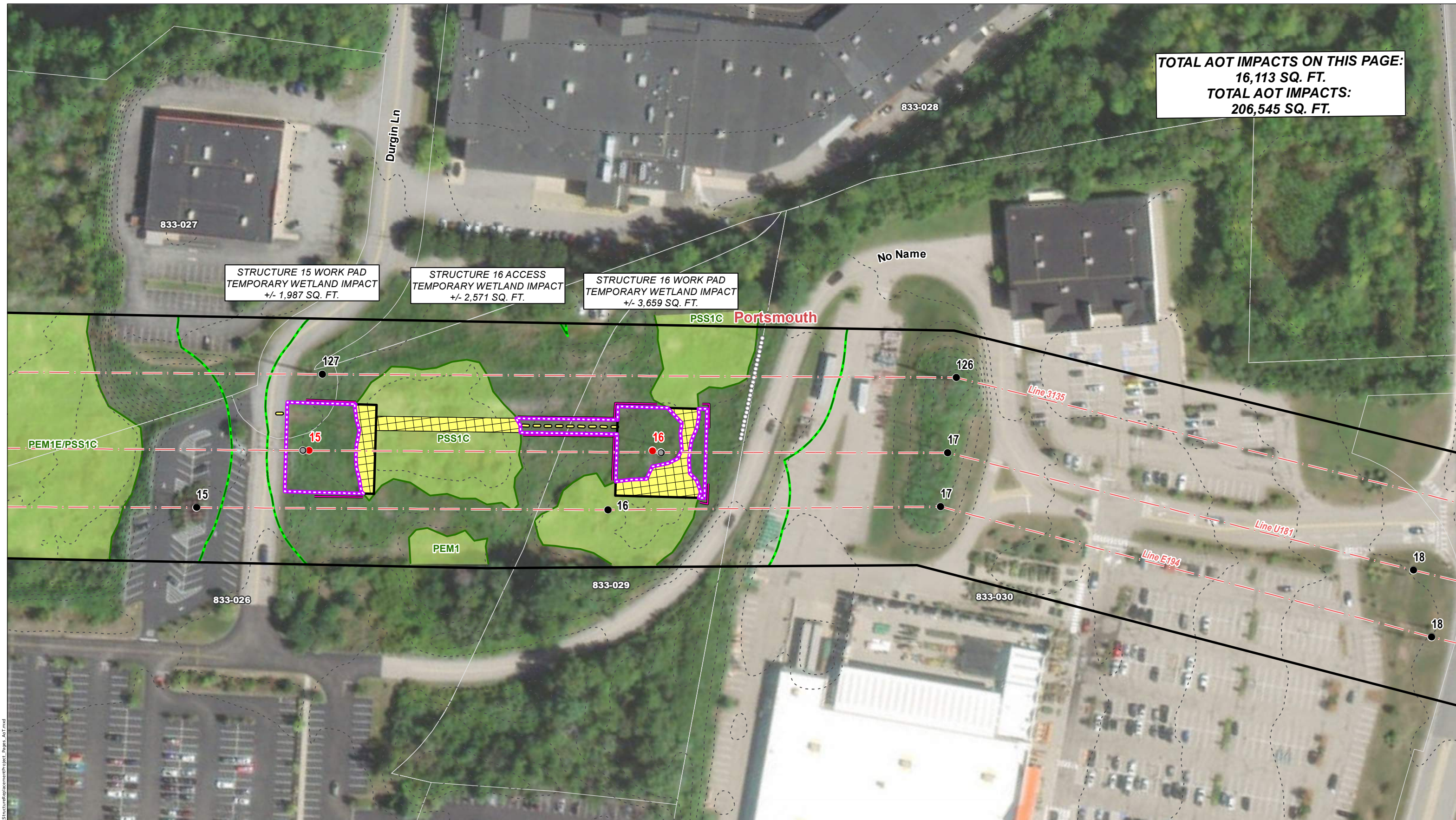
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TOTAL AOT IMPACTS:
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STRUCTURE 15 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 1,987 SQ. FT.

STRUCTURE 16 ACCESS
 TEMPORARY WETLAND IMPACT
 +/- 2,571 SQ. FT.

STRUCTURE 16 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 3,659 SQ. FT.



- Legend**
- Proposed Structure
 - Existing Structure to be Modified
 - Existing Structure to be Removed
 - Existing Structure
 - Gate
 - Culvert
 - Existing Access
 - ▭ Proposed Access
 - ▭ Off-ROW Access Pending Rights
 - ▭ Railroad
 - ▭ Contour Line (2 Ft.)
 - ▭ Fence
 - ▭ Overhead Eversource Line
 - ▭ Distribution Line
 - ▭ Stonewall
 - ▭ Sediment Control Barrier
 - ▭ 25' Wetland Buffer (Newington)
 - ▭ 100' Buffer Zone (Portsmouth)
 - ▭ Existing Right-of-Way
 - ▭ Municipal Boundary
 - ▭ Delineated Intermittent Watercourse
 - ▭ Delineated Wetland Boundary Outline
 - ▭ Field Delineated Wetland*
 - ▭ Parcel Boundary
 - ▭ Work Pad
 - ▭ 100 Year Flood Zone
 - ▭ Wellhead Protection Areas
 - ▭ Alteration of Terrain

Map Notes:
 Data valid as of March 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
 Contours downloaded from New Hampshire GRANIT
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1 inch = 100 feet

NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

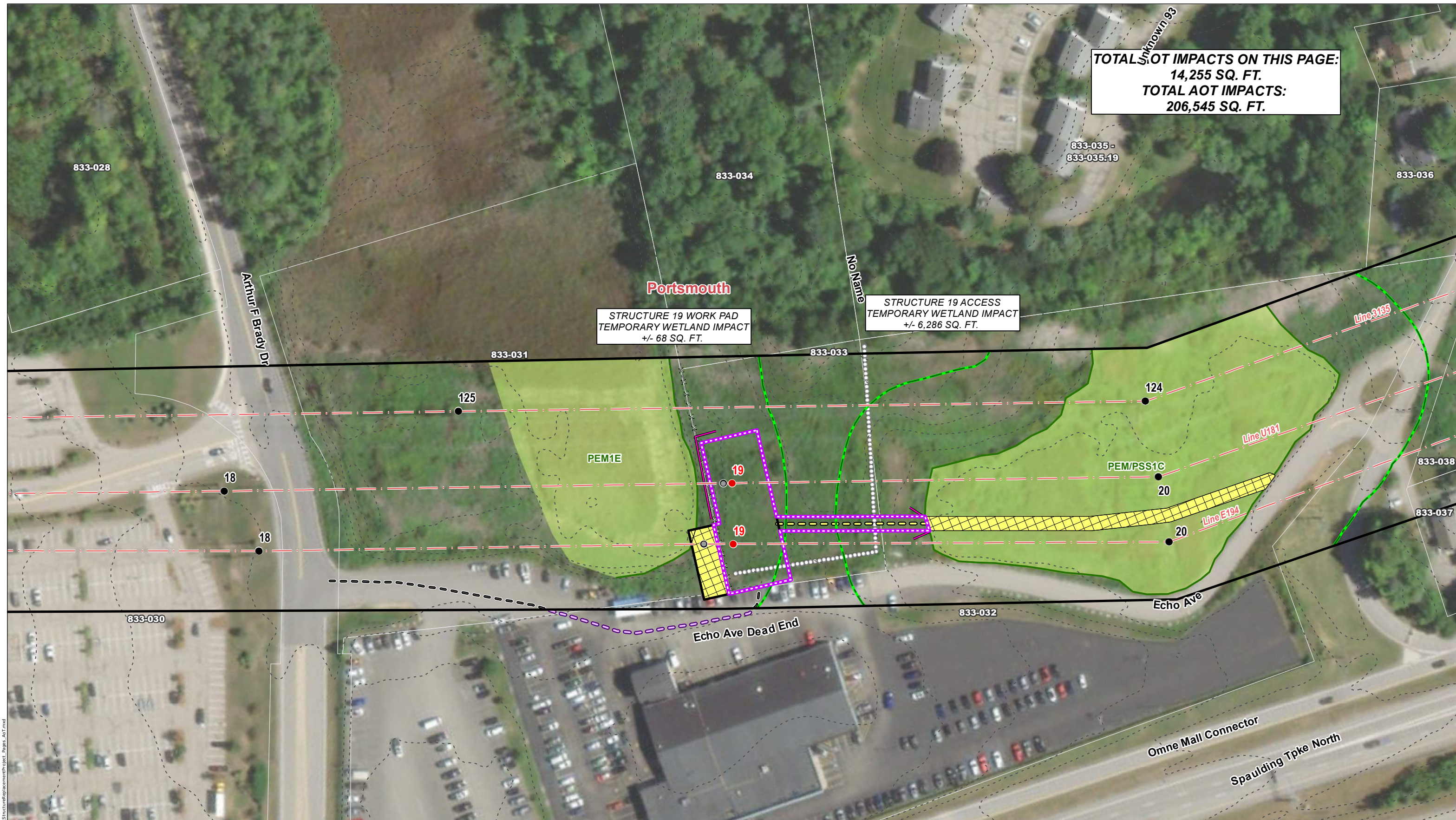
Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 3 of 11

Tighe & Bond

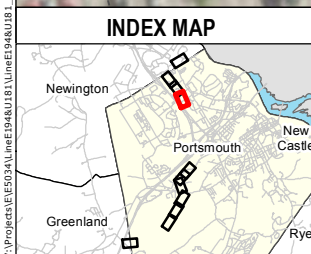
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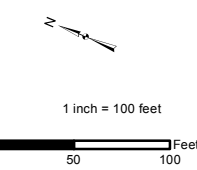
STRUCTURE 19 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 68 SQ. FT.

STRUCTURE 19 ACCESS
TEMPORARY WETLAND IMPACT
+/- 6,286 SQ. FT.



Legend	
● Proposed Structure	▭ Proposed Access
● Existing Structure to be Modified	▭ Off-ROW Access Pending Rights
● Existing Structure to be Removed	▭ Sediment Control Barrier
● Existing Structure	▭ 25' Wetland Buffer (Newington)
● Gate	▭ 100' Buffer Zone (Portsmouth)
● Culvert	▭ Existing Right-of-Way
▭ Existing Access	▭ Municipal Boundary
○ Stonewall	▭ Delineated Intermittent Watercourse
▭ Delineated Wetland Boundary Outline	▭ Field Delineated Wetland*
▭ 25' Wetland Buffer (Newington)	▭ Work Pad
▭ 100' Buffer Zone (Portsmouth)	▭ 100 Year Flood Zone
▭ Existing Right-of-Way	▭ Wellhead Protection Areas
▭ Municipal Boundary	▭ Alteration of Terrain
▭ Contour Line (2 Ft.)	
▭ Fence	
▭ Overhead Eversource Line	
▭ Distribution Line	

Map Notes:
 Data valid as of March 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
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NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

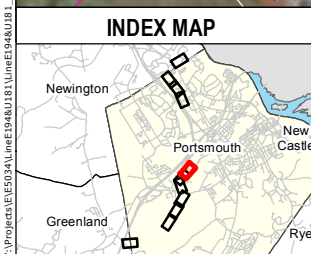
Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 4 of 11

Tighe & Bond

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- Legend**
- Proposed Structure
 - Existing Structure to be Modified
 - Existing Structure to be Removed
 - Existing Structure
 - Gate
 - Culvert
 - Existing Access
 - Proposed Access
 - Off-ROW Access Pending Rights
 - Railroad
 - Contour Line (2 Ft.)
 - Fence
 - Overhead Eversource Line
 - Distribution Line
 - Stonewall
 - Sediment Control Barrier
 - 25' Wetland Buffer (Newington)
 - 100' Buffer Zone (Portsmouth)
 - Existing Right-of-Way
 - Municipal Boundary
 - Delineated Intermittent Watercourse
 - Delineated Wetland Boundary Outline
 - Field Delineated Wetland*
 - Parcel Boundary
 - Work Pad
 - 100 Year Flood Zone
 - Wellhead Protection Areas
 - Alteration of Terrain

Map Notes:
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1 inch = 100 feet

0 50 100 Feet

NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
Structure Replacement Project**

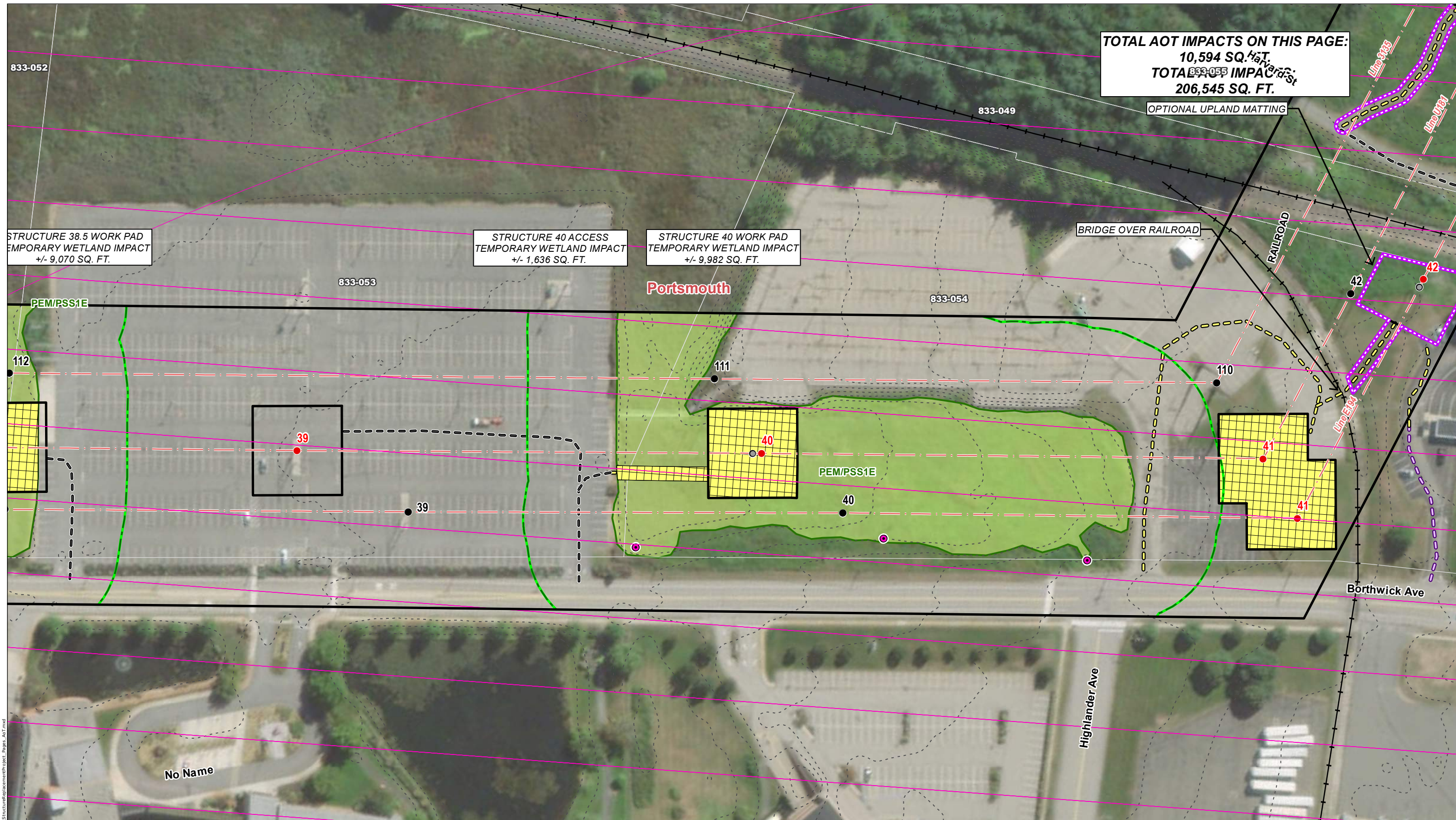
Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 5 of 11

Tighe & Bond

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TOTAL AOT IMPACTS ON THIS PAGE:
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TOTAL AOT IMPACTS:
206,545 SQ. FT.

STRUCTURE 38.5 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 9,070 SQ. FT.

STRUCTURE 40 ACCESS
 TEMPORARY WETLAND IMPACT
 +/- 1,636 SQ. FT.

STRUCTURE 40 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 9,982 SQ. FT.

BRIDGE OVER RAILROAD

OPTIONAL UPLAND MATTING

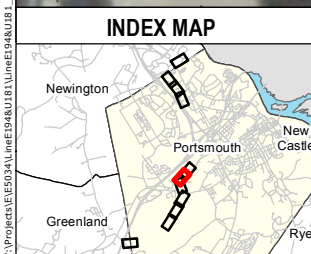
Portsmouth

PEM/PSS1E

Borthwick Ave

Highlander Ave

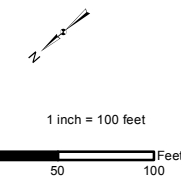
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Legend

- Proposed Structure
- Existing Structure to be Modified
- Existing Structure to be Removed
- Existing Structure
- Gate
- Existing Access
- Proposed Access
- Off-ROW Access Pending Rights
- Railroad
- Contour Line (2 Ft.)
- X=X Fence
- Overhead Eversource Line
- Distribution Line
- Stonewall
- Sediment Control Barrier
- 25' Wetland Buffer (Newington)
- 100' Buffer Zone (Portsmouth)
- Existing Right-of-Way
- Municipal Boundary
- Delineated Intermittent Watercourse
- Delineated Wetland Boundary Outline
- Field Delineated Wetland*
- Parcel Boundary
- Work Pad
- 100 Year Flood Zone
- Wellhead Protection Areas
- Alteration of Terrain

Map Notes:
 Data valid as of March 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
 Contours downloaded from New Hampshire GRANIT
 Parcels provided by New Hampshire GRANIT
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NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

Portsmouth, New Hampshire

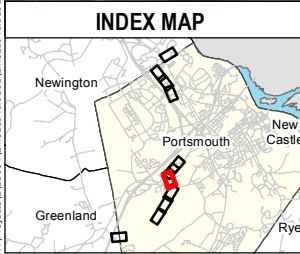
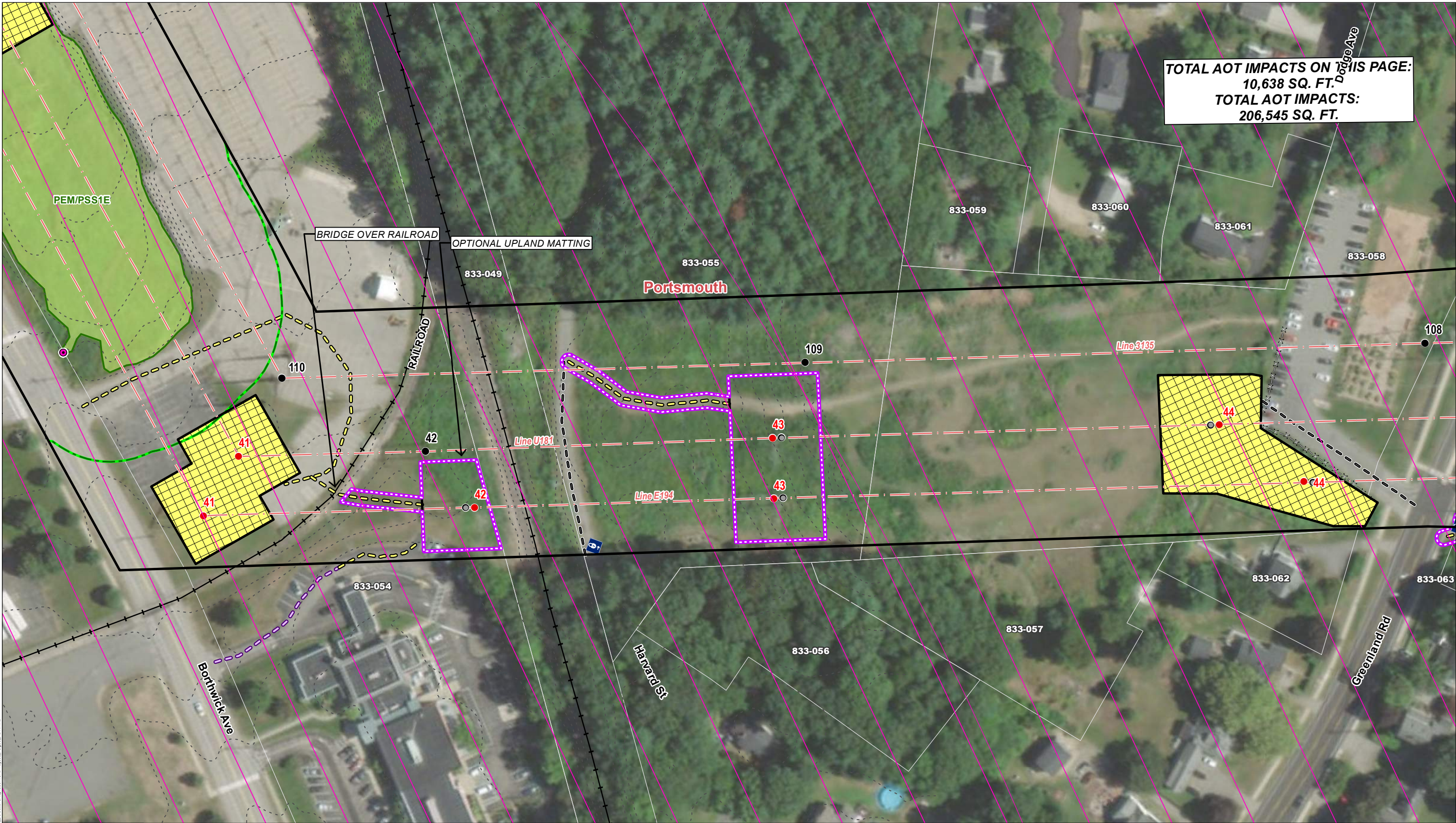
Date: March 23, 2023

Map Sheet 6 of 11

Tighe & Bond

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TOTAL AOT IMPACTS:
206,545 SQ. FT.



Legend	
● Proposed Structure	— Proposed Access
● Existing Structure to be Modified	— Off-ROW Access Pending Rights
● Existing Structure to be Removed	— Railroad
● Existing Structure	— Contour Line (2 Ft.)
● Gate	— Fence
● Culvert	— Overhead Eversource Line
— Existing Access	— Distribution Line
○ Stonewall	— Sediment Control Barrier
— 25' Wetland Buffer (Newington)	— 100' Buffer Zone (Portsmouth)
— Existing Right-of-Way	— Municipal Boundary
— Delineated Intermittent Watercourse	— Delineated Wetland Boundary Outline
— Field Delineated Wetland*	— Parcel Boundary
— Work Pad	— 100 Year Flood Zone
— Wellhead Protection Areas	— Alteration of Terrain

Map Notes:
 Data valid as of March 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANT) and USFWS. Orthophotography courtesy of ESRI.
 Contours downloaded from New Hampshire GRANIT
 Parcels provided by New Hampshire GRANIT
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1 inch = 100 feet

0 50 100 Feet

NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 7 of 11

Tighe & Bond

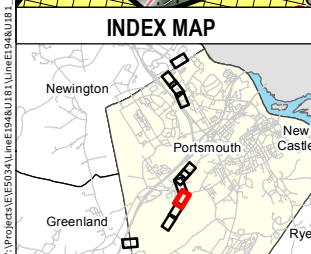
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TOTAL AOT IMPACTS:
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STRUCTURE 46 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 6,583 SQ. FT.

STRUCTURE 47 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 10,000 SQ. FT.

STRUCTURE 48 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 19,799 SQ. FT.



Legend	
● Proposed Structure	— Proposed Access
● Existing Structure to be Modified	— Off-ROW Access Pending Rights
● Existing Structure to be Removed	— Railroad
● Existing Structure	— Contour Line (2 Ft.)
● Gate	— X=X Fence
● Culvert	— Overhead Eversource Line
— Existing Access	— Distribution Line
○ Stonewall	— Sediment Control Barrier
— 25' Wetland Buffer (Newington)	— 100' Buffer Zone (Portsmouth)
— Existing Right-of-Way	— Municipal Boundary
— Delineated Intermittent Watercourse	— Delineated Wetland Boundary Outline
— Field Delineated Wetland*	— Parcel Boundary
— Work Pad	— 100 Year Flood Zone
— Wellhead Protection Areas	— Alteration of Terrain

Map Notes:
 Data valid as of March 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
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1 inch = 100 feet

0 50 100 Feet

NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 8 of 11

Tighe & Bond

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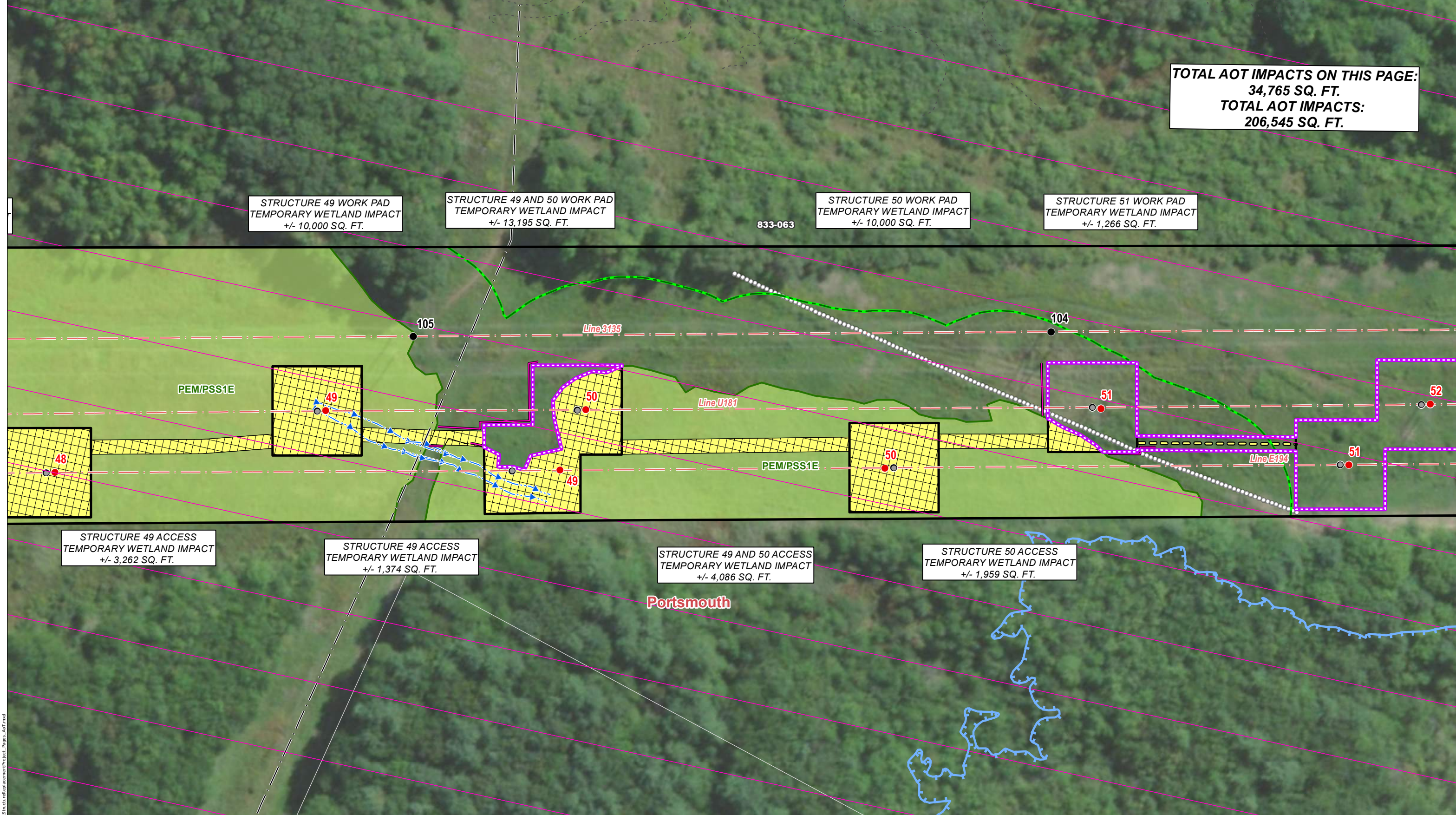
STRUCTURE 49 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 10,000 SQ. FT.

STRUCTURE 49 AND 50 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 13,195 SQ. FT.

STRUCTURE 50 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 10,000 SQ. FT.

STRUCTURE 51 WORK PAD
 TEMPORARY WETLAND IMPACT
 +/- 1,266 SQ. FT.

833-063



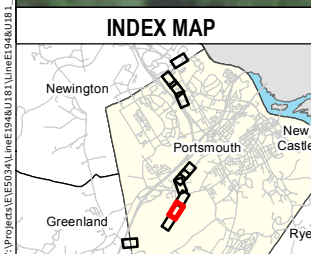
STRUCTURE 49 ACCESS
 TEMPORARY WETLAND IMPACT
 +/- 3,262 SQ. FT.

STRUCTURE 49 ACCESS
 TEMPORARY WETLAND IMPACT
 +/- 1,374 SQ. FT.

STRUCTURE 49 AND 50 ACCESS
 TEMPORARY WETLAND IMPACT
 +/- 4,086 SQ. FT.

STRUCTURE 50 ACCESS
 TEMPORARY WETLAND IMPACT
 +/- 1,959 SQ. FT.

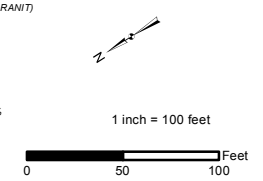
Portsmouth



Legend

● Proposed Structure	— Proposed Access	○ Stonewall	— Delineated Wetland Boundary Outline
● Existing Structure to be Modified	— Off-ROW Access Pending Rights	— Sediment Control Barrier	— Field Delineated Wetland*
● Existing Structure to be Removed	— Railroad	— 25' Wetland Buffer (Newington)	— Parcel Boundary
● Existing Structure	— Contour Line (2 Ft.)	— 100' Buffer Zone (Portsmouth)	— Work Pad
— Gate	— Fence	— Existing Right-of-Way	— 100 Year Flood Zone
— Culvert	— Overhead Eversource Line	— Municipal Boundary	— Wellhead Protection Areas
— Existing Access	— Distribution Line	— Delineated Intermittent Watercourse	— Alteration of Terrain

Map Notes:
 Data valid as of March 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
 Contours downloaded from New Hampshire GRANIT.
 Parcels provided by New Hampshire GRANIT.
 Figure intended to be printed on 11x17.
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NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

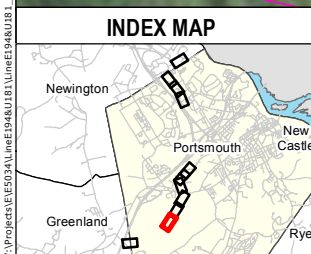
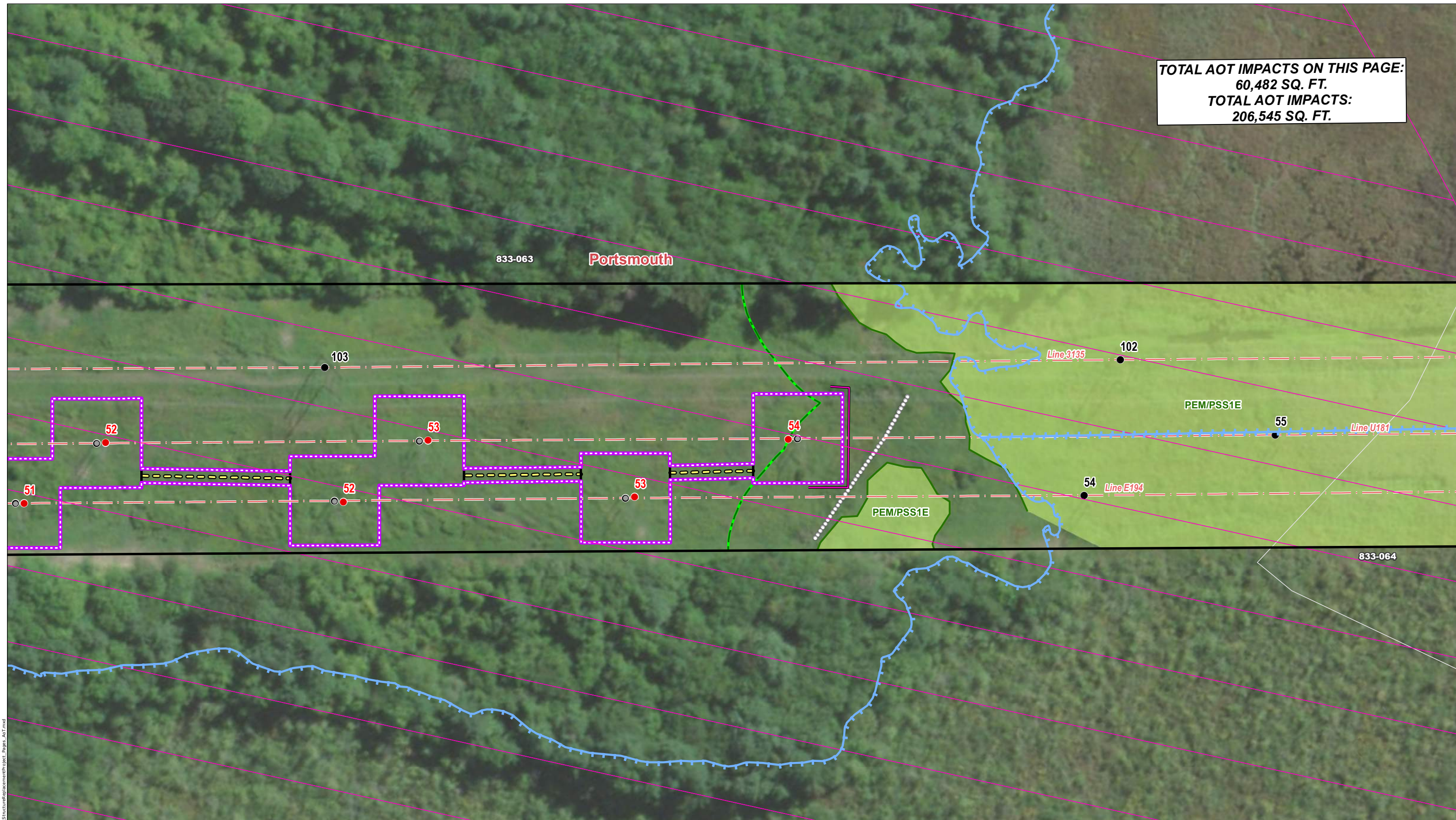
Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 9 of 11

Tighe & Bond

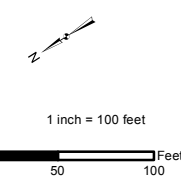
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TOTAL AOT IMPACTS:
206,545 SQ. FT.



Legend

● Proposed Structure	— Proposed Access	○ Stonewall	— Delineated Wetland Boundary Outline
● Existing Structure to be Modified	— Off-ROW Access Pending Rights	— Sediment Control Barrier	— Field Delineated Wetland*
● Existing Structure to be Removed	— Railroad	— 25' Wetland Buffer (Newington)	— Parcel Boundary
● Existing Structure	— Contour Line (2 Ft.)	— 100' Buffer Zone (Portsmouth)	— Work Pad
● Gate	— Fence	— Existing Right-of-Way	— 100 Year Flood Zone
● Culvert	— Overhead Eversource Line	— Municipal Boundary	— Wellhead Protection Areas
— Existing Access	— Distribution Line	— Delineated Intermittent Watercourse	— Alteration of Terrain

Map Notes:
 Data valid as of March 2023.
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NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 10 of 11

Tighe & Bond

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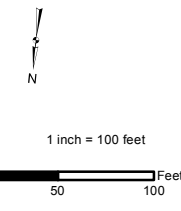
INDEX MAP



Legend

- Proposed Structure
- Existing Structure to be Modified
- Existing Structure to be Removed
- Existing Structure
- Gate
- Culvert
- Existing Access
- Proposed Access
- Off-ROW Access Pending
- Railroad
- Contour Line (2 Ft.)
- X=X Fence
- Overhead Eversource Line
- Distribution Line
- Stonewall
- Sediment Control Barrier
- 25' Wetland Buffer (Newington)
- 100' Buffer Zone (Portsmouth)
- Existing Right-of-Way
- Municipal Boundary
- Delineated Intermittent Watercourse
- Delineated Wetland Boundary Outline
- Field Delineated Wetland*
- Parcel Boundary
- Work Pad
- 100 Year Flood Zone
- Wellhead Protection
- Alteration of Terrain

Map Notes:
 Data valid as of April 2023.
 Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
 Contours downloaded from New Hampshire GRANIT
 Parcels provided by New Hampshire GRANIT
 Figure intended to be printed on 11x17
 *Indicates datasets with a transparency setting of 30-70%
 This mapping product has been created to comply with submittal requirements to obtain certain regulatory approvals and, as such, there is no reliance on the information contained herein for any other purpose.



NO.	DATE	REVISIONS

EVERSOURCE

**Line E194 and U181
 Structure Replacement Project**

Portsmouth, New Hampshire

Date: April 17, 2023

Map Sheet 11 of 11

Tighe & Bond

Tighe&Bond

APPENDIX B

E194 & U181 Structure Replacement Project

Wetland Resource Area Description and Assessment

TO: Katy Wilkins, Project Manager, Tighe & Bond, Inc.

FROM: Julia Novotny, Environmental Scientist, Tighe & Bond, Inc.
Jeremy Degler, Project Environmental Scientist, CWS, PWS, CWB,
Tighe & Bond, Inc.

DATE: March 22, 2023

On December 21, 2022 and January 4, 9, and 17, 2023, Tighe & Bond wetland scientists conducted a wetland resource area investigation within and adjacent to the location of the E194 and U181 transmission line right-of-way (ROW) in support of a structure replacement project proposed by Eversource Energy (Eversource). This memorandum presents a summary of the wetland resource areas investigated at the Project Site and a functions and values assessment for these resource areas.

Project Location

The project area consists of the existing maintained transmission line ROW that contains the E194 and U181 Lines. This ROW is comprised of a mixture of impervious area, maintained upland, and wetland. The surrounding landscape areas are comprised of impervious surfaces (e.g., roadways and parking lots), industrial, commercial, and residential areas, in addition to forest and wetlands. The ROW runs from the Newington Substation off Gosling Road to the Ocean Road Substation on the Greenland/Portsmouth border.

Methodology of Wetland Resource Investigations

The wetland delineation was conducted in accordance with the procedures outlined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (January 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (January 2012). Locations of wetland boundaries were surveyed using a global positioning system (GPS) unit with sub-meter accuracy.

Summary of Jurisdictional Wetland Resource Areas

The following sections discuss the wetland resource areas identified in the project area and summarize their characteristics.

Vegetated Wetlands

Multiple wetlands were identified within the E194 and U181 ROW, adjacent to the limits of work. Wetlands identified within the ROW were classified as having the characteristics of both palustrine emergent system with persistent vegetation, and a palustrine scrub-shrub system with broad-leaved deciduous vegetation (PEM1/PSS1).

Common vegetation observed included common reed (*Phragmites australis*; FACW), cattail (*Typha sp.*; OBL), purple loosestrife (*Lythrum salicaria*; OBL), sensitive fern (*Onoclea sensibilis*; FACW), curly dock (*Rumex crispus*; FAC), winterberry (*Ilex verticillata*; FACW), willow (*Salix spp.*), glossy buckthorn (*Frangula alnus*; FAC), red maple (*Acer rubrum*; FAC), common rush (*Juncus effusus*; OBL), reed canary grass (*Phalaris arundinacea*; FACW), white meadowsweet (*Spiraea alba*; FACW), red osier dogwood (*Cornus sericea*; FACW), speckled

alder (*Alnus incana*; FACW), tussock sedge (*Carex stricta*; OBL), brambles (*Rubus spp.*), and goldenrod (*Solidago spp.*)

Two streams were identified in association with the delineated wetlands: an unnamed tributary to the Piscataqua River (Newington) and an unnamed tributary to Pickering Brook in Great Bog (Portsmouth). Many of the wetlands within the project area are disturbed from previous ROW work and surrounding development including from commercial, industrial, and residential areas.

100-foot Buffer Zone (Locally Regulated)

The 100-foot Buffer Zone associated with the wetlands identified in the project area consists of a mixture of impervious area (e.g., paved parking lots, roadways), residential, industrial, and commercial areas, as well as forested areas, and maintained ROW. The percentage of Buffer Zone that is developed, including impervious paved areas, is approximately 40 percent. Non-impervious 100-foot Buffer Zone is mainly comprised of maintained shrubby vegetation within the existing ROW and mixed deciduous and coniferous forest on the ROW boundaries.

Functions and Values Assessment

Gosling Road and Durgin Lane Wetlands

Wetlands off Gosling Road and Durgin Lane are surrounded by residential and commercial development. They are classified as palustrine emergent and scrub-shrub systems, mostly dominated by common reed, purple loosestrife, and cattail. These wetlands are situated in depressions and flat, low lying areas and are densely vegetated with pockets of standing water. Flood storage, sediment and toxicant retention, and nutrient retention/removal are likely functions of these wetlands. Due to the location of these wetlands in highly developed areas and the dominance of invasive species, they do not provide good aesthetic qualities and are unlikely to provide good wildlife habitat.

Echo Avenue Wetlands

Echo Avenue wetlands are characterized as palustrine emergent and palustrine scrub-shrub systems. These wetlands are located directly adjacent to commercial and residential development. They are also located approximately 330 feet northeast of Route 4. These wetlands are densely vegetated and some portions are situated in depressions. Functions associated with these areas include flood storage and sediment and toxicant retention. Due to the location of these wetlands in a developed area and the dominance of invasive species, they do not provide good aesthetic qualities and are unlikely to provide good wildlife habitat.

Borthwick Avenue Wetlands

The wetlands adjacent to Borthwick Avenue are situated in highly disturbed areas. These wetlands are mainly palustrine emergent systems dominated by common reed and cattail. These wetlands are designated as Prime Wetlands pursuant to NH RSA § 482-A:15.

Dense emergent vegetation and organic soils in these wetlands allow for sediment and toxicant retention. Given the proximity of these wetlands to surrounding development and impervious surfaces and their position on the landscape they are likely important in providing flood storage. These wetlands provide little aesthetic qualities as they are dominated by invasive species that obstruct clear views and are surrounded by impervious area and commercial development.

Great Bog Wetlands

The wetlands associated with Great Bog are predominantly palustrine emergent and palustrine scrub-shrub systems. These wetlands are associated with Pickering Brook, which flows northeast to southwest through Great Bog. These wetlands are designated as Prime Wetlands.

Due to the dense vegetation in this wetland and the presence of deep water and organic soils, it likely provides sediment and toxicant retention, as well as nutrient retention and transformation. Additionally, the large size of this wetland complex and its position on the landscape allows for flood storage. Great Bog has historic known occurrences of rare, threatened, and endangered plant species, and has aesthetic qualities and recreational opportunities via adjacent trails. This area likely provides good wildlife habitat as Great Bog is large and relatively unfragmented. The aesthetic quality is partially compromised by the dominance of invasive common reed and purple loosestrife, and the proximity of Great Bog to major roads and highways.

Tighe&Bond


APPENDIX C

Photographic Log

Client: Eversource Energy
E194 & U181 Structure Replacement Project
Site: Portsmouth and Newington, NH

Job Number: 14-5034-200


Photograph No.: 1	Date: 1/9/2023	Direction Taken: Southwest
Description: Overview of the E194 & U181 right-of-way in Great Bog (Portsmouth), facing southwest.		
		

Photograph No.: 2	Date: 1/9/2023	Direction Taken: Southeast
Description: View of Great Bog in the E194 & U181 right-of-way from an adjacent upland area immediately southeast of Greenland Road (Route 33) in Portsmouth where access will be constructed.		
		

Photographic Log

Client: Eversource Energy **Job Number:** 14-5034-200
E194 & U181 Structure Replacement Project
Site: Portsmouth and Newington, NH

Photograph No.: 3	Date: 1/9/2023	Direction Taken: Southeast
Description: View of the E194 & U181 right-of-way in Great Bog looking at Structures 49 and 50, facing northwest.		
		

Photograph No.: 4	Date: 1/18/2023	Direction Taken: East
Description: View of the structures on the E194 and U181 Lines where static wire work is proposed at the Ocean Road Substation in Greenland/Portsmouth, facing east.		
		

Client: Eversource Energy
E194 & U181 Structure Replacement Project
Site: Portsmouth and Newington, NH

Job Number: 14-5034-200

Photograph No.: 5	Date: 1/9/2023	Direction Taken: Northeast
Description: View of the E194 & U181 right-of-way adjacent to Gosling Road looking at Structure 13 (indicated by the arrow) on the U181 Line, facing northeast.		
		

Photograph No.: 6	Date: 1/9/2023	Direction Taken: Northwest
Description: View of the E194 & U181 right-of-way off Echo Avenue, facing northwest. Structures 19 on the E194 & U181 Lines are indicated by the arrows.		
		

Photographic Log

Client: Eversource Energy
E194 & U181 Structure Replacement Project
Site: Portsmouth and Newington, NH

Job Number: 14-5034-200



Photographic Log

Client: Eversource Energy **Job Number:** 14-5034-200
E194 & U181 Structure Replacement Project
Site: Portsmouth and Newington, NH

Photograph No.: 9	Date: 12/21/2022	Direction Taken: East
Description: View of the E194 & U181 right-of-way adjacent to Borthwick Avenue, facing east. Structure 40 on the U181 Line is indicated by the arrow.		





Findings of Fact | Outdoor Dining Conditional Use Permit

City of Portsmouth Planning Board

Date: June 15, 2023

Property Address: 95 Brewery Lane

Application #: LU-23-75

Decision: Deny Approve Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

Outdoor Dining Conditional Use Permit

10.242.10 The Planning Board may grant a conditional use permit if the application is found to be in compliance with the general criteria in Section 10.243 or, if applicable, the specific standards or criteria set forth in this Ordinance for the particular use or activity.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets/Does not Meet	The design, height, scale and layout of the proposed use is 50.6' x 9.35' which is the same dimensions as what is currently in place. The proposed project is replacing the existing materials with no changes to the 'footprint' or current height, scale and layout. The outdoor dining area will be 473.11 square feet in area. Examples in the surrounding area of approved outdoor dining that are similar to scale and design are Liar's Bench, located at 459 Islington Street permitted to have up to 50 patrons, and Gallagher's Place located at 801 Islington Street.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the	Meets/Does not Meet	All necessary public and private utility infrastructure and services are available and adequate to serve the proposed outdoor dining area.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
	proposed use.		
3	10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.	Meets/Does not Meet	The site and surrounding streets have adequate vehicular and pedestrian infrastructure to serve the proposed outdoor dining area consistent with the City's Master Plan. The existing area does not inhibit any vehicular and pedestrian traffic or access as the proposed project is replacing the materials and not changing the current area dimensions or access. The proposed outdoor dining area has safeguards in place for the public that includes granite curbing and a 4' black aluminum fence with gate access to adequately buffer the area from vehicular traffic and provide safe pedestrian access to avoid customer-vehicular conflicts.
4	10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.	Meets/Does not Meet	The proposed permeable paver patio for outdoor dining use will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. The proposed area abuts the business the Applicant owns and a parking lot which allows current and proposed parking for the public. The parking lot will not be disturbed nor altered in any way for the proposed outdoor dining area.
5	10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.	Meets/Does not Meet	The proposed permeable paver patio for outdoor dining use will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets/Does not Meet	The proposed outdoor dining will not cause or contribute to a significant decline in property values of adjacent properties. The proposed paver patio for outdoor dining will add to the value and enhance the aesthetics of the property and surrounding businesses. The property owner has approved the proposed paver patio for outdoor dining.
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		

DRAFT

O'NEILL LANDSCAPING
—▶ INCORPORATED ◀—

1 247 WASHINGTON ROAD, SUITE B, RYE, NH 03801 * 603.430.8518

May 22, 2023

Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

**CONDITIONAL USE PERMIT
FOR
OUTDOOR DINING STATEMENT**

Mojo's West End Tavern (the "Applicant") located at 95 Brewery Lane (the "Property") is proposing to replace the existing mulch planting bed with a permeable paver patio, to create an outdoor dining area that can accommodate tables with seating or events up to 50 patrons. In order to do this, a Conditional Use Permit ("CUP") is required pursuant to Section 10.440 (19.50) of the Zoning Ordinance.

The criteria for granting the CUP under Section 10.243.20 of the Ordinance are met as follows:

CUP Criteria (Section 10.243.20)

10.243.21. The design, height, scale and layout of the proposed use is 50.6' x 9.35' which is the same dimensions as what is currently in place. The proposed project is replacing the existing materials with no changes to the 'footprint' or current height, scale and layout. The outdoor dining area will be 473.11 square feet in area. Examples in the surrounding area of approved outdoor dining that are similar to scale and design are Liar's Bench, located at 459 Islington Street permitted to have up to 50 patrons, and Gallagher's Place located at 801 Islington Street.

10.243.22. All necessary public and private utility infrastructure and services are available and adequate to serve the proposed outdoor dining area.

10.243.23. The site and surrounding streets have adequate vehicular and pedestrian infrastructure to serve the proposed outdoor dining area consistent with the City's Master Plan. The existing area does not inhibit any vehicular and pedestrian traffic or access as the proposed project is replacing the materials and not changing the current area dimensions or access. The proposed outdoor dining area has safeguards in place for the public that includes granite curbing and a 4' black aluminum fence with gate access to adequately buffer the area from vehicular traffic and provide safe pedestrian access to avoid customer-vehicular conflicts.

O'NEILL LANDSCAPING
—▶ INCORPORATED ◀—

1 247 WASHINGTON ROAD, SUITE B, RYE, NH 03801 * 603.430.8518

10.243.24. The proposed permeable paver patio for outdoor dining use will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. The proposed area abuts the business the Applicant owns and a parking lot which allows current and proposed parking for the public. The parking lot will not be disturbed nor altered in any way for the proposed outdoor dining area.

10.243.25. The proposed permeable paver patio for outdoor dining use will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.

10.243.26. The proposed outdoor dining will not cause or contribute to a significant decline in property values of adjacent properties. The proposed paver patio for outdoor dining will add to the value and enhance the aesthetics of the property and surrounding businesses. The property owner has approved the proposed paver patio for outdoor dining.

Attached are pictures to show the current area use, location, and dimensions to aid in the description of the proposed paver patio for outdoor dining.

Respectfully Submitted,

Mojo's West End Tavern



By: Joe O'Neill
Contractor - O'Neill Landscaping, Inc.

Mojo's West End Tavern Unit 1 & 2



Property Information

Property ID 0146-0027-0000
Location 95 BREWERY LN
Owner MALT HOUSE EXCHANGE REALTY TRUST



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

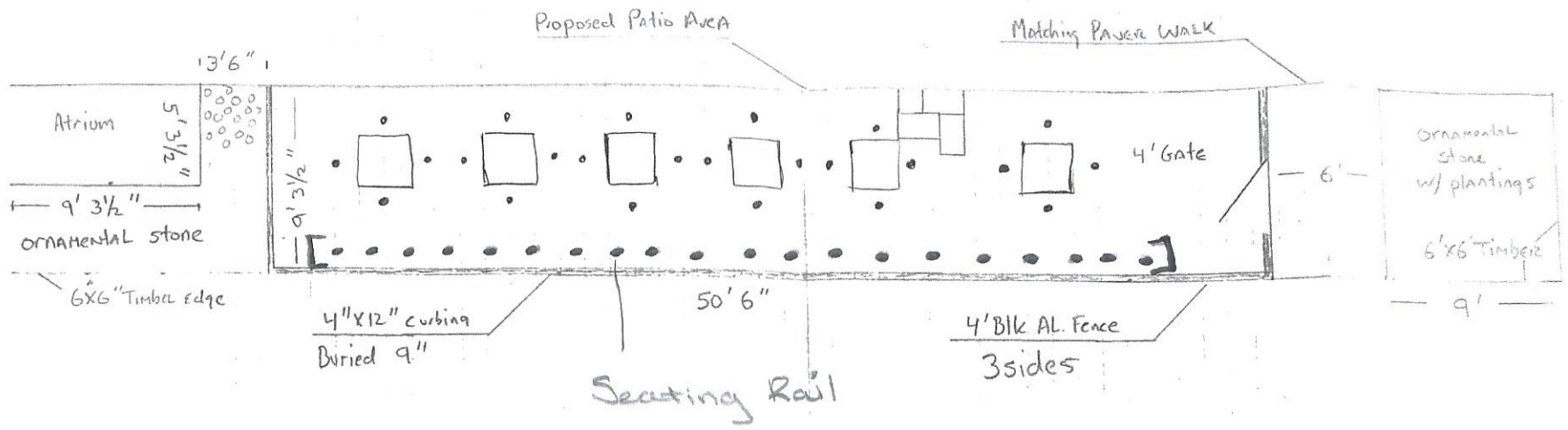


Parking lot will not be disturbed. Patio area will be the same footprint (length and width) as the mulched/bushes area shown.



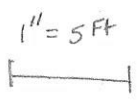
Install 4' Black Aluminum Fence (3 sides)

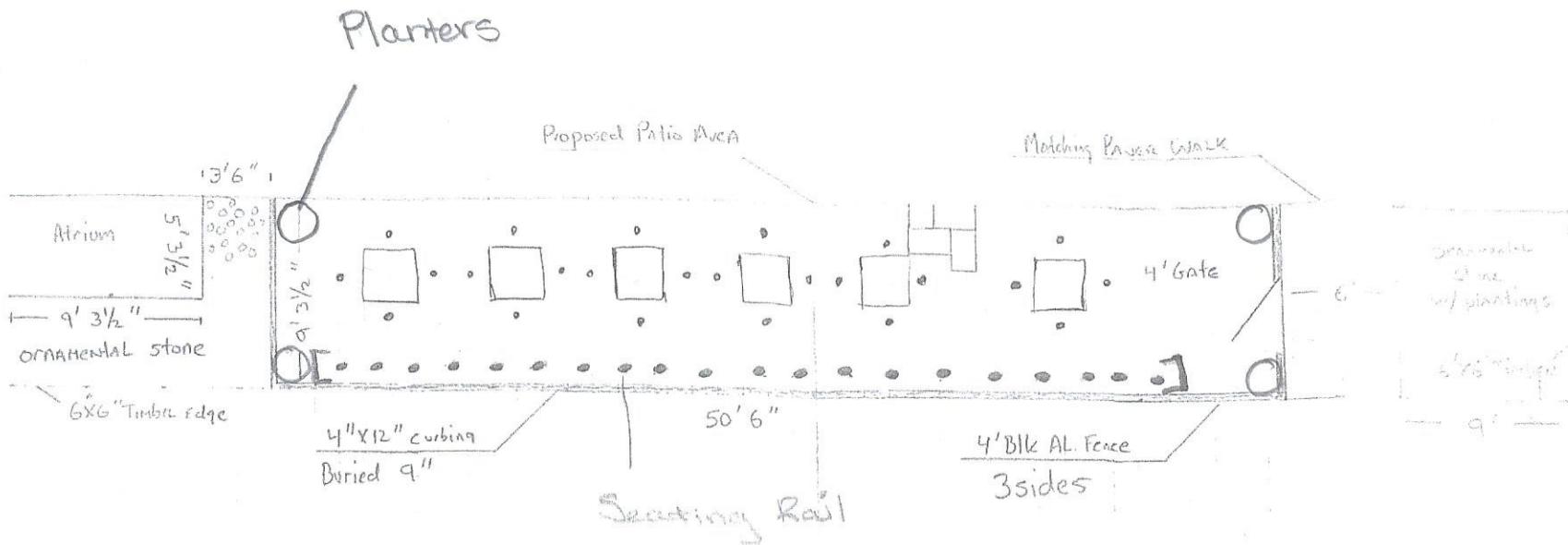
Install 4"x12" curbing (9" buried)



Mojas West End
 95 Brewery Lane
 Portsmouth, NH

ONEILL LANDSCAPING INC
 1247 WASHINGTON Rd
 RYE NH 03870
 May 2023





Mojo's West End
 95 Brewery Lane
 Portsmouth, NH

ONEILL Landscaping Inc
 1747 Washington Rd
 Rye NH 03870

May 2023

1" = 5 FT

O'NEILL LANDSCAPING INC.

1247 Washington Rd, Ste 3B

Rye, NH 03870

+1 6034308518

www.oneilllandscaping.com

Estimate

ESTIMATE # 1241

DATE 05/16/2023

ADDRESS

Mojo's Restaurant
95 Brewery Lane
Unit 1 & 2
Portsmouth, NH 03801

SHIP TO

Mojo's Restaurant

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

ACTIVITY	QTY	DATE	AMOUNT
Create outdoor patio area to extend outdoor use. Area 66' x 9' 6"			
Plant Removal Remove shrubs / mulch and approx 9-12" of base material and dispose Off site.			
Construction Install Open Grade Base (Permeable) Install Geo fabric bottom and side walls entire area. Install 1.5" crushed stone base 4-6" depth. Install grid layer to lock in stone. Install 3/4" crushed stone layer 2-3" depth Install 3/8" crushed stone layer 1" depth	1		
Construction Install 560 sq feet of XL LedgeStone Pavers (Bluestone Blend) by Cambridge. Install a Soldier border Coarse using LedgeStone Coal 4.5 x 9" paver.			
Construction Apply Perma-edge paver restraint to non contained edges.			
Construction Install Permeable Poly sand in paver Joints. (Nitro Sand)			
Construction Install a 2-3ft wide Long island round stone strip between glass atrium and patio (LF side)	1		
Construction Remove white / grey crushed stone in front of atrium and right side of existing brick walkway far right entrance bed. Replace with Long Island rounded beach stones and a few ornamental grasses	1		
Construction 4" x 12" Granite Curbing / 64 linear feet. Purchased, delivered and installed.	1		
Construction Aluminum Fence 4ft height./ 75 ft length. Regis Black ornamental fencing. with (1) Four foot walkway gate. Installed with flanged posts on granite curbing. Fencing cost \$5940.00	1		

1. Estimate is Valid for 30 days. A 50% deposit is required to secure a spot on our schedule. 25% is due at the start of the project. The remaining balance is due upon completion of the project.

TOTAL

2. Any changes to the scope of work will result in a change of price. Estimate is based on a surface viewing of the project. If ledge or other obstacles are discovered which impedes our progress, charges will be applied at an hourly rate of labor plus equipment.

3. Homeowner is responsible for marking and notifying contractor of any private utilities (for ex., dog fence, irrigation, accent lighting, etc.)

4. Not included: Permits, utility relocation, ledge removal and associated expenses, fuel surcharges, erosion control due to extreme acts of nature, extreme acts of nature that result in washing, watering of seeded areas.

Accepted By

Accepted Date

Kevin Crowell <kevin.crowell68@gmail.com>

5/22/2023 1:15 PM

Fwd: Outdoor Seating

To sandra2 <sandra@oneilllandscaping.com> • Peter M. Stith <pmstith@cityofportsmouth.com> •
Mojos Westend <mojoswestend@yahoo.com>

Begin forwarded message:

From: Gary Dziama <dziama@roadrunner.com>
Date: December 13, 2021 at 1:04:59 PM EST
To: KEVIN MOJO <KevinCrowell68@gmail.com>
Cc: mlths <mlths@aol.com>
Subject: Outdoor Seating

Kevin
You have our permission to remove the bushes necessary to construct the patio for your outdoor seating...
Gary Dziama
Malthouse Exchange Realty Trust

Sent from my iPhone

Owner Authorization

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: June 15, 2023

Property Address: 253 Odiorne Point Road

Application #: LU-23-36

Decision: Deny Approve Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets/Does not Meet	This location is currently inundated during precipitation and the principal structure along with the surrounding yard suffers from ponding damage and lack of infiltration. The proposed permeable pavers, replacement of clay soil, renovation of existing rock walls and installation of a new French drain should help to divert and better infiltrate stormwater into the wetland behind this home.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets/Does not Meet	The entire backyard of this property is within the buffer and retains water during rain events. This area requires better stormwater mitigation and redirection in order to prevent further damage to the existing home.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets/Does not Meet	The proposed project will be redirecting stormwater into the wetland and allowing for better infiltration with the loss of clay soils. Additionally, the applicant is proposing to remove invasive Phragmites from the wetland and will install native wetland plantings which should help with the overall health of the wetland.
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets/Does not Meet	The proposed new areas of impact will only occur over existing lawn. The applicant is proposing to remove invasives within the immediate wetland but will be replacing with native plantings.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets/Does not Meet	Overall, the applicant has provided an alternative with a small impact to the wetland buffer and will be improving the health of the wetland through invasive removal and native plantings. The redirection of stormwater flow should help to infiltrate and slow stormwater as it reaches the wetland.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets/Does not Meet	The applicant is proposing to plant winterberry along the wetland edge where invasives currently exist. Additional buffer plantings could be useful surrounding the proposed patio area and along the extended walls to help slow stormwater.
7	<u>Other Board Findings:</u>		

253 Odiorne Point RD - 2023 - Extension of existing stone walls, a concrete slab addition under the deck, an expansion of a deck and the relocation of deck footings and stairs.

(/dashboard/projects/6783) Land Use Application

LU-23-36

Your Submission

Attachments

Guests (0)

- Preliminary Application Review
- Land Use Permit -- Planning Department Review and Fee Calculation
- Application Permit Fee
- Postage / Advertising Fees for BOA Meeting - 4/18/23
- Board of Adjustment Letter of Decision -- Postponement (no revisions)
- Board of Adjustment Letter of Decision -- Approval
- Conservation Commission Letter of Decision -- Wetland Conditional Use Permit
- Land Use Code Review
- Zoning Board of Adjustment Approval
 - Conservation Commission Review
 - Planning Board Conditional Use Permit (Wetlands) Approval
 - Land Use Conditions of Approval Review
 - Building Permit Issued

Your submission

Submitted Mar 19, 2023 at 10:26am

Contact Information

Ryan Mullen

Email address

rtmullen75@gmail.com

Phone Number

619-865-3660

Mailing Address

253 Odiorne Point Road , Portsmouth, NH 03801

Locations

1 location total

PRIMARY LOCATION



253 ODIORNE POINT RD
Portsmouth, NH 03801

Applicant Information

Please indicate your relationship to this project * 

A. Property Owner

Alternative Project Address

Alternative Project Address 

--

Project Type

Addition or Renovation: any project (commercial or residential) that includes an ADDITION to an existing structure or a NEW structure on a property that already has structure(s) on it

New Construction: any project (commercial or residential) that involves adding a NEW structure on a parcel that is currently VACANT. If there are any existing structures on the property (even if you are planning to remove them), you should select Addition and Renovation above

--

Minor Renovation: for projects in the Historic District only that involve a minor exterior renovation or alteration that does not include a building addition or construction of a new structure

--

Home Occupation: residential home occupation established in an existing residential dwelling unit and regulated by the Zoning Ordinance. Home Occupations are not allowed in the following Zoning Districts: Waterfront Business, Office Research, Industrial, or Waterfront Industrial

--

New Use/Change in Use: for a change of land use or an expansion to an existing use (e.g. addition of dwelling units) that includes no exterior work or site modifications

--

Temporary Structure / Use: only for temporary uses (e.g. tents, exhibits, events)

--

Demolition Only: only applicable for demolition projects that do not involve any other construction, renovation, or site work

--

Subdivision or Lot Line Revision: for projects which involved a subdivision of land or an adjustment to an existing lot line

--

Other Site Alteration requiring Site Plan Review Approval and/or Wetland Conditional Use Permit Approval

Sign: Only applies to signs requiring approval from a land use board (e.g. Historic Commission, Zoning Board of Adjustment)

--

Request for Extension of Previously Granted Land Use Approval

--

Appeal of an Administrative Decision or Request for Equitable Waiver

--

Zoning Information

Base Zoning District

Single Residence A (SRA)

Base Zoning District 2

--

Historic District

--

Flood Plain District

--

Downtown Overlay District

--

Osprey Landing Overlay District

--

Airport Approach Overlay District

--

Waterfront Use Overlay District

--

North End Incentive Overlay District

--

West End Incentive Overlay District

--

Highway Noise Overlay District

--

Application Type

Lot Line Revision (Planning Board)

--

Subdivision (Planning Board)

--

Amended Subdivision or Lot Line Revision Approval

--

Wetland Conditional Use Permit (Planning Board)

Amended Wetland Conditional Use Permit (Planning Board)

--

Accessory Dwelling Unit / Garden Cottage Conditional Use Permit (Planning Board)

--

Site Plan Review (Planning Board)

--

Amended Site Plan Review

--

Other Conditional Use Permit (Planning Board)

--

Variance (Zoning Board of Adjustment)



Special Exception (Zoning Board of Adjustment)

--

Historic District Certificate of Approval (Historic District Commission)

--

Request for Extension of Previously Approved Application

--

Appeal of Administrative Decision

--

Equitable Waiver

--

Are You Creating 1 or More New Dwelling Units?

--

Are You Converting Existing Dwelling Units Into Condos?

--

Project Description

Lot Area (s.f.)

87,120

Lot Area Source

City of Portsmouth MapGeo Program

Detailed Description of Proposed Work *

Description of Site: The residential property and single-family structure located at 253 Odiorne Point Road in Portsmouth, New Hampshire was constructed in the year 2000 and most recently purchased in November of 2022. Per the City of Portsmouth's MapGeo mapping program view, approximately ninety-five percent (95%) of the existing structure, the entire existing patio, the entire existing deck, and the entire existing deck stairway are within the one hundred (100) foot wetland buffer. Unfortunately, the unique location and positioning of the structure, the lack of effective drainage infrastructure, and the improper grading around the structure subjected the property to natural environmental stress that caused significant rainwater collection and which resulted in damage to the existing flagstone patio on grade, damage to the adjacent existing siding of the home, and damage to the piers of the existing deck and the existing deck stairway.

Proposed Construction: With the general objective of protecting the existing structure and property from additional rainwater damage; the property owner respectfully requests approval to improve the hardscape by extending two (2) existing rock walls, replacing the current damaged patio, and improving a stormwater drainage culvert. Additionally, the property owner proposes structural repairs and an extension to an existing exterior deck and a re-direction of the deck stairway. Lastly, the property owner proposes landscape improvements to improve rainwater drainage management and to remove an invasive species of phragmites reeds located in the wetland buffer and replacing those phragmites reeds with winterberry, a species of red colored holly native to eastern North America.

Brief Description of Existing Land Use *

Single family residence

Land Use Application Fee Calculation

Valuation of New Construction (\$)

17,500

Total Number of Dwelling Units

1

Area of disturbance in wetland or wetland buffer (s.f.)

2,500

Wetland Conditional Use Permit -- Impacted Jurisdictional Areas

Inland Wetland

Tidal Wetland

--

Inland Wetland Buffer

Tidal Wetland Buffer

--

Vernal Pool

--

Wetland or Wetland Buffer Activity

Total Area of Inland Wetland (both on and off the parcel) (Sq.Ft.)

43560

Total Area of Vernal Pool (both on and off the parcel) (Sq.Ft.)

0

Distance of proposed structure or activity to edge of wetland (ft.):

20

Wetland Buffer Total Area on Lot (Sq.Ft.)

31,556

Wetland Buffer Area to be Disturbed (Sq.Ft.)

2,500

Inland Wetland Total Area on Lot (Sq.Ft.)

43,553

Inland Wetland Area to be Disturbed (Sq.Ft.)

0

Vernal Pool Total Area on Lot (Sq.Ft.)

0

Vernal Pool Area to be Disturbed (Sq.Ft.)

0

Tidal Wetland Total Area on Lot (Sq.Ft.)

0

Tidal Wetland Area to be Disturbed (Sq.Ft.)

0

Zoning Board of Adjustment Application Check List

Application Type *

Variance or Special Exception from Land Use Requirements

I understand that I will need to submit labeled photos of existing conditions with this application *

I understand that I will need to submit a written statement with this application explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) *

I understand that all plans / exhibits submitted with this application shall be 8.5" X 11" or 11" X 17" in size *

Project Representatives

Relationship to Project	If you selected "Other", please state relationship to project.	Full Name (First and Last)	...
Owner	--	Ryan Mullen	...

Plan Submission

I understand that this application will not be considered complete until I have provided the required plans and any additional submission requirements. I also understand that any hard copies as required by the Planning Department are required to be submitted prior to the application deadline. (You will be prompted at the next screen to upload your plans.) *

I have reviewed the application requirements provided on the Planning Department's web page -- www.cityofportsmouth.com/planportsmouth/land-use-applications-forms-and-fees. *

Acknowledgement

I hereby certify that as the applicant for permit, I am *

Owner of this property

If you selected "Other" above, please explain your relationship to this project. Owner authorization is required.

--

I certify that the information given is true and correct to the best of my knowledge. *

I understand that I am responsible for paying any applicable application fees and that I will be invoiced separately for legal and abutter notification costs as well. *

Is this property under condominium ownership?

--

I understand that it is the obligation of the applicant to submit adequate documents, plans, and exhibits to demonstrate compliance with the Zoning Ordinance. *

By signing below, I agree that this is equivalent to a handwritten signature and is binding for all purposes related to this transaction. *

Ryan T Mullen
Mar 19, 2023

INTERNAL USE -- Land Use Approvals

Historic District Commission

--

HDC Approval Granted

--
Zoning Board of Adjustment

--

BOA Approval Granted

--

Zoning Relief Required

--

Conservation Commission Review

--

Conservation Commission Review Completed

--

Conditional Use Permit (Wetlands)

--

Wetland CUP Granted

--

Conditional Use Permit (Other)

--

Other CUP Granted

--

Prelim. Concept. Consultation

--

Prelim. Concept. Consultation Completed

--

Design Review Phase

--

Design Review Phase Completed

--

Subdivision / Lot Line Revision

--

Subdivision / Lot Line Revision Granted

--

Site Plan Review

--

Site Plan Review Granted

--

Technical Advisory Committee Review

--

TAC Review Completed

--

Internal consistency review required ⓘ

--

Certificate of Use Required

--

Stipulations

--

Additional Planning Department Comments

--

City of Portsmouth, NH

Your Profile

Your Records (</dashboard/records>)

Resources

Search for Records (</search>)

Claim a Record (</claimRecord>)

Employee Login (<https://portsmouthnh.viewpointcloud.io>)

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City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

PROJECT NARRATIVE:

Introduction: The residential property and single-family structure located at 253 Odiorne Point Road in Portsmouth, New Hampshire was constructed in the year 2000 and most recently purchased in November of 2022. Per the City of Portsmouth's MapGeo mapping program view (see Exhibit #1 below), approximately ninety-five percent (95%) of the existing structure, the entire existing patio, the entire existing deck, and the entire existing deck stairway are within the one hundred (100) foot wetland buffer, which is the area located between the light green lines in Exhibit #1 below. Unfortunately, the unique location and positioning of the structure, the lack of effective drainage infrastructure, and the improper grading around the structure subjected the property to significant natural environmental stress in the form of excessive rainwater collection, which resulted in damage to the existing flagstone patio on grade, damage to the adjacent existing siding of the home, and damage to the piers of the existing deck and the existing deck stairway.

Exhibit #1, City of Portsmouth MapGeo Satellite View of 253 Odiorne Point Road



Objective & Requested Approvals: With the general objective of protecting the existing structure and property from additional rainwater damage; the property owner respectfully requests the following two (2) approvals prior to initiating alterations in the form of repairs and improvements to the hardscape, the landscape, and the structure.

1. A Wetland Conditional Use Permit from the Planning Board to satisfy the City of Portsmouth Zoning Ordinance Section 10.241.22, which requires conditional use approval to complete alterations in a wetland or wetland buffer (Article 10, Section 10.1010 – Wetlands Protection).
2. A setback variance from the Zoning Board of Adjustment to allow for the following:
 1. The ninety (90) degree movement of the existing deck stairway that is currently located approximately thirty (30) feet from the property line and within the forty (40) foot setback, but which terminates in the patio area that is prone to rain water collection and situated adjacent to the wetland. The proposed deck stairway will be removed from the patio area and re-directed toward a side yard and away from wetland where it will terminate approximately thirty (30) feet from the property line.
 2. An approximate eighty-eight (88) square foot extension of the existing deck to support the ninety (90) degree movement of the existing deck stairway. The deck extension will be directed away from the wetland and it will terminate approximately thirty-five (35) feet from the property line, but within the forty (40) foot setback.

**City of Portsmouth Land Use Application
253 Odiorne Point Road, Portsmouth, N.H.**

**Exhibit #2
Photographs of Rainwater Collection**



Rainwater Collection Areas

Rainwater Damaged Siding at Grade

Rainwater Damaged Patio/Deck/Stairway



Photographs of Same Area From Opposite Direction

**Snow Melt Water Collection
After 03/14/2023 Snow Storm**

City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Proposed Hardscape Alterations:

1. Extend an existing ten (10) foot long and four (4) foot high rock wall, which starts on the southeast corner of the residence to approximate twenty-five (25) feet in length and sloping downward to grade with the objective of diverting rainwater away from the residence and toward the wetland to avoid additional water damage to the structure and the hardscape. Construct granite steps in the extended rock wall to allow for pedestrian access between the lawn and patio areas. See the black line in Exhibit #3 below for the location of the proposed extended rock wall with integrated granite steps.
2. Extend an existing four (4) foot long rock wall on the southwest corner of the residence to approximately ten (10) feet in length with the objective of diverting the rainwater away from the residence and toward the wetland to avoid additional damage to the structure and to the hardscape. Construct granite steps in the rock wall to allow for pedestrian access between the driveway and the patio areas. See the pink line in Exhibit #3 below for the location of the proposed extended rock wall with integrated granite steps.
3. Remove the water damaged flagstone patio (see the green line in Exhibit #3) and twelve (12) to eighteen (18) inches of clay infused soil from the area under and surrounding the patio (see the light blue shaded area in Exhibit #3) and place the clay infused soil to the southeast side of the property and behind the extended twenty-five (25) foot long rock wall described above and identified below in Exhibit #3 as a black line. To ensure the existing French drains (identified by the orange lines below) are operable, the clay infused soil in the light blue shaded area will be replaced with a permeable crushed gravel base and permeable interlocking concrete patio pavers will be installed within the confines of the existing patio area, which is identified in green in Exhibit #3 below. A gas fire pit will be constructed and centered within the existing existing patio area. The fire pit will be approximately five (5) feet in diameter and will be constructed of blocks that match the pavers. A concrete slab will be poured under the deck to support a freestanding spa/hot tub. The concrete slab will not be noticeable, it will be surrounded by pavers, and it will measure approximately ten (10) feet by ten (10) feet.
4. Install a French drain gravel lined culvert along the southeast edge of the property where a natural culvert currently exists, but which does not effectively manage rainwater runoff. The objective of installing the French drain gravel lined culvert will be to effectively collect rainwater and divert that rainwater away from the residence and toward the wetland on the southwest portion of the property. An additional photograph of the location of natural culvert is included in the proposed landscape alterations section as Exhibit #6.

Exhibit #3, Proposed Hardscape Alterations



City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Proposed Structure Alterations:

1. **Replace the existing deck support piers:** The existing deck support piers were undersized and damaged by rainwater. It's proposed the deck support piers be correctly sized and replaced.
2. **Move the existing deck stairway ninety (90) degrees:** The existing deck stairway currently terminates in the patio area that is adjacent to the wetland and prone to rainwater collection, which resulted in damage to the existing deck stairway. Additionally, the existing deck stairway terminates approximately thirty (30) feet from the property line and within the forty (40) foot setback. It's proposed the existing deck stairway be moved ninety (90) degrees away from the patio area and adjacent wetland and be positioned to terminate in the side yard approximately thirty (30) from the property line, but within the forty (40) foot setback. Please refer to Exhibit #4 for the locations of the existing and proposed deck stairway.
3. **Extend the existing deck to accommodate the movement of the existing deck stairway:** To accommodate the ninety (90) degree movement of the existing stairway and to prevent the obstruction of the walkout basement doorway (see Exhibit #5), it's proposed the the existing deck be extended along the southeast side of the structure by approximately eighty-eight (88) feet. The deck extension will be directed away from the wetland and it will terminate approximately thirty-five (35) feet from the property line, but within the forty (40) foot setback. Please refer to Exhibit #4 for the locations of the existing deck and proposed deck extension.

Exhibit #4, Proposed Structure Alterations



Exhibit #5, Walkout Basement Doorway



City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Proposed Landscaping Alterations

1. Install permeable landscape fabric over the permeable crushed gravel base (described in item #3 of the proposed proposed hardscape alterations) within the light blue shaded area of Exhibit #3. Install topsoil over the landscape fabric, and then install sod to match the surrounding areas of grass.
2. Spread and sculpt the relocated clay infused soil (identified below in Exhibit #6 with the blue lines and described in item #3 of the proposed proposed hardscape alterations) away from the residence and toward the proposed French drain gravel lined culvert identified below in Exhibit #6 with a red line and as described in item #4 of the proposed proposed hardscape alterations.

Exhibit #6



3. Remove the invasive species of phragmites reeds identified by the yellow ovals in Exhibits #7 and #8 and located on the southwest side of the the residence by hand as suggested by the City of Portsmouth Planning Department. Replace the invasive species of phragmites reeds with winterberry, a species of red colored holly native to eastern North America and suggested by the City of Portsmouth Planning Department.

Exhibit #7



Exhibit #8



City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Evaluation of Five (5) "Analysis Criteria"

1. 10.233.21: Approval of a wetland conditional use permit and a setback variance will not be contrary to the public interest
 - Justification: The property owner believes an approved wetland conditional use permit and setback variance would allow the property owner to complete alterations in the form of improvements to the hardscape, the landscape, and the structure with the general objective of protecting the existing structure and property from additional rainwater collection and damage. The proposed alterations will not be contrary to the public interest because the location of the proposed improvements are in the backyard of the residence, which is not easily visible from publicly accessible locations or the surrounding properties due to the topography of the property and the location of the structure. Furthermore, the proposed alterations will occur in the wetland buffer (not the wetland) and those proposed alterations will actually improve rainwater management as the rainwater travels from the side yards, through wetland buffer zone, and to the wetland without being diverted to public land, the surrounding properties, or collecting in the patio area of the residence and causing unsightly damage to the structure. Additionally, the property owner proposes removing an invasive species of phragmites reeds and replacing those phragmites reeds with winterberry, a species of red colored holly native to eastern North America, which will be inline with the public interest.
2. 10.233.22: The spirit of the Ordinance will be observed
 - Justification: An approved conditional use permit and setback variance would satisfy a reasonable social and moral consensus the property owner is respecting the both the importance of setbacks and the protection of wetland because the property owner is not proposing a decrease in the setback that currently exists, the property owner is simply proposing moving structures away from the wetland, and the property owner is not changing how the space in the wetland buffer will be utilized.
3. 10.233.23: Substantial justice will be done
 - Justification: An approved conditional use permit and setback variance would will allow the property owner to protect the existing structure and property from additional rainwater damage, while protecting the wetland and enjoying full use of the property thereby satisfying a standard of fairness and allowing for a substantial justice to be done.
4. 10.233.24: The values of surrounding properties will not be diminished
 - Justification: An approved conditional use permit and setback variance will not diminish the values of the surrounding properties because the proposed alterations will allow the property owner to repair the damaged exterior desk and stairway, replace a damaged patio area, improve rainwater management, and remove an invasive species of phragmites reeds and replace those phragmites reeds with winterberry, a species of red colored holly native to eastern North America. The property owner believes the proposed alterations will improve the values of surrounding properties.
5. 10.233.25: Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
 - Justification: If the provisions of the Zoning Ordinance were literally enforced, the property owner would be unable repair, improve, and protect the existing structure and property from additional rainwater damage. Consequently, the property owner would be unable to enjoy full use of the property and structure, and the property owner would be routinely burdened with expensive rainwater damage repairs which would result in unnecessary physical and financial hardship.

City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Specific Information Requested for Conditional Use Permit

1. Description of site and proposed construction:
 - Description of Site: The residential property and single-family structure located at 253 Odiorne Point Road in Portsmouth, New Hampshire was constructed in the year 2000 and most recently purchased in November of 2022. Per the City of Portsmouth's MapGeo mapping program view (see Exhibit #1), approximately ninety-five percent (95%) of the existing structure, the entire existing patio, the entire existing deck, and the entire existing deck stairway are within the one hundred (100) foot wetland buffer, which is the area located between the light green lines in Exhibit #1. Unfortunately, the unique location and positioning of the structure, the lack of effective drainage infrastructure, and the improper grading around the structure subjected the property to natural environmental stress that caused significant rainwater collection and which resulted in damage to the existing flagstone patio on grade, damage to the adjacent existing siding of the home, and damage to the piers of the existing deck and the existing deck stairway.
 - Proposed Construction: With the general objective of protecting the existing structure and property from additional rainwater damage; the property owner respectfully requests approval to improve the hardscape by extending two (2) existing rock walls, replacing the current damaged patio, and improving a stormwater drainage culvert. Additionally, the property owner proposes structural repairs and an extension to an existing exterior deck and a re-direction of the deck stairway. Lastly, the property owner proposes landscape improvements to improve rainwater drainage management and to remove an invasive species of phragmites reeds located in the wetland buffer and replacing those phragmites reeds with winterberry, a species of red colored holly native to eastern North America.
2. Total area of inland wetland or vernal pool (both on and off the parcel):
 - On Parcel Inland Wetland Area: Approximately one (1) acre
 - Off Parcel Inland Wetland Area: Unknown
3. Impacted Jurisdictional Area:
 - Inland Wetland Buffer
4. Distance of proposed structure or activity to the edge of wetland:
 - Minimum Distance: Approximately 20 feet
 - Maximum Distance: Approximately 155 feet
5. Total wetland area and/or wetland buffer area on the lot:
 - Wetland Area: Approximately one (1) acre
 - Wetland Buffer: Approximately 31,556 square feet
6. Total wetland area and/or wetland buffer area to be disturbed on the lot:
 - Wetland Area: No wetland areas will be disturbed
 - Wetland Buffer: Approximately 2,500 square feet will be disturbed
7. Project Representative: Ryan T. Mullen, (619) 865-3660 - rtmullen75@gmail.com

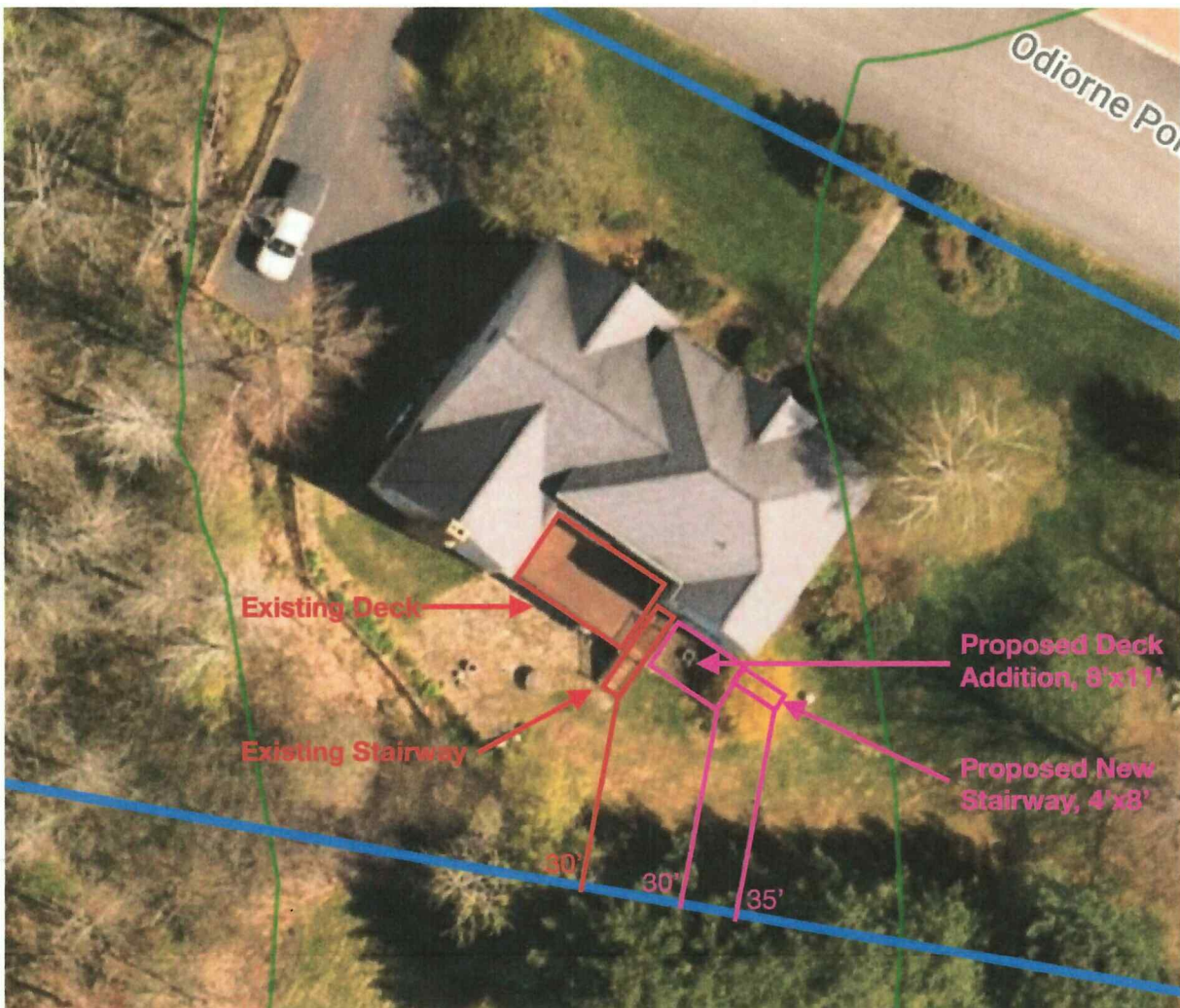
City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Structure - Visual Aid and Measurements Attachment

Proposed Structure Details

1. **Move the existing deck stairway ninety (90) degrees:** The existing deck stairway currently terminates in the patio area that is adjacent to the wetland and prone to rainwater collection, which resulted in damage to the existing deck stairway. Additionally, the existing deck stairway terminates approximately thirty (30) feet from the property line and within the forty (40) foot setback. It's proposed the existing deck stairway be moved ninety (90) degrees away from the patio area and adjacent wetland and be positioned to terminate in the side yard approximately thirty (30) from the property line, but within the forty (40) foot setback.
2. **Extend the existing deck to accommodate the movement of the existing deck stairway:** To accommodate the ninety (90) degree movement of the existing stairway and to prevent the obstruction of the walkout basement doorway, it's proposed the the existing deck be extended along the southeast side of the structure by approximately eighty-eight (88) feet. The deck extension will be directed away from the wetland and it will terminate approximately thirty-five (35) feet from the property line, but within the forty (40) foot setback.



City of Portsmouth Land Use Application

253 Odiorne Point Road, Portsmouth, N.H.

Proposed Hardscape Alterations - Distance to Wetlands Attachment

All of the proposed hardscape alterations are located within the wetland buffer. The proposed hardscape alterations are detailed below and their respective approximate distances from the wetland are identified.

Proposed Extension to Existing Rock Wall With Granite Steps
Distance to Wetland: 16'

Removal of Soil and Replacement of Crushed Gravel
Distance to Wetland: 16'

Existing Patio Area
Distance to Wetland: 30'

Fire pit
Distance to Wetland: 40'

Proposed Extension to Existing Rock Wall With Granite Steps
Distance to Wetland: 80'

Proposed Culvert w/ French Drain
Distance to Wetland: 60'



Proposed Extension to Existing Rock Wall With Granite Steps

Removal of Soil and Replacement of Crushed Gravel

Existing Patio Area

Fire pit

Existing French Drains

Proposed Extension to Existing Rock Wall With Granite Steps

Proposed Culvert w/ French Drain

City of Portsmouth Land Use Application LU-23-36

253 Odiorne Point Road, Portsmouth, N.H.

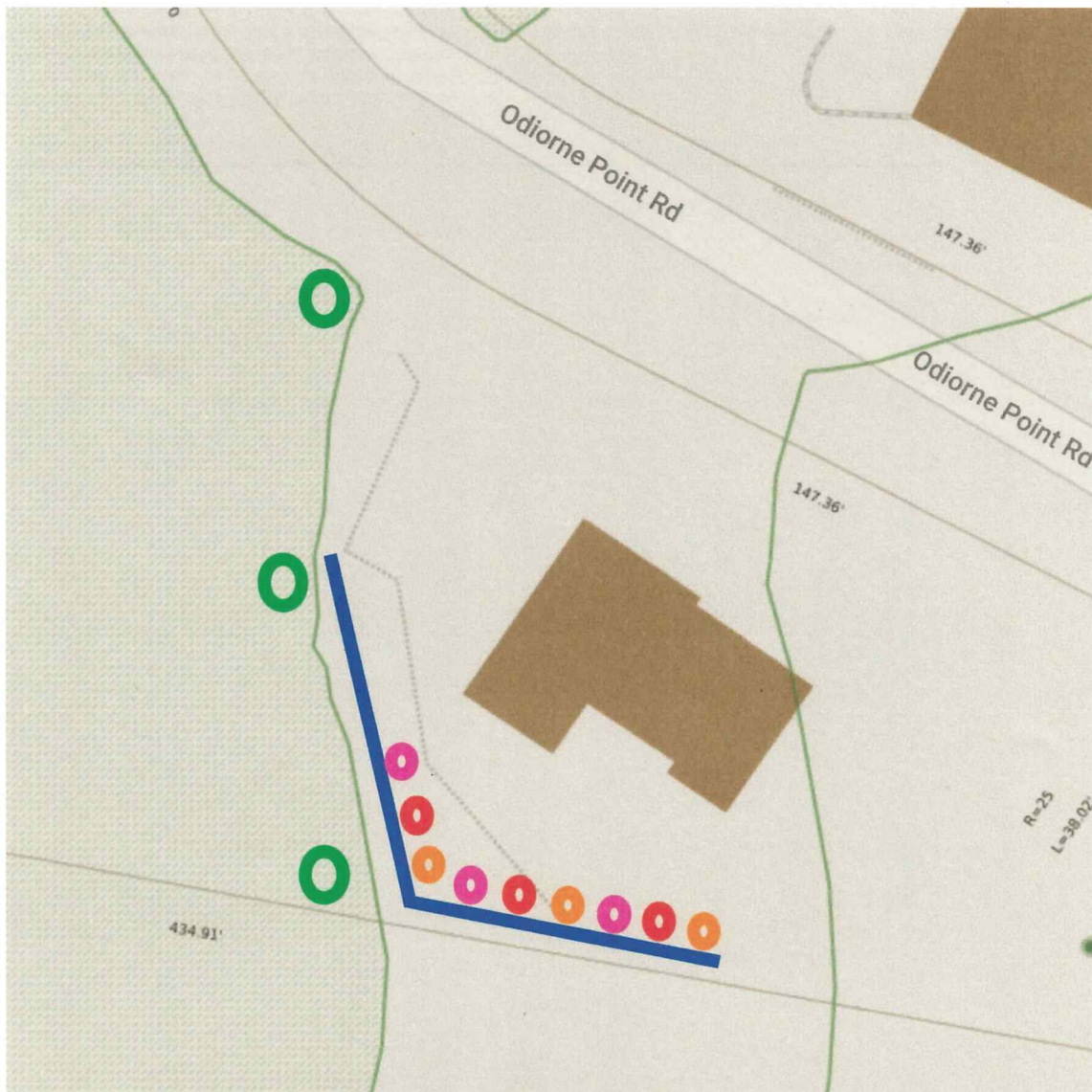
Revised Plans Detailing Conservation Commission Stipulations

Silt Fence and Silt Sock: Marked in Blue Line

Wetland Boundary Markers: Marked in Green Circles

Planting Site Plan

- Silky Dogwood: Marked in Pink Circles
- Winterberry: Marked in Red Circles
- Milkweed: Marked in Orange Circles



Note #1: No plantings shall be planted within the wetland itself, just the buffer, and no removal of invasive shall be performed within the wetland.

Note #2: The homeowner will follow NOFA land care management standards at the site.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, **Regulating Plan**, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – **Building and Story Heights**, Subsection 10.5A43.33, Section 10.5A43.40 – **Maximum Building Footprint**, Subsections 10.5A43.41-44, and Section 10.5A45 – **Community Spaces**, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – **Requirements to Receive Incentives to the Development Standards**, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – **Terms of General Applicability**, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE 5A: CHARACTER-BASED ZONING

Section 10.5A20: Regulating Plan

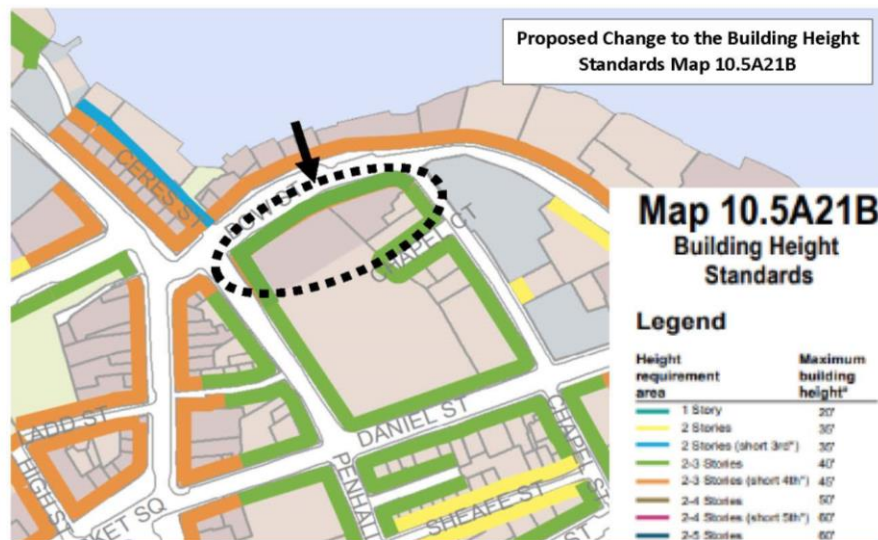
Section 10.5A21 General

10.5A21.10 Contents of Regulating Plan

The **Regulating Plan** is the Zoning Map for the Character districts and Civic districts.

The **Regulating Plan** consists of the following maps:

- Map 10.5A21A – Character Districts and Civic Districts
- **Map 10.5A21B – Building Height Standards**
- Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout, and Uses



Section 10.5A43.30: Building and Story Heights

10.5A43.33 **A-For a development** that is not located in an incentive overlay district and that contains at least one acre of **lot area** the Planning Board may grant a conditional use permit to allow ~~shall be allowed~~ an additional **story** in height (up to 150 feet) and a building footprint of up to 50,000 SF if both of the following requirements are met:

- a) **Community Space** – The development shall have at if at least 2050% of the property is assigned and improved as a community space. Given the large scale of the development Such the community space shall include a Plaza or Square of at least 5,000 SF per acre, a Pedestrian Passageway, Wide Pedestrian Sidewalk, and or a Pedestrian Arcade, and a Pocket Park or Playground or Public Observation Deck. Such community space shall count toward the required open space listed in Figures 10.5A41.10A-D (Development Standards). The size, shape, location and type of the community space shall be determined by the Planning Board and be based on the proposed land use and the size and location of the buildings within the development, and the proposed and adjacent uses and public amenities.
- b) **Workforce Housing** - The development shall have either: 1) 10% of any proposed for sale dwelling units within a development, or at least three units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household); 2) 5% of any proposed for rent dwelling units within a development, or at least two units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household) and any workforce housing units shall be at least 600 sq. ft. in gross floor areas and be distributed throughout the building wherever dwelling units are located.

Section 10.5A43.40 Maximum Building Footprint

10.5A43.41 No **building** or **structure** footprint shall exceed the applicable maximum **building footprint** listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached **liner building** may have a **building footprint** of up to 30,000 sq. ft. if it meets all other **development** standards and is integrated into a **parking structure** through the provision of **community space** or shared access.

10.5A43.43 For a **building** that contains **ground floor** parking, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a

building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

- (a) No **story** above the **ground floor** parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
- (b) All **ground floor** parking areas shall be separated from any public or private **street** by a **liner building**.
- (c) At least 50% of the **gross floor area** of the **ground floor** shall be dedicated to parking.
- (d) At least ~~30%~~10% of the property shall be assigned and improved as **community space**. Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
- (e) At least 10% of the **dwelling units** within a **building**, or at least two **dwelling units**, shall be **workforce housing units** for either: 1) rent (**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-person household) or sale (**affordable** to a household with an income of no more than 100 percent of the **area median income** for a 4-person household). Such units shall be at least 600 sq. ft. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.
- (e)(f) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.

10.5A43.44 The **building footprint** of a **parking structure** shall be no greater than 40,000 sq. ft., and the **façade** length shall be no greater than 300 feet.

Section 10.5A45: Community Spaces

Figures 10.5A45.10 Community Spaces

Pedestrian Passageway

A covered pedestrian passageway (a minimum of 8 feet in width) located on the ground floor with street level access to the storefronts and connects to community space areas within the development and to adjacent public ways.

Permitted Districts: All Districts

Public Observation Deck

An open or covered observation deck that provides public access and amenities on either a waterfront boardwalk or deck or, on the roof of a building. The minimum size shall be 500 SF.

Permitted Districts: All Districts

Pedestrian Arcade

A covered pedestrian arcade within the ground floor or street level of a building that provides public access to the storefronts and connects to **community space** areas within the development and to adjacent public ways.

Permitted Districts: All Districts

Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a **lot** located **adjacent** to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, **the Planning Board may grant a conditional use permit to allow the incentive to the **development** standards listed under Section 10.5A46.20, provided the **development** shall ~~provide~~ include **community space** equal to 20% of the **lot area** that includes a continuous public **greenway** at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront. Trail connections to abutting **street(s)** and sidewalks shall be provided and there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board. The **greenway** shall include legal and physical access to abutting **lots** or public ways. When access is not available due to current conditions on an abutting **lot**, provisions shall be made for future access in a location determined by the Planning Board.**

10.5A46.22 For a **lot** that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, **the Planning Board may grant a conditional use permit to allow the incentive to the **development** standards listed under Section 10.5A46.20, provided the **development** shall include ~~either~~ both a **community space** ~~or~~ and **workforce housing** as specified below:**

- (1) **Community space ~~option~~** – All of the following criteria shall be met:
 - (a) The **community space** shall be a **community space** type that is permitted within the applicable Character district.
 - (b) The **community space** shall constitute at least ~~20%~~ **10%** of the gross area of the **lot** and shall not have any dimension less than 15 feet.
 - (c) The **community space** shall adjoin the public **sidewalk** and shall be open on one or more sides to the **sidewalk**.

- (d) The **community space** shall include trees and other **landscaping** to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other **street** furniture.
- (e) The **community space** shall be located on or **adjacent** to the same **lot** as the **development**, except as provided in (f) below.
- (f) The Planning Board may grant a conditional use permit to allow a proposed **community space** to be located on a different **lot** than the **development** if it finds that all of the following criteria will be met:
 - (i) An appropriate **community space** cannot feasibly be provided on the same **lot** as the **development**.
 - (ii) The proposed **community space** is within the same Incentive Overlay District as the **development**.
 - (iii) The proposed **community space** is suited to the scale, density, **uses** and character of the surrounding properties.

(2) **Workforce housing option** - One ~~or more~~ of the following criteria shall be met:

- (a) At least ~~30%~~ **20%** of the **dwelling units** within a **building**, but no less than three **dwelling units**, shall be **workforce housing units** for sale (**affordable** to a household with an income of no more than 100 percent of the **area median income** for a 4-person household).
Such units shall be at least ~~the average gross floor area of the proposed units in the building or 1,000~~ **600 sq. ft., whichever is greater**. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located; or
- (b) At least 10% of the **dwelling units** within a **building**, or at least two **dwelling units**, shall be **workforce housing units** for rent (**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-person household).
Such units shall be at least ~~the average gross floor area of the proposed units in the building or 800~~ **600 sq. ft., whichever is greater**. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.

ARTICLE 15: DEFINITIONS

Section 10.1530: Terms of General Applicability

Building footprint

Except for areas where **community space** is uncovered and located immediately above the story below the grade plane The the total area of a building at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ADJUSTING THE DENSITY INCENTIVES IN THE CHARACTER DISTRICTS IN PORTSMOUTH, NH

1. Density Incentive for Building Footprint if Underground Parking
2. Density Incentive within the Overlay Incentive Districts
3. Density Incentive for Parcels Over 1 Acre in Lot Area

- UPDATED DRAFT AMENDMENT -

PORTSMOUTH PLANNING BOARD

JUNE 15TH 2023

(REVISED TEXT HIGHLIGHTED AND AMENDED PER LEGAL DEPARTMENT REVIEW)

1. Density Incentive for Building Footprint if Underground Parking

10.5A43.40 Maximum Building Footprint

10.5A43.41 No **building** or **structure** footprint shall exceed the applicable maximum **building footprint** listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached **liner building** may have a **building footprint** of up to 30,000 sq. ft. if it meets all other **development** standards and is integrated into a **parking structure** through the provision of **community space** or shared access.

10.5A43.43 For a **building** that contains **ground floor** parking, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a **building footprint** of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

- (a) No **story** above the **ground floor** parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
- (b) All **ground floor** parking areas shall be separated from any public or private **street** by a **liner building**.
- (c) At least 50% of **the gross floor area** of the **ground floor** shall be dedicated to parking.
- (d) **For development with dwelling units** at least **31**0% of the property shall be assigned and improved as **Community space** and **comply with the workforce housing requirements listed in (e)**. **For development without dwelling units, 30% of the property shall be assigned and improved as community space.** Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
- (e) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.

10.5A43.44 The **building footprint** of a **parking structure** shall be no greater than 40,000 sq. ft., and the **façade** length shall be no greater than 300 feet.

2. Density Incentive within the Overlay Incentive Districts

10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a **lot** located **adjacent** to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, **the Planning Board may grant a conditional use**

permit to allow the incentive to the development standards listed under Section 10.5A46.20 provided the **development** shall ~~provide~~include **community space** equal to 20% of the **lot area** that includes a continuous public **greenway** at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront. Trail connections to abutting **street(s)** and sidewalks shall be provided and there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board. The **greenway** shall include legal and physical access to abutting **lots** or public ways. When access is not available due to current conditions on an abutting **lot**, provisions shall be made for future access in a location determined by the Planning Board.

10.5A46.22 For a **lot** that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the Planning Board may grant a conditional use permit to allow the incentive to the development standards listed under Section 10.5A46.20 provided the **development** shall include ~~either~~both a **community space** ~~or~~and **workforce housing** as specified below:

- (1) **Community space** option – All of the following criteria shall be met:
 - (a) The **community space** shall be a **community space** type that is permitted within the applicable Character district.
 - (b) The **community space** shall constitute at least 210% of the gross area of the **lot** and shall not have any dimension less than 15 feet.
 - (c) The **community space** shall adjoin the public **sidewalk** and shall be open on one or more sides to the **sidewalk**.
 - (d) The **community space** shall include trees and other **landscaping** to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other **street** furniture.
 - (e) The **community space** shall be located on or **adjacent** to the same **lot** as the **development**, except as provided in (f) below.
 - (f) The Planning Board may grant a conditional use permit to allow a proposed **community space** to be located on a different **lot** than the **development** if it finds that all of the following criteria will be met:
 - (i) An appropriate **community space** cannot feasibly be provided on the same **lot** as the **development**.
 - (ii) The proposed **community space** is within the same Incentive Overlay District as the **development**.
 - (iii) The proposed **community space** is suited to the scale, density, **uses** and character of the surrounding properties.

- (2) **Workforce housing** ~~option~~ – One ~~or more~~ of the following criteria shall be met:
 - (a) At least 320% of the **dwelling units** within a **building**, but no less than three units, shall be **workforce housing units** for sale (**affordable** to a household with an income of no more than 100 percent of the **area median income** for a 4-**person** household). Such units shall be at least ~~the average gross floor area of the proposed units in the building or 1,000~~600 sq. ft., ~~whichever is greater~~. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located; or
 - (b) At least 10% of the **dwelling units** within a **building**, or at least

two units, shall be **workforce housing units** for rent (**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-**person** household). Such units shall be at least ~~the average gross floor area of the proposed units in the building or 8600 sq. ft., whichever is greater.~~ The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.

3. Density Incentive for Parcels over 1 Acre in Lot Area

1. Amend Section 10.5A43.33 to modify the text as follows:

10.5A43.33 For a development located within a CD4, CD4W, or CD5 Character District that is not located in an incentive overlay district, and that contains at least one acre of **lot area** the Planning Board may grant a conditional use permit to allow any of the following: an additional **story** in height (up to 150 feet); a house or duplex building type; or a building footprint of up to 50,000 SF for a mixed-use building, if both of the following requirements are met:

- a) **Community Space** – The development shall have at least 2050% of the property is assigned and improved as a community space. Given the large scale of the development Such the community space shall include a Plaza or Square of at least 5,000 SF per acre, a Pedestrian Passageway, Wide Pedestrian Sidewalk, and or a Pedestrian Arcade, and a Pocket Park or Playground or Public Observation Deck. Such community space shall count toward the required open space listed in Figures 10.5A41.10A-D (Development Standards). The size, shape, location and type of the community space shall be determined by the Planning Board and be based on the proposed land use and the size and location of the buildings within the development, and the proposed and adjacent uses and public amenities.
- b) **Workforce Housing** – If multi-family dwelling units are proposed, the development shall have either: 1) 10% of any proposed for sale dwelling units within a development, or at least three units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household); 2) 5% of any proposed for rent dwelling units within a development, or at least two units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household. Any workforce housing units shall be at least 600 sq. ft. in gross floor areas and be distributed throughout the development wherever dwelling units are located.

2. Amend Section 10.1530 to modify the text as follows:

Building footprint

Except for areas where community space is less than 10 feet above the street grade, uncovered and located immediately above the story below the grade plane ~~The~~ the total area of a building at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.

3. Amend Section 10.5A45.10 to modify the text as follows:

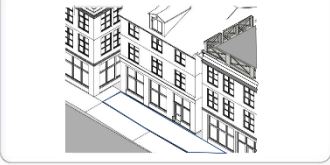


Pedestrian Passageway

A covered pedestrian passageway (a minimum of 8 feet in width) located on the ground floor with street level access to the storefronts and connects to community space areas within the development and to adjacent public ways.

Permitted Districts: All Districts

Public Observation Deck



Public Observation Deck

An open or covered observation deck that provides public access and amenities on either a waterfront boardwalk or deck or, on the roof of a building. The minimum size shall be 500 SF.

Permitted Districts: All Districts

Pedestrian Arcade

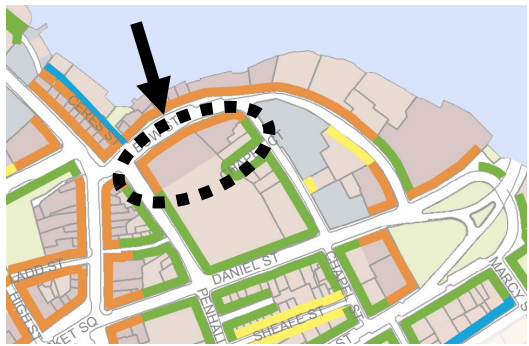
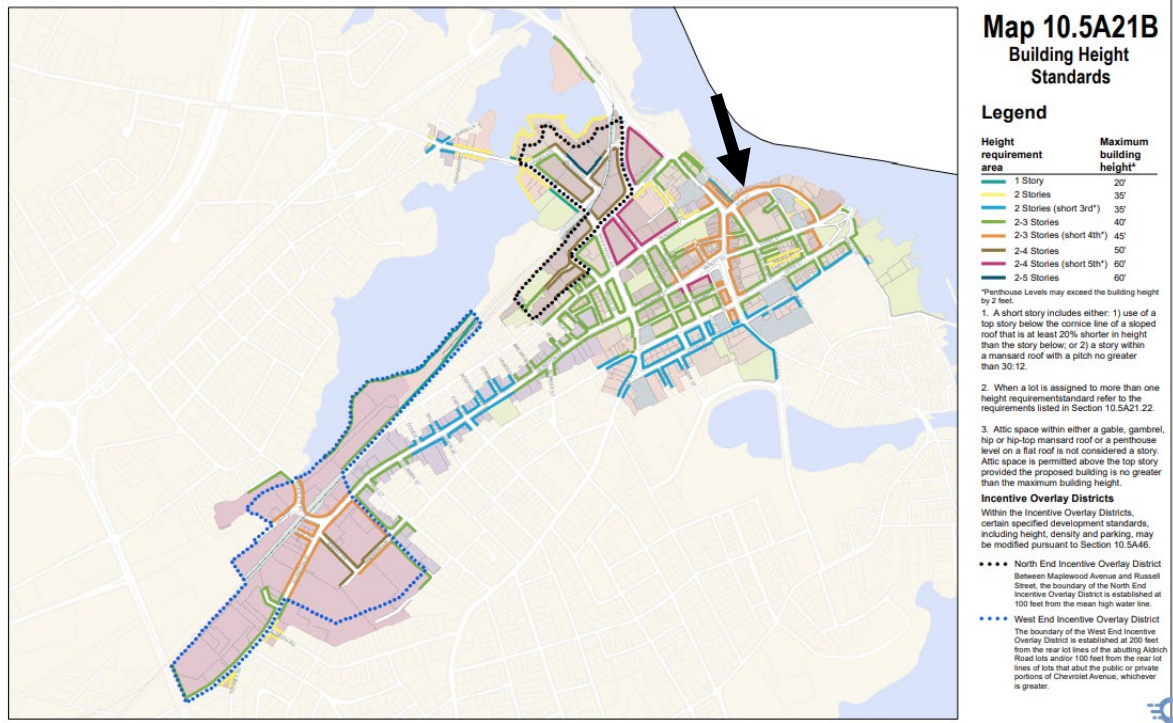


Pedestrian Arcade

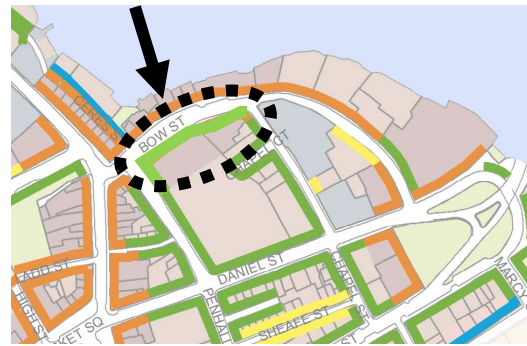
A covered pedestrian arcade within the ground floor or street level of a building that provides public access to the storefronts and connects to **community space** areas within the development and to adjacent public ways.

Permitted Districts: All Districts

4. Amend Section 10.5A21.B Building height Standards Map as follows:



Existing Building Height: 2-3 stories (short 4th) / 45'



Proposed Building Height: 2-3 stories / 40'

M-5131-01
June 1, 2023

Mr. Rick Chellman, Chair
City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: **Preliminary Conceptual Consultation
815 Lafayette Road – Proposed Mixed-Use Development**

Dear Chairman Chellman:

On behalf of Prospect North 815, LLC (owner/applicant) we are pleased to submit one (1) set of hard copies and one electronic file (.pdf) of the following information to support a request for a Preliminary Conceptual Consultation for the above referenced project:

- Conceptual Site Plan, dated June 1, 2023;
- Conceptual Aerial Overlay Exhibit, dated June 1, 2023;
- Owners Authorization, dated June 1, 2023

The proposed project is located at 815 Lafayette Road (US Route 1) which is identified as Map 245 Lot 3 on the City of Portsmouth Tax Maps. The site was previously home to the WHEB radio station which no longer operates at this location. The property is a 19.6-acre parcel of land that is located in the Gateway District (G1). The property is bound to the west by Route 1 and the abutting Lafayette Plaza shopping center property, to the north and east by the Winchester Place property and to the south by Sagamore Creek.

The proposed project consists of the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking and a 2-story, 15,000 SF office building. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting and landscaping. The site will be accessed via the driveway on Route 1. The proposed concept will be an environmental improvement from the existing condition. This concept eliminates approximately 12,000 SF of existing impervious surface that is located in the 100-foot wetland buffer by removing the existing building, tower and pavement located along Sagamore Creek. These previously disturbed areas will be re-established with vegetation to provide buffer enhancement and all of the new buildings and pavement have been located outside of the 100-foot buffer. In addition, the project will enhance the quality of runoff discharged to Sagamore Creek with the addition of stormwater treatment practices that do not currently exist on the site.

The applicant respectfully requests to be placed on the June 15, 2023, Planning Board meeting agenda for the Preliminary Conceptual Consultation Phase. If you have any questions or need any additional information, please contact me by phone at (603) 433-8818 or by email at pmcrimmins@tighebond.com.

Sincerely,
TIGHE & BOND, INC.



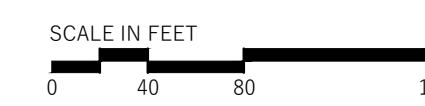
Patrick M. Crimmins, PE
Vice President

Copy: Prospect North 815, LLC





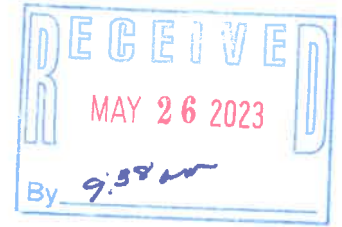
CONCEPTUAL AERIAL OVERLAY EXHIBIT



May 25, 2023

NEX-2021163.00

Rick Chellman, Chair
Portsmouth Planning Board
1 Junkins Ave
Portsmouth, NH 03801



SUBJECT: Conditional Approval Extension Request for LU-22-13
2255 Lafayette Road

Dear Mr. Chellman:

On behalf of our client, Granite State Convenience, LLC, **Greenman-Pedersen, Inc. (GPI)** is hereby requesting a 1 year extension of the Conditional Approval for the Site Plan and Conditional Use Permits due to expire on June 23, 2023. **GPI** is working with the client and the client's attorney to finalize the easements required by NH DOT. Once those are approved, all easements benefitting the City and DOT will be signed and recording and a NH DOT driveway permit can be issued for the site. This will also satisfy condition 4.2 of the conditions of approval for the Site Plan and the Conditional Use Permit.

Sincerely,

GREENMAN-PEDERSEN, INC.

Nicole Duquette

Nicole Duquette, PE, LEED AP
Project Manager
44 Stiles Road, Salem, NH 03079

enclosure(s)

cc: Brad Pernaw, GSC, LLC

**Ross Engineering, LLC
Civil / Structural Engineering**

**909 Islington Street
Portsmouth, NH 03801**

**603-433-7560
alexross@comcast.net**

June 1, 2023

City of Portsmouth
Planning Department
1 Junkins Ave
Portsmouth, NH 03801

**Site Plan approval extension request
806 Route 1 Bypass
Tax Map 161, Lot 43
Land Use Application 22-81**

The City of Portsmouth Site Plan approval for this parcel will expire on June 23, 2023. The owner plans on making the site improvements in the near future and would like to request an extension of the approvals, due to unforeseen delays.

Sincerely

Alex Ross, P.E., L.L.S.