

PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

7:00 PM Public Hearings begin

April 18, 2024

AGENDA

REGULAR MEETING 7:00pm

PLEASE NOTE: THE PUBLIC HEARING PORTION OF THIS MEETING HAS BEEN RESCHEDULED. ALL NEW BUSINESS ITEMS (II. A) THROUGH (III. D) WILL BE HEARD AT THE THURSDAY, APRIL 25, 2024 MEETING.

I. APPROVAL OF MINUTES

A. Approval of the March 21, 2024 meeting minutes.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

~~A. **REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located on **581 Lafayette Road** requesting Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management and a Conditional Use Permit from Section 10.5B72 for increased density, building height and footprint. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE**~~

~~**III. 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 **ZJBV Properties LLC (Owner)**, for property located at **180 Islington Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 2 preexisting nonconforming parking spaces where 9~~

are required. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4 L2 (CD4 L2) and Historic Districts. (LU-24-27)

~~**B. REQUEST TO POSTPONE** The request of **Atlas Commons LLC (Owner)**, for property located on **581 Lafayette Road** requesting Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management and a Conditional Use Permit from Section 10.5B72 for increased density, building height and footprint. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE** (LU-23-189)~~

~~**C.** The request of **Edward R. Reynolds (Owner)**, for property located on **110 Aldrich Road** requesting a Wetland Conditional Use Permit in accordance with Section 10.1017 for the construction of a 768 s.f. detached, two-car garage with an accessory dwelling unit on the second floor. Approximately 522 s.f. will be impacting the 100 ft wetland buffer as a permanent impervious impact, with the edge of the proposed garage located approximately 76 ft from the wetland resource and a Conditional Use permit to construct a Detached Accessory Dwelling unit in accordance with Section 10.814.62 Said property is located on Assessor Map 153 Lot 3 and lies within the Single Residence B (SRB) District. (LU-23-174)~~

~~**D.** Consider amendments to change the definition of a home-occupation found in Chapter 10, Article 15 Definitions, pursuant to Section 10.150 of the Zoning Ordinance.~~

IV. PRELIMINARY CONCEPTUAL CONSULTATION

A. 361 Hanover Steam Factory, LLC (Owner), for property located at **361 Hanover Street**, requesting Preliminary Conceptual Consultation for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

B. The Portsmouth Housing Authority (Applicant), for property located at **1035 Lafayette Road** proposing to construct a 4-story, 44-unit multi-family residential building to the south of the existing church building. HAVEN will convert and renovate the first floor of the existing church into office space and will construct a 7-unit transitional housing building to the north of the office. The lower level of the existing church will be renovated for Little Blessings Childcare Center. The Christ Episcopal Church will be relocated to the existing rectory building on the southern portion of the site. The project will include associated site improvements such as

parking, pedestrian connections, access to public transportation, utilities, stormwater management, lighting, and landscaping. (LUPD-24-4)

V. DESIGN REVIEW APPLICATION ACCEPTANCE

- A. 361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Design Review application acceptance for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

VI. CITY COUNCIL REFERRALS

- A.** Home Occupation (*See above notice*)
- B.** Disposition of tax deeded real estate
- C.** Solar Amendments

VII. OTHER BUSINESS

- A. 765 Middle Street** – 1-Year Extension Request
- B.** Chairman updates and discussion items
- C.** Board discussion of Regulatory Amendments, Master Plan Scope & other matters

VIII. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_4NTj21UiScEhS8DO9wMew



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: April 18, 2024

Re: Recommendations for the April 18, 2024 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the March 21, 2024 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 March 21, 2024 meeting and vote to approve meeting minutes with edits if needed.

*****Agenda Items II and III will be on the April 25th agenda.*****

IV. PRELIMINARY CONCEPTUAL CONSULTATION AND DESIGN REVIEW

A. **361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Preliminary Conceptual Consultation for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

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.

- B. The Portsmouth Housing Authority (applicant) for property located at 1035 Lafayette Road** proposing to construct a 4-story, 44-unit multi-family residential building to the south of the existing church building. HAVEN will convert and renovate the first floor of the existing church into office space and will construct a 7-unit transitional housing building to the north of the office. The lower level of the existing church will be renovated for Little Blessings Child Care Center. The Christ Episcopal Church will be relocated to the existing rectory building on the southern portion of the site. The project will include associated site improvements such as parking, pedestrian connections, access to public transportation, utilities, stormwater management, lighting, and landscaping.

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V. DESIGN REVIEW ACCEPTANCE OF APPLICATION

- A. 361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Design Review Acceptance for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

Description

This item is a request for Design Review under the Site Plan Review Regulations. Under the State statute (RSA 676:4,II), the Design Review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is not mandatory and is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this pre-application phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

The process as outlined in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and, if so, vote to accept the request and schedule a public hearing. *Completion of the design review process also has the effect of vesting the project to the current zoning.*

Design review discussions must take place in a public hearing. At the conclusion of the public hearing process, the Board makes a determination that the design review process for the application has ended.

Planning Department Recommendation

1) Vote to accept the application for Design Review and schedule a public hearing at the May 16, 2024 Planning Board meeting.

VI. CITY COUNCIL REFERRALS

A. Home Occupation (Public Hearing moved to April 25th meeting)

B. Disposition of tax deeded real estate

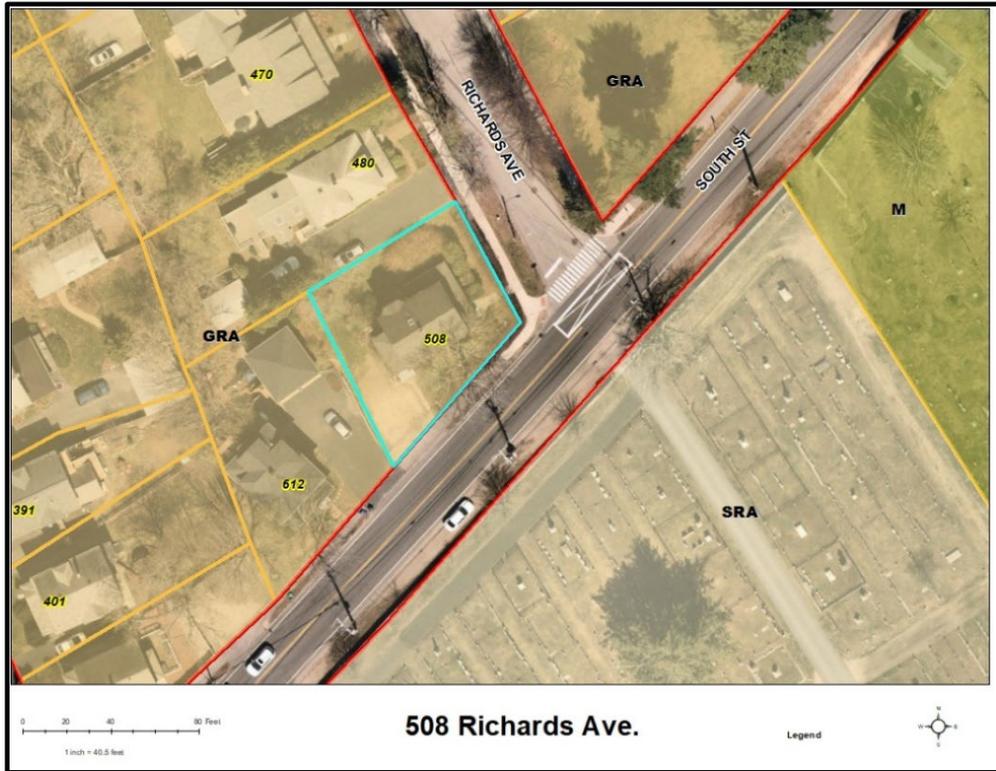
Background

At the April 1, 2024 City Council meeting, the Council voted to February 20, 2024 meeting, City Council voted to refer the matter of appropriate disposal options for 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation at its April 18, 2024 regular meeting. Attached is a memo for Deputy City Attorney Trevor McCourt providing background and options for the City to consider for disposal of these properties.

Also included is a letter from Elise Annunziata, Community Development Director, with information on acquisition/rehabilitation of properties using Community Development Block Grant funding.

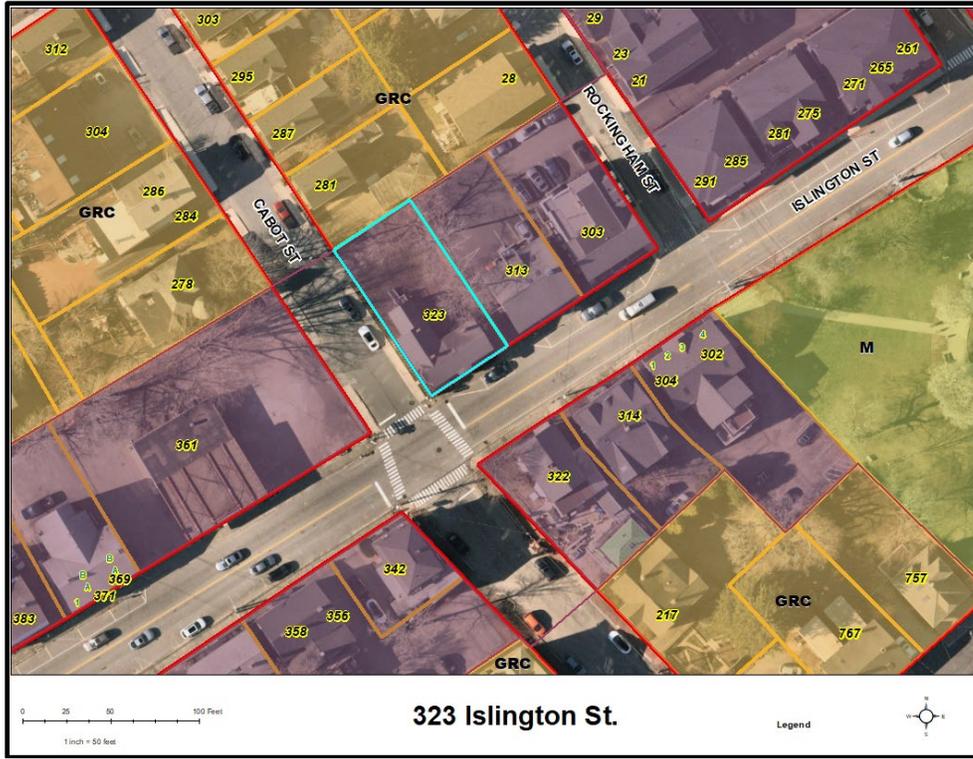
508 Richards Ave

Property is zoned GRA and located at the corner of Richards and South Street.



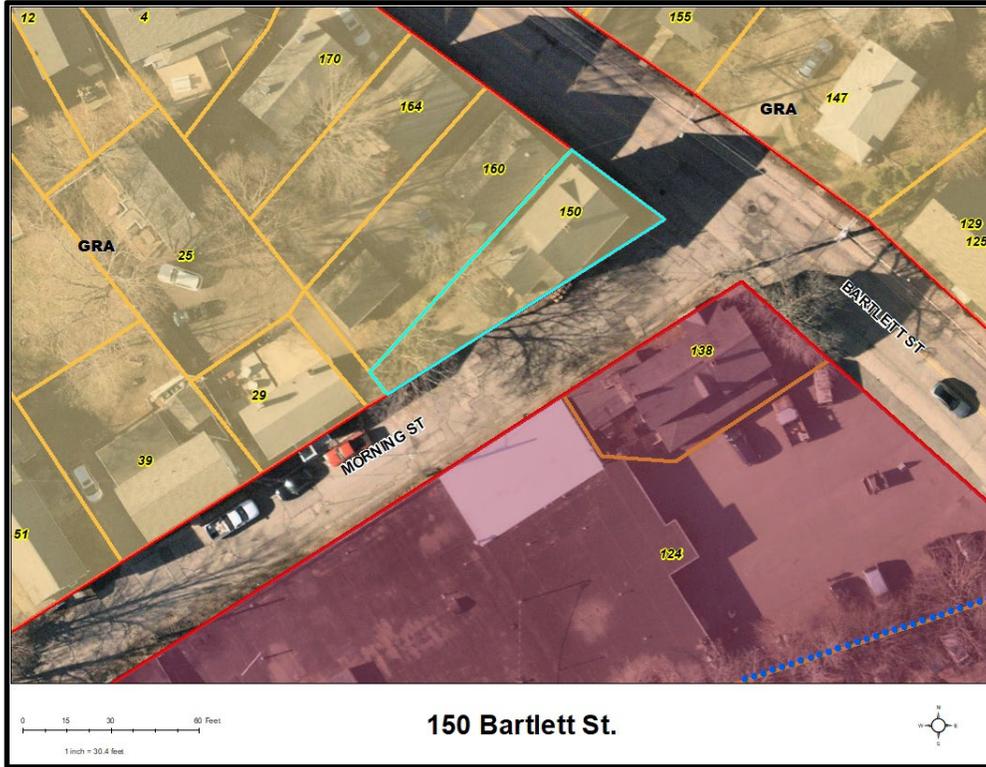
323 Islington

Property is zoned CD4-L2 and is located at the corner of Islington and Cabot Street.



150 Bartlett Street

Property is zoned GRA and is located at the corner of Bartlett and Morning Street.



Planning Department Recommendation

Staff recommend the Planning Board choose one of the four sample motions for a recommendation back to City Council as outlined in the legal memo from Deputy City Attorney McCourt.

- 1) Vote to recommend to City Council to choose Option 1 – Public Auction.*
- 2) Vote to recommend to City Council to choose Option 2 – Appraisal and Offer by the City.*
- 3) Vote to recommend to City Council to choose Option 3 – Auction Property and Bid by the City.*
- 4) Vote to recommend to City Council to choose Option 4 – Identify Bidder and Purchase Option.*

C. HDC Recommendation on Solar Amendments

The HDC solar amendments will be included in the packet for the April 25th meeting for discussion by the Planning Board.

VII. OTHER BUSINESS

A. 765 Middle Street – Site Plan Extension request.

Project Background

On May 18, 2023, 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

- 1) *Vote to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to May 18, 2025.*
-

B. Chairman's Updates and Discussion Items

C. Board Discussion of Regulatory Amendments and Other Matters

VIII. ADJOURNMENT

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

March 21, 2024

MEMBERS PRESENT: Rick Chellman, Chair; Greg Mahanna, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members James Hewitt, Jayne Begala, Paul Giuliano; Andrew Samonas, Alternate, William Bowen, Alternate

.....

ALSO PRESENT: Peter Stith, Planning Manager

MEMBERS ABSENT: None

.....

Chair Chellman called the meeting to order at 7:00 p.m.

I. APPROVAL OF MINUTES

A. Approval of the February 15, 2024 meeting minutes.

*Mr. Almeida moved to **approve** the February 15 minutes as submitted, seconded by Vice-Chair Mahanna. The motion passed unanimously.*

B. Approval of the February 21, 2024 meeting minutes.

*The February 21 minutes were **approved** as amended.*

*Mr. Almeida moved to **approve** the February 21 minutes as amended, seconded by Vice-Chair Mahanna. The motion **passed** unanimously.*

A timestamp and more discussion was added to the middle paragraph on page 3 about solar panels.

C. Approval of the February 29, 2024 meeting minutes.

*Mr. Almeida moved to **approve** the February 29 minutes as submitted, seconded by Vice-Chair Mahanna. The motion passed unanimously.*

Ms. Begala then moved that the last item on the agenda regarding the discussion of the Master Plan be moved to the first item on the agenda. Mr. Hewitt seconded.

*The motion **failed** by a vote of 5-4, with Mr. Giuliano, Councilor Moreau, Mr. Almeida, Ms. Conard, and Chair Chellman voting in opposition.*

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A.** The request of **Martingale LLC (Owner)**, for property located at **99 Bow Street** requesting site plan approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. Said property is located on Assessor Map 106 Lot 54 and lies within the Character District 5(CD-5) and Downtown Overlay District.

*Vice-Chair Mahanna moved that the Board determine that Item A is complete according to the Site Plan Review Regulations (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the application for consideration. Mr. Almeida seconded. The motion **passed** unanimously, with Mr. Samonas recused.*

III. PUBLIC HEARINGS – NEW BUSINESS

- A.** The request of **Public Service Company of NH (Owner)**, for property located at **300 Gosling Road** requesting a Wetland Conditional Use Permit according to Section 10.1017.60 for the removal of 0.6 miles of the existing T-13 Transmission Line and installation of a new 0.6-mile 34.5 kV Distribution Line to connect the new Portsmouth terminal. Additionally, the project requires the replacement of existing structures along the 3171 Transmission Line from 212 Ocean Road to 100 Borthwick Avenue and a second area off 300 Gosling Road from Schiller Substation to Resistance Substation. The proposed project requires approximately 256,869 sq. ft. of temporary wetland impact and 79,310 sq. ft. of temporary buffer impact in the uplands for access and work pad placement. Said property is located on Assessor Map 214 Lot 3 and lies within the Waterfront Industrial (WI) and Office Research (OR) Districts. (LU-24-2)

Ms. Begala recused herself from the petition.

SPEAKING TO THE PETITION

[Timestamp 15:10] Conor Madison of Geoenvironmental was present on behalf of the applicant, with applicant Kurt Nelson of Eversource Energy. Mr. Madison reviewed the petition and the multiple permits received.

[Timestamp 23:35] Mr. Hewitt asked how old the existing wooden poles were and how long the steel poles would last. Mr. Madison said the wood poles were over 50 years old and the steel ones would last 70-100 years. Mr. Bowen asked if they had a capacity limit. Mr. Madison said

the capacity would not change. Mr. Nelson said the poles were old and a certain section of distribution line was being replaced. Mr. Bowen asked if it could handle a 25 or 50 percent increase in requirement. Mr. Nelson said the engineers were constantly forecasting needs. Mr. Bowen asked if Eversource's strategic planning was shared with the City. Mr. Nelson said a lot of forecasting low need assessment was done through ISO New England and that Eversource could get in touch with the City about the forecast and long-range plans. He said he would provide the information to the Planning Department. Chair Chellman asked if different poles would be installed to increase the capacity, and Mr. Nelson said the design presented was the most robust they had. Mr. Samonas asked if the State of NH or Eversource took wildlife into consideration when doing the work. Mr. Nelson said they went through a vigorous review with the NH Fish and Game Department. Mr. Samonas asked if Eversource had an estimate of the total construction. Mr. Nelson said it was about a year, and it was further discussed.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Rich Dipentima of 16 Dunlin Way asked if the north section of the proposal involved going behind Dunlin Way by the railroad tracks. Mr. Madison said it would end before Dunlin Way.

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

DECISION OF THE BOARD

*1) Councilor Moreau moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.60 of the Ordinance and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*

2.) Councilor Moreau moved that the Board grant the Conditional Use Permit with the following conditions:

2.1) Silt sock shall be used wherever practical.

2.2) Plans and documents need to require a mat cleaning process to remove invasive species. Prior to construction, a pole inspection shall be conducted to identify any other poles within the project area that might need to be replaced within two years of the date of inspection. This information shall be provided in a letter report to the Planning Department, including the locations of any such additional poles.

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

Ms. Begala returned to her voting seat.

B. The request of **Suzanne Winslow Revocable Trust (Owner)**, for property located at **999 Islington Street** 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 171 Lot 15 and lies within the Character District 4-W (CD4-W). (LU-24-14)

SPEAKING TO THE PETITION

[Timestamp 33:56] John Edwards, owner of Behind the Plate restaurant, was present on behalf of the applicant. He said there was an existing small brick patio and that no further construction would be needed. He said they wanted three 6-top tables and two lounge-style four seat spaces and planter boxes. He said the patio would be closed in and everything would be kept ADA.

[Timestamp 36:11] Councilor Moreau asked if there was a plan to protect the meters in front of the building. Mr. Edwards said there were two steel poles in front of the meters and the patio would end at the line of the brick and there would be a planter box, so no one would be able to enter that grassy area. Councilor Moreau asked if the vestibule was the actual entrance. Mr. Edwards said a black rail would stop foot traffic from entering, and the patio would start from the left-hand side of the rail and work its way along the perimeter. Mr. Giuliano asked about the driveway entrance. Mr. Edwards said it was about 20 feet but not part of the space they would use. Mr. Giuliano asked if screening the utility meters would create a sight line challenge for the driveway. Mr. Almeida said it looked like a rope would be hung across a few bollards. Mr. Edwards agreed and said the planter would be three feet tall. Mr. Almeida asked if additional lighting would be needed and if there would be music over speakers outside. Mr. Edwards said they would have only bistro string lighting and no music but would have liquor service.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

- 1) *Mr. Guiliano moved 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. Mr. Samonas seconded. The motion **passed** with all in favor.*
 - 2) *Mr. Guiliano moved to find that the Board approve the conditional use permit as presented. Mr. Samonas seconded. The motion **passed** with all in favor.*
- C.** The request of **Rosemary L. Gardner Revocable Trust (Owner)**, for property located at **50 Odiorne Point Road** requesting an after the fact Wetland Conditional Use Permit in accordance with Section 10.1017 to come into compliance for a wetland violation for construction without permits of a 376 s.f. stone wall within a prime and tidal wetland buffer and within an inland wetland and wetland buffer and construction of a 776 s.f. stone swale to redirect stormwater into the salt marsh, and installation of 444 s.f. of crushed stone in the buffer. Said property is located on

Assessor Map 224 Lot 10-3 and lies within the Single Residence A (SRA) District.
(LU-24-7)

SPEAKING TO THE PETITION

[Timestamp 42:03] Environmental consultant Elizabeth Oliver was present on behalf of the applicant Jack Gardner, who was also present. Ms. Oliver said they were requesting an after-the-fact Conditional Use Permit to conduct activities on the property to restore impacts that were brought about by the property owner to manage stormwater runoff, which included the installation of a swale and the rebuilding of a section of stone wall at the base of the property. She said they proposed removing stone from the swale and replacing it with vegetation to improve water quality management and to lower the elevation of the stone wall to reconfigure it to make it more conforming. She further described the project and said the work would be done in the spring. She said there was a robust construction monitoring plan.

[Timestamp 44:57] Mr. Hewitt asked if it was voluntary. Ms. Oliver said there was a notification from the City and that NHDES was brought in because there were State wetland violations. She said they were coordinating the project with them and that NHDES approved it as is. She said the Conservation Commission recommendations were responded to in the updated plan. Ms. Begala asked if the total square footage of the impacted area was 4,572 square feet. Ms. Oliver said it was in terms of jurisdictional areas on the property. She said the inland wetland area was disturbed but the tidal area was not impacted. She said all wetland impacts were restricted to wetland POGW2, a forested wetland, and both culverts drained into the wetland on an abutting property, then came onto the Gardner property and were captured by the swale. Ms. Begala said in Table 2, the wetland buffer activity, there were several lines indicating the wetland area buffer 'to' be disturbed. Ms. Oliver said that was area to be disturbed because they would be impacting it to remove all the stone and aerate the soil to Restoration Area One, which was a sizeable area. She said it was impacted as a result of putting the rebuilt stone wall in.

[Timestamp 48:10] Ms. Begala asked what the impact of twelve years of progressive building of the stormwater drains and swales before the restoration impact would be. Ms. Oliver said they were keeping all impacts restricted to the areas that were previously impacted. Ms. Begala asked if there would be additional compensatory mitigation or if the applicant talked to the City about fines. Ms. Oliver said the square footage of area listed in the table was the size. She explained what the restoration areas were and those that had been impacted and said the square footage was one and the same. She said the NHDES did not say anything about fines and the City did not discuss payment of fines outside of the payments associated with applying for a Conditional Use Permit application. She said it was brought up as a potential by NHDES but was cited more as if the property owner was not willing to consider restoration. She said she assured them that an alternative solution was best. Councilor Moreau said the City required labels where there were wetlands. Ms. Oliver said there would be signage placed along the wetland boundary or along the boundary for the restoration area. Chair Chellman said it was a State statute that there was a per diem fine that could be instituted but it was a zoning violation. He asked how the application would be different if the owner hadn't done anything. Ms. Oliver said she might have sought upfront discussion with the City to find a further upstream solution and abutting parcel. She said

it was a stormwater issue brought about by the development that was discharging onto private property that then discharged onto the owner's property. She said the owner invited City personnel to his property but was advised to slow the velocity of water flow across his property and to hire an environmental consultant. She said the City official didn't go to the property until the owner rebuilt the wall. Chair Chellman asked if Ms. Oliver felt constrained in her proposed restoration of the site or was told to do the best she could. Ms. Oliver said she felt constrained and that she did the best she could. Vice-Chair Mahanna asked who visited the property in 2017. Ms. Oliver said Planning Director Peter Britz and a Public Works representative did. Mr. Hewitt asked if the drainage all came from the private development or if any came from private roads. Ms. Oliver said the four storm drains were just from the development road. Mr. Hewitt asked if there were any easements. Ms. Oliver said there was no easement on the property or the abutting one in regard to the culverts and that most of the impacts were not associated with the drainage.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Jack Gardner of 50 Odiorne Point Road said he moved there in 2016 and saw water problems right away and he called Public Works, who said it would happen sometime and that he had to live with it. He said he put some stone in to keep the water in but there were still problems.. He said he didn't know it was in the wetlands and that his efforts with the swale didn't work and there was erosion. In 2017, he said Public Works went over and said it was the velocity of the water going through, and told him to put sticks around it. He said he called Public Works a few days later to ask for help and was told to submit a claim to the City's insurance company, but it was refused. He said he contacted a lawyer and was told not to get into a long fight with the City. He said his cost was \$100K, so he had been fined in a sense. He noted that no one said anything about the swale until 2022 when he had the stone wall built and the City said he needed a permit.

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

DECISION OF THE BOARD

*1) Mr. Guiliano moved to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*

2.) Mr. Giuliano moved to find that the Board grant the Conditional Use Permit as presented.

- 2.1) The property owner considers abiding by NOFA standards for all landscaping activities.*
- 2.2) A simplified map will be created for use by future landscapers and property owners that clearly defines what areas can and cannot be mowed, along with what areas should not be maintained and/or manicured.*
- 2.3) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are*

placed along the 25' vegetative buffer at intervals of every 50' along the property. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.

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

- D.** The request of **Jewell Court Properties LLC (Owner)**, for property located at **33 Jewell Court, Unit S1** requesting a Conditional Use Permit in accordance with Section 10.1112.14 to allow 205 parking spaces where 242 are required. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and Historic District. (LU-23-205)

SPEAKING TO THE PETITION

[Timestamp 1:10:08] Attorney Chris Mulligan was present on behalf of the applicant, along with Jessica Kaiser, the principal of Jewell Court Properties. Attorney Mulligan said the request for a Conditional Use Permit was related to parking on the site. He said the standalone building had a total of 205 parking spaces. He said Ms. Kaiser's unit was currently used as office space and that she wanted to convert a portion of it to event space. He said they established that they would otherwise need 242 spaces for the combined uses on the site, which would require a Conditional Use Permit. He said the proposal was to lease out the event space periodically over the year and that the users of the space would employ valet or shuttle parking services to mitigate the impact on the existing parking. He reviewed the criteria for the Conditional Use Permit.

[Timestamp 1:15:53] Mr. Almeida said he was in support, noting that trolleys would bring wedding parties in, but the bigger challenge would be managing where the trolleys would drop people off. Ms. Begala asked why a noise study was done. Attorney Mulligan said they received a special exception from the Board of Adjustment in February, and one of the criteria was that the proposed use does not have a negative impact affecting neighboring properties including vibration, noise, etc. so the noise study was done to address that element. Chair Chellman asked if the shuttles would be coming from hotels. Ms. Kaiser said Grace Limousine would pick up the guests at the hotels and bring them to the wedding site and then Jewell Court. Chair Chellman asked if there would be a peak period in the summer. Ms. Kaiser agreed but said there usually wasn't a high level of traffic in the west end any time of year. She said they conducted an audit to determine how many spaces were available on the weekend and that parking shared with the other users would be on a first-come first-serve basis. Mr. Bowen asked if there would be a bar or a band and tables to sit. Ms. Kaiser said there was no intention for outdoor entertainment.

Chair Chellman opened the public hearing.

SPEAKING IN OPPOSITION TO THE PETITION

Jim Bridge of Portsmouth said they already had overflow parking from nearby businesses daily and didn't believe there were 205 spaces available for the event because people in nearby condos leased spaces there. He said he didn't see a feasible use for the event space in that area.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one else spoke. There were no second-round speakers.

DECISION OF THE BOARD

*1) Councilor Moreau moved to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as presented. Mr. Samonas seconded. The motion **passed** by a vote of 8-1, with Ms. Begala voting against.*

2.) Councilor Moreau moved that the Board grant the Conditional Use Permit as presented. Ms. Conard seconded.

[Timestamp 1:23:25] There was further discussion. Councilor Moreau said everyone would contractually be obligated for rentals so that they're not using a lot of parking, and she said there was also an easement onto the CVS property. Mr. Samonas said the CVS choke point could use some awareness and adaptation to facilitate driving and proper directional signs. He said the applicant or neighbors could consider it and think about the flow of traffic for events or in general; he liked the proposal and thought it would bring some life to that side of town. Ms. Begala said a parking Conditional User Permit could be requested or the capacity could be reduced in that event space that would reduce how much parking was needed. Mr. Samonas said the Fire Department and Building Inspector had to review the capacity and overall allowance for people permitted, which was another governing restraint already built in.

*The motion **passed** by a vote of 8-1, with Ms. Begala voting against.*

- E.** The request of **Ash Chicooree (Owner)**, for property located at **90 FW Hartford Drive** requesting an after the fact Wetland Conditional Use Permit in accordance with Section 10.1017 for the unauthorized removal of 28 trees within the wetland and wetland buffer area. Said property is located on Assessor Map 269 Lot 45 and lies within the Single Residence B (SRB). (LU-23-142)

SPEAKING TO THE PETITION

[Timestamp 1:29:58] Andrea Chicooree was present on behalf of her husband, the applicant. She said the Conservation Commission worked with her and her husband in doing a restoration plan to replace the trees and a wetlands scientist look at the plan.

[Timestamp 1:31:15] Ms. Begala asked why 28 mature trees had to be removed. Ms. Chicooree said the trees in the back were dead or dying and giant limbs were falling. She said there were children in the area, so the trees were removed out of a safety concern. Mr. Samonas asked if the applicants did the work themselves. Ms. Chicooree said they hired a company. Chair Chellman asked how the applicant found out that was a violation. Ms. Chicooree said the City showed up and said they were in violation, so she and her husband stopped the work. Ms. Chicooree said she and her husband thought they were further back from the wetland. Ms. Begala asked how

many trees would be replanted and what sizes. Ms. Chicooree said they would plant maples, white pines, and blueberries ranging from 7 to 19 inches in diameter.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

*1) Mr. Samonas moved that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.60 of the Ordinance and adopt the findings of fact as presented. Vice-Chair Mahanna seconded. The motion **passed** with all in favor.*

2.) Mr. Samonas moved that the Board grant the Conditional Use Permit with the following conditions:

2.1) A monitoring report for the first two years after planting will be required to be submitted annually to the Planning and Sustainability Department. The first report shall be submitted after the restoration work has been completed. This report will include an update on all plant health, growth, and establishment. Additionally, it should include invasive management techniques, methods for irrigation and information on routine maintenance practices. The report must demonstrate at least an 80% survival rate of new plantings after the first two years of monitoring, if not, then replanting will be required.

2.2) A visual barrier will be placed on the property to designate where the 'no mow' line starts and ends.

2.3) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.

2.4) If the existing shed is found to be within the 100' wetland buffer, a separate after the fact Wetland Conditional Use Permit will have to be applied for.

2.5) Prior to the removal of any tree stumps within the wetland and/or wetland buffer, the applicant will need to apply for a separate wetland conditional use permit.

Ms. Conard seconded.

Ms. Begala recommended that the monitoring plan expanded from two years to four, given the small size of the trees, to demonstrate the 80 percent survival rate of the new plantings.

*Ms. Begala moved to **amend** the motion to revise Condition 2.1 from two years to four years. Mr. Hewitt seconded.*

[Timestamp 1:38:19] Mr. Giuliano said he was comfortable with the amendment but thought Condition 2.2 seemed excessive for the applicant. He asked at what point visual barriers would be put on every property near the wetlands boundary. Chair Chellman said there was a fines provision in the zoning ordinance and State statute, and instead of pursuing that route, he thought what was proposed in negotiations with the Conservation Commission and City Staff seemed like a good balance. Mr. Almeida said the plan had gone before the Conservation Commission and the applicant came forward with a plan that was still costly and difficult to implement, and he didn't feel that any further punishment was needed. Councilor Moreau said she was fine with the two-year plan. Ms. Begala said she was concerned about stabilizing the buffer.

*The amended motion **failed** by a vote of 2-7, with Mr. Samonas, Mr. Giuliano, Councilor Moreau, Mr. Almeida, Chair Chellman, Ms. Conard, and Vice-Chair Mahanna voting in opposition.*

Mr. Samonas said the experience for the owner and the neighbors was a learning curve as to where the wetland began. He recommended educating the tree companies in the area as to where the wetlands began. He said two years was fine and it was a community solution.

*The original motion **passed** with all in favor.*

- F.** The request of **Martingale LLC (Owner)**, for property located at **99 Bow Street** requesting site plan approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. Said property is located on Assessor Map 106 Lot 54 and lies within the Character District 5(CD-5) and Downtown Overlay District. (LU-24-21)

SPEAKING TO THE PETITION

[Timestamp 1:45:30] Project engineer John Chagnon was present on behalf of the applicant, with Attorney James Steinkrauss representing Martingale, project architect Richard Desjardins, and owner Mark McNabb. Mr. Chagnon reviewed the petition, noting that they wanted to add two docks to the east and west of the existing dock and that part of the plan was to create public space that would be open to the public. He said the HDC approved the plan in 2021 and the amended approval in 2022, the Planning Board approved it in 2021, and the NHDES wetland approval was obtained in 2022 after a procedural correction to the record. He said the project received a shoreland exemption and the Governors Council approved the project in November 2023. He said the project would time its activities to avoid impact to fish species. He noted that there were other approvals including the Harbormaster approval and local and State approvals.

[Timestamp 1:51:55] Chair Chellman asked where the boundary was. Mr. Chagnon said the property line ended at the mean high water line but the jurisdiction line for permitting by the

NHDES was an extension of that line. Chair Chellman asked where the property line was with respect to the neighboring building. Mr. Chagnon said the line was adjacent to the 109-111 Bow Street façade as it came away from Bow Street, then there was a short section of building that turned away from the property line at the north. He said the deck was further down. Ms. Begala asked what proportion of the west deck would be of public benefit. Mr. Chagnon said the eastern deck was 890 square feet, which was expanding the restaurant use, and the western deck was 334 square feet for public use. Ms. Begala noted that there were several abutter letters objecting to the project for several reasons, including that it was a previously a different size. Mr. Chagnon said the deck used to be larger, and the deck's arc bump-out was also removed.

[Timestamp 1:56:28] Attorney Steinkrauss said the project went through an extensive public process and the proposed deck was over the State waters as previously approved in 2021. He said the wetlands permit was approved by NHDES in 2022. He said the abutter Ms. Sherman filed an individual appeal to the Wetlands Council in November 2022, which explained the delay in the building permit process, and that appeal was dismissed in August 2023 and the NHDES permit became final and the Governors Council approved it in 2023. He said there was a public process throughout. He said Ms. Sherman raised issues about trash, but the property was a mixed-use building and there were two other restaurants that generated trash. He said the Board found that the trash complaints were within the Board of Health's purview and the applicant worked with the City to mitigate any trash complaints. He noted that Ms. Sherman used her unit as an office and not a residential space and that she said the size of the deck was scaled back and there were plans to address the sea level rise issue. Ms. Begala asked if moving it 20 feet back would mitigate noise, noting that the larger deck would increase capacity. Attorney Steinkrauss said the capacity of the restaurant would not change and there would be between 250-270 restaurant seats. Mr. Hewitt asked if the applicant tried to resolve the Shermans' other issues. Attorney Steinkrauss said the use of the trucks was another complaint, but the trucks were on a public street and unloaded at other places. He said the trash was screened and maintained. He said he wasn't aware of any other complaints.

Chair Chellman opened the public hearing.

First Round Speakers

SPEAKING AGAINST THE PETITION

[Timestamp 2:03:14] Katy Sherman of 111 Bow Street said her entire building was against the proposal. She said she addressed the site plan review regulations and that there were grease traps that overflowed regularly and that they saw grease sprayed onto her building's AC compressors and into the river. She said the trash was pressed against her building, the trucks were in the no-parking zone and blocked traffic, and the expanded seating meant more noise. She said the Conservation Commission denied the proposal twice, and NHDES denied it at first but approved it due to the appeal. She said her unit could be residential so it did affect her commercial and residential space. She said the garbage caused rodents, odor and seepage and was constantly full.

Attorney Steinkrauss corrected the seating capacity and said it was really 322.

John Sherman of 111 Bow Street said the applicant was before the Board and didn't know how many seats they had in the restaurant or the square footage of what they were seeking approval for. He said it seemed like the project was getting rubber-stamped as the process continued. He said a plan to develop shore plan protection wasn't submitted but the applicant got a shoreland protection permit. He said the Conservation Commission approved the decks with a condition that no more expansion would be allowed, yet the applicant had returned to the Board three times to seek further expansion. He noted that the Conservation Commission denied it three times. He asked what conditions meant if they weren't honored. He said the applicant was supposed to keep the trash in an indoor room instead of the street. He said the appeal was dismissed for procedural reasons and that NHDES did not consider any subsequent arguments from him. He said the project would have a huge effect on the 111 Bow Street property values,

No one else spoke, and Chair Chellman called for second round speakers.

Second Round Speakers

[Timestamp 2:12:45] Attorney Steinkrauss said the permit was granted by NHDES, which had jurisdiction over the deck over State waters. He said the Conservation Commission did vote against it but that was advisory to the State's decision on the permit that granted the use of the deck and added seating. He said the appeal filed by Ms. Sherman was dismissed because she filed it on behalf of the entire condo association and wasn't authorized to. He said the permit became final after August 2023 and was approved by the Governors Council, and he didn't expect any more approvals before the Conservation Commission.

Mr. Chagnon corrected the record and said when the shoreland rules came into effect in 1983, the State created the Shoreland Protection Program, which was in addition with the program in place for the tidal buffer zone. He said it extended the reach of protection to 250 feet. He said they created the shoreline exemption for communities that were on bodies of water, so at the time, one could not cover more than 35 percent of the lot with impervious surface. He said communities on the edge of water bodies where it was very developed, and the development in the zone along the Piscataqua River could have 95 percent coverage of the lot, so the State allowed the communities to intercede and request that their towns be given an exemption to the shoreland rules. He said the City of Portsmouth decided that they would not approach it as a city, but if individual property owners wanted to ask for an exemption, that was the vehicle. He said it wasn't true that the City never had a plan. He said the City thought about it and decided not to do an overall exemption in the Waterfront Area zone.

Attorney Steinkrauss said the loading zone in front of the 99 Bow Street building included a lot of restaurants and there were extensive trash rooms in the basement and mezzanine level of the building as well as internal recycling containers. He said the outside trash location was approved and the trash generated from Martingale was much less than from Surf and the other restaurants. He said the 322 was required and limited by the fire code for occupancy for the restaurant, so that would not change and was presently the limit.

Mr. Sherman said the applicant was increasing the size of the restaurant significantly, and no matter who used the trash, it was going to be increased and wasn't warranted. He said the public would have no benefit from the deck, noting that the applicant testified previously that the space was used as a waiting area and that they also had patrons there, so it really wasn't public space. He said the applicant also made it clear that they had control over who accessed that public area. He asked that the Board not use the public access as a bootstrap to expand the scope of the deck.

No one else spoke, and Chair Chellman called for third round speakers.

Third Round Speakers

[Timestamp 2:21:06] Mr. Chagnon referred to the diagram and said the circular sites on the blue public deck were planters, not tables, and part of the public access was through the building via the elevator coming down from the street level. He said by doing that, the owner was committed to providing and keeping that access through the building, which was a public benefit.

Mr. Sherman said the owner was committing to let patrons of his restaurant use that space and that it was a space that he would use for his business at his discretion.

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

DECISION OF THE BOARD

*1) 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. Ms. Conard seconded. The motion **passed** with all in favor, with Mr. Samonas recused.*

2.) Councilor Moreau moved that the Board grant Site Plan Approval with the following conditions:

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

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

- a. Easements on the plan and instrument recorded at the registry shall depict the easement to run from Bow Street to and through the stairwell to be inclusive of the area depicted as the public deck in the McHenry plan A9 to include ADA access to run with the land.*

2.2 Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

2.3 Applicant is to do pre-site inspection and vibratory monitoring throughout the project to identify any impacts to for abutting properties.

2.4 Property owner will work with city staff to resolve trash issues through the Construction Management and Mitigation Plan (CMMP) process.

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

2.5 Proper signage shall be posted for public space to be consistent with the Board's request from the Street to the public space.

2.6 Deck to be built in its entirety including public space for this project to be considered complete.

2.7 Property owner is to be responsible for maintenance of the deck forever.

Mr. Almeida seconded.

[Timestamp 2:27:23] There was further discussion. Councilor Moreau said it was something the Board had approved before and if the trash issue wasn't working, then City Staff and the Health Inspector could ensure that it was the way it was originally approved and maintain it. She said the applicant wasn't allowed to increase the capacity of the restaurant, even though there might be more seating available. She said she saw no issue with approving the petition a second time, noting that there were other avenues for some of the ongoing issues. Mr. Almeida said he was sensitive to the high energy levels of downtown as far as noise, waste, and energy. He assured the abutters that the Board didn't take their comments lightly, and if the building owner was violating any rules, there were avenues to enforce it. Mr. Hewitt asked Mr. Stith if he could confirm that the Conservation Commission denied the application three times. Mr. Stith said he didn't know about three times but that he knew they recommended denial of the State permit the first time the deck went before them. Ms. Begala said the approval from the Conservation Commission was from 2021 and thought the Board should look at the configuration and the issues over the water. She said it was confusing to approve something where the capacity was 322 people and the business could shuffle those people around, so the Board didn't know the actual number of people approved to be on the new decks. She said there would be an increased noise impact in addition to truck traffic and that a balance had to be struck, and thought the trash should be contained inside and there should be more trash pickups. She said the Board didn't know the hours of operation, which was a concern because the decks were close to the residents. She suggested stipulating a condition about limited hours of operation and sending it back to the Conservation Commission to hear their opinion. Councilor Moreau said the Conservation Commission was not advisory to the Board in this specific application because it was only for site plan. Chair Chellman said it was an accessory use to a permitted use downtown and the applicant was allowed up to 500 seats as a matter of right in that zone, so if there was a small expansion to the deck because chairs were shuffling around, there was plenty of allowance. He said the Board looked at the prior condition in the proposed conditions, and access from Bow Street down to the space had to be dedicated in the form of an easement and shown on the plan and part of a recorded instrument, which would be covered. He agreed with Mr. Almeida that if there were violations of specific regulations, there were avenues that related more to code and

the Health Department. He said he was comfortable with what the Board approved before and with what was currently proposed.

DECISION OF THE BOARD

*The motion **passed** by a vote of 6-2, with Ms. Begala and Mr. Hewitt voting against and Mr. Samonas recused.*

- G.** The Planning Board will consider a recommendation to City Council to adopt amendments related to electric vehicles and associated support equipment and facilities by amending the following: Chapter 10 – Article 4 – ZONING DISTRICTS AND USE REGULATIONS, Section 10.0440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Article 8 – SUPPLEMENTAL USE STANDARDS, Section 10.811 Accessory Uses to Permitted Residential Uses and Section 10.843.30 Motor Vehicle Service Stations, Article 11 – SITE DEVELOPMENT STANDARDS, Section 10.1112.32 Parking Requirements for Nonresidential Uses, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth.

[Timestamp 2:49:10] Mr. Stith said a draft was voted on at the February 29 meeting to send to a public hearing after Legal reviewed it. He said he and Chair Chellman met with Legal and made some changes to make it more user friendly by adding a definition to EV Fueling Space 1, and anything greater than that would be a Fueling Space 2. He said those were not to be confused with Level 1, 2, and 3 chargers but was just to discern between what was customarily found in a residential house v. a commercial or mixed-use building with a higher electric service. He said they recommended the draft labeled 3-14 to City Council for first reading.

[Timestamp 2:50:45] Vice-Chair Mahanna said there was no problem with Levels 1 and 2 residential at the work session, but the Board had said Level 3 needed some restrictions. Mr. Stith said in the use tables, a motor vehicle or service station could have any type of charging level but that the principle use was charging, which would be Level 3. He said that changed from a special exception to a Conditional Use Permit. For accessory uses, he said they had a new EV Fueling Space 1 for a house and that was something permitted across the board. He said an EV Fueling Space 2 would be more like a Level 3. He said that had charging support equipment that uses greater than the regular electric service that would be found in a house. Mr. Almeida said the wording might be confusing and it was further discussed.. Vice-Chair Mahanna said commercial on the first floor and three floors of residential on the top with a Level 3 charger in the parking lot didn't work for him because he wouldn't want the noise and vibration within 50 feet of a residence. Chair Chellman said the Conditional Use Permit would cover that as a principal use because it would get into placement and noise. He said mixed-use zones might have those as conditional use as well. Councilor Moreau asked if the Board wanted to force an applicant to do a Conditional Use Permit for Levels One and Two. Vice-Chair Mahanna said it should be only for Level 3. Mr. Samonas said he wanted it to be clear so that people could understand Levels 1, 2 and 3. Mr. Bowen said it was a proposal authorizing putting a Level 3 charger into areas where the Board was pushing toward having more housing.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Round One Speakers

[Timestamp 3:00:08] Tom Morgan of 39 Richards Avenue asked if the Board really wanted a generator in the EV charging ordinance. He said he had never seen an EV charger with a generator next to it. He noted that the City Council sent their proposal to the Planning Board for comment and addressed EV chargers in all 28 zoning districts but that there were only 24 mentioned. He asked if it was an oversight. Chair Chellman said he thought they were all included for residential and that it wasn't supposed to be interactive. Mr. Morgan said in 2013 the City created a problem for EV chargers because they put it under motor vehicle service stations, which he thought meant that the gas station and EV chargers were sort of the same and in the future the chargers would be installed in gas stations.

Round Two Speakers

Mr. Morgan continued his comment and said he didn't think EV chargers installed in gas stations was a good approach. He said part of the City's problems stemmed from that because gas stations were only allowed in four zoning districts, and the same restrictions should be placed on EV chargers. He said the Board was talking about battery swaps and convenience stores as well. He recommended that different rules be made for each disparate use. He said fire safety was also a concern because electric vehicles could catch on fire in an enclosed space like an underground parking garage. He said parking has also been an impediment to the installation of EV chargers. He said one of the most recent amendments was that EV Fueling Spaces 1 and 2 may count toward minimum parking requirements, and he asked if that meant the EV charger and the equipment may be given a free pass. He said the wording was ambiguous and the intent should be clarified. Mr. Almeida said he read it as the charging station counting as a parking space. Mr. Morgan asked about the equipment that went with it. Chair Chellman said transformers would take up parking spaces and could be placed somewhere else. Mr. Morgan said the chargers had to be near an electric service. Mr. Almeida said therefore it was eliminating parking spaces by default. Chair Chellman said some jurisdictions didn't allow for counting a parking spot for an EV vehicle as parking space, so the Board thought it would be more permissive to allow it. Mr. Morgan said forcing an applicant to expand a parking lot would be an expense, and he suggested that the language be adjusted so that the equipment could be exempt. Chair Chellman said it would therefore be a full exemption for all EV equipment and the parking spaces.

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

[Timestamp 3:08:59] Chair Chellman said there were now Level 4 chargers. He said the Legal Department suggested EV Fueling Spaces 1 and 2 but thought it could be A and B instead and that fueling space B would not be within 100 feet of a residence. Mr. Stith said that, from between non-residential use and residential mixed-use districts, motor vehicle stations had to be 200 feet, so if it was a principal use it would have to be 200 feet from a lot containing a use

separated from a residential or mixed-use district. Vice-Chair Mahanna said that was consistent with the ones he had seen. Chair Chellman asked about an accessory stand-alone in a parking lot or a residential project, and it was further discussed. Chair Chellman said he struggled with the distance requirement because there was no flexibility. He said he was leaning toward the approach of a Conditional Use Permit to mitigate the problem. Mr. Almeida said if the stations were public, then they were public to the internet, and he asked if there was any distinction between a charging station open to anyone v. a private one on a lot. Chair Chellman said a commercial use was open to the public. Mr. Giuliano said a business could do it for their employees. Chair Chellman said that would be an accessory use. Mr. Almeida said Home Depot could put a Level 3 charger in that was open for anyone to use any time of day, and if it was used at night, he asked if it would create other issues because it's a 24-hr period. Chair Chellman said that was when a Conditional Use Permit could be considered. It was further discussed.

DECISION OF THE BOARD

Councilor Moreau moved to recommend to City Council to hold first reading on the zoning amendments dated 3/14/24 with the following edits:

- 1) To change EV fueling space 1 and 2 to EV fueling space A and B; and*
- 2) To change Use 19.70 EV fueling space B as an accessory use from Permitted to Conditional Use Permit in the G1, G2, B, and CD4-W districts.*

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

IV. CITY COUNCIL REFERRALS

- A.** Electric Vehicle Amendments (See Item G above)
- B.** Home Occupation

Chair Chellman said a public hearing had to be scheduled on home occupation because it needed to be expanded. He said currently the proposed amendment was to allow two people to come to a home business, which he thought was too restrictive, especially for art classes. He said they had to consider whether it was adults, kids, hours, and so on. Councilor Moreau said the City Council discussed it and said it was due to staffing restrictions and that two people would be an interim fix, and if people wanted more than two, they could ask for a variance. Mr. Stith said the recommendation was to schedule a public hearing at the April 18 Planning Board meeting.

*Mr. Almeida moved that the Board recommend to City Council to schedule a public hearing at the April 18, 2024 meeting on the zoning amendments for home occupation. Mr. Guiliano seconded. The motion **passed** with all in favor.*

V. OTHER BUSINESS

- A.** Chairman updates and discussion items
- B.** Board Discussion of Regulatory Amendments, Master Plan Scope & other matters

[Timestamp 3:25:48] Chair Chellman said a workshop was needed to discuss the Master Plan.

Ms. Begala moved that the Planning Board issue the Master Plan RFP to procure a qualified consultant to develop the current Master Plan and that it be issued by April 18. Mr. Hewitt seconded the motion.

[Timestamp 3:27:25] Ms. Begala said sending the Master Plan into another calendar would help the Board with applications, and she thought it was up to the Board to determine the next step for the Master Plan and the timeline. She asked that the Board distribute the final draft RFP to the Planning Board members who had not reviewed it and send the comments to the subcommittee to incorporate the comments and issue the RFP on April 15. Chair Chellman said the current plan was to start that process with consultants in June and July due to all the things going on in the City, including the Market Square Master Plan. He said he talked to a few consultants about timelines and felt that any consultant who was ready to do it as fast as Ms. Begala suggested was not one that he would recommend. It was further discussed. Vice-Chair Mahanna asked why the Board was looking at Market Square when it was optional and the City's Master Plan wasn't optional. Chair Chellman said it was because they had a Master Plan that wasn't out of date and the Market Square Master Plan was a separate project with no deadline or expiration date. He said the current Master Plan was serving its purpose, and although it needed to be updated, it wasn't an urgent matter. Ms. Begala said Portsmouth had seen unprecedented development in the last ten years and that an updated Master Plan was necessary for making strategic decisions about growth and development. Chair Chellman said the Board could approve the scope but didn't think it could legally issue the RFP. Mr. Stith described the process. Chair Chellman said the subcommittee discussed changing the RFP to an RFQ because top tier firms were favored. He said he talked to a firm who was interested in participating and that it was moving toward June or July. Ms. Begala said an RFQ would delay the process. Mr. Bowen said there was a sense of urgency because he thought the Housing Committee was developing a strategy for Portsmouth housing that needed to have some relationship to the Planning Board. Mr. Hewitt agreed. Chair Chellman said it wouldn't change the timeline. It was further discussed.

*The motion **failed** by a vote of 5-3, with Mr. Giuliano, Councilor Moreau, Mr. Almeida, Vice Chair Mahanna, and Chair Chellman voting against.*

The Board discussed doing a special workshop or starting the meeting an hour early.

At this point in the meeting, Ms. Begala read a statement stating that she was resigning from the Board effective immediately. [Timestamp 3:49:28]

VI. ADJOURNMENT

The meeting adjourned at 10:53 p.m.

Respectfully submitted,

Joann Breault
Planning Board Recording Secretary



200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

3 April 2024

Rick Chellman, Planning Board Chair
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Request for Preliminary Conceptual Consultation Leading to Design Review at 361 Hanover Street, Proposed Site Development and New Structures

Dear Mr. Chellman and Planning Board Members:

On behalf of 361 Hanover Steam Factory, LLC we are pleased to submit the attached plan set for **Preliminary Conceptual Consultation and Design Review** for the above-mentioned project and request that we be placed on the agenda for your **April 18, 2024**, Planning Board Meeting. The project consists of the addition of a new structure and the renovation of the existing commercial building at 361 Hanover Street with the associated and required site improvements. The new structure is preferred to be entirely residential to add much needed housing stock in a desirable location where significant walkable amenities are in close proximity. Additionally, we believe that the neighborhood will be better served if the entire project is residential instead of having commercial uses on the first floor. We understand that other land use board approvals are therefore required, Planning Board input is important before we engage in that process.

The proposal includes a new building along Hanover Street with a 20-foot tunnel entrance from Hanover street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate.

The project creates more than 20 dwelling units and 30,000 square feet of gross floor area so it must be submitted for **Preliminary Conceptual Consultation** as required under Section 2.4.2 of the Site Plan Regulations This applicant also seeks **Design Review** with the Planning Board as allowed under Section 2.4.3 of the Site Plan Regulations. The application conforms to the required density and development standards with some exceptions. The project therefore requires the filing of an application with the Zoning Board of Adjustment for those items. The development team would like feedback from the Planning Board before committing to that part of the process.

The following plans are included in our submission:

- Cover Sheet – This shows the Development Team, Legend, Site Location, and Site Zoning.
- Site Orthophoto – This plan shows the site bird’s eye view.
- Existing Conditions Plan C1 – This plan shows the existing site conditions in detail.
- Demolition Plan C2 – This plan shows proposed site demolition prior to construction.
- Site Plan C3 – This plan shows the site development layout with the associated Zoning Table and notations.
- Utility Plan C4 – this plan shows concept site utilities.
- Parking Plan C5 – This plan shows the lower-level parking layout and details the required parking calculations and stacked parking assignments.
- Architectural Plans A2.1 – A 3.1 – These plans show building elevations.

We look forward to an in-person presentation to the Planning Board and the Board’s review of this submission and feedback on the proposed design.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Chagnon', with a long horizontal flourish extending to the right.

John R. Chagnon, PE

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PORTSMOUTH STEAM FACTORY PROJECT

PROJECT NARRATIVE



361 HANOVER STREET, PORTSMOUTH, NH
HAMPSHIRE DEVELOPMENT CORPORATION

APRIL 4TH 2024

April 4, 2024

To: Rick Chellman, Planning Board Chair

Re: Project Narrative for Design Review – 361 Hanover Street, Portsmouth, NH

Executive Summary

The purpose of this submission for Design Review is two-fold. First, in preparing a formal application for Site Plan Review for the property located at 361 Hanover Street, we are seeking both confirmation and guidance on the proposed as-of-right land use, parking layout, and building and site design for this project. In particular, we want to confirm that the proposed building type, height, footprint, land uses, and off-street parking layout conforms with the Portsmouth Zoning Ordinance and Site Plan Review regulations. Secondly, we are seeking informal input from the Planning Board, City Staff, and the public through the public hearing process, as to whether there is general support and a shared preference for an alternative plan for the property that would allow for residential uses on the ground floor of the buildings. Additionally, if supported by the Board, we would also like to discuss the merits of seeking a Conditional Use Permit for an additional story on the Portsmouth Steam Factory Mill in exchange for the required workforce housing and community space.

Introduction

In accordance with Section 1.2 of Portsmouth's Site Plan Regulations (SPR), this density and scope of this proposed project will require Site Plan Approval. Per the regulations, the proposed project includes over 20 new residential dwelling units and construction of over 30,000 SF of gross floor area. Thus, Section 2.4.2 of the SPR requires a Preliminary Conceptual Consultation. Given the level of design and engineering involved with the preparation of a formal Site Plan, Section 2.4.3 of the SPR allows for non-binding discussions under the Design Review process. As such, we have submitted the information listed under Section 2.5.3 (1) and the general information listed under Section 2.5.4 (3) as appropriate for the Design Review process. The following is a summary of that information.

Design Approach and Site Planning

In designing the buildings and site design, the Design Team (DT) carefully reviewed the recommendations of the 2025 Master Plan, the 2015 North End Vision Plan, and the purpose and intent of the Character-Based Zoning. Within that framework, we have also sought to develop a context-sensitive building and site design that reflects the historic character of the Hill and Hanover Street neighborhood as well as the design narrative of the North End Vision Plan (see Figure 1). Additionally, we have sought to screen our off-street parking and avoid any spillover to the surrounding neighborhood by maximizing the number of off-street parking spaces within our existing and proposed buildings. Finally, we are seeking to modify and expand our existing license agreement with the City for the continued use of the abutting city-owned parcel. Importantly, we are seeking to replace the existing surface parking behind the building with landscaping and add a new brick sidewalk along our frontage facing Rock Street and Hanover Street.

PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN

DESIGN NARRATIVE

The North End is envisioned over the long term to grow as a complementary extension of Portsmouth's downtown. Unlike many other areas of the City within the former Urban Renewal area, very little historical context remains. This fact, coupled with several large vacant parcels, makes this district ripe for redevelopment opportunities close to downtown. Implementation of this vision will likely require a wide array of innovative land use regulations, policies and programs.

The North End Vision Plan has four main components:

CIVIC SPACE

The Plan incorporates an extensive network of parks, plazas, paths, playgrounds, trails and open space. One essential feature is the waterfront trail network along the periphery of the North Mill Pond. With several landscaped fingers, this network is designed to pull the waterfront back into the North End and provide public access to and along the waterfront. In celebrating the unique history of this area, a central civic space is located adjacent to the former shipbuilding and launch ramp as a series of hardscape plazas, greens and waterfront esplanades for active and passive recreation. Across the Maplewood Avenue bridge, the existing City-owned boat launch site on Marsh Lane is expanded into a new park. The trail network also includes a path through the Union & North Cemeteries.

BUILDING DESIGN

The massing strategy of the vision plan is to respond to the surrounding context and neighborhoods by stepping down building heights and densities towards the waterfront and existing historic structures. While Portsmouth's downtown is rich in historical architectural styles, public opinion during the charrette expressed a desire for a mixture of contemporary building design, styles types, materials and a wide variety of building height, volumes and massing techniques in the North End. This purposeful distinction will help to define the North End as a unique entity while complementing and contrasting with the historic character of the larger downtown.

LAND USE

Land uses in the North End will include a variety of residential, office and commercial spaces. The Vision Plan anticipates a range of mixed-use building types from smaller rowhouses and live-work units to mid-rise buildings. Ground floor uses will be commercial in order to activate streetscapes and to keep residences out of potential flood zones. Ideally, these residential units will incorporate a full range of housing opportunities from affordable workforce housing to luxury units. Parking will be located in the rear of lots, in subterranean garages or in wrapped parking structures to be concealed from public view. There may be an opportunity to support mill housing on the former PSNH Substation parcel now that much of the equipment has been removed or consolidated. Additionally, the plan envisions the eventual removal of the overhead transmission lines.

TRANSPORTATION & INFRASTRUCTURE

The Vision Plan anticipates a harmonious integration of various modes of transportation including pedestrian, bicycle, vehicular and transit connections in the form of bus and future passenger rail lines. All thoroughfares are designed to be pedestrian-friendly and incorporate multi-modal design features including generous sidewalks and bike lanes where possible. The City is planning to replace the Maplewood Avenue bridge over the North Mill Pond. When this is done, there may be opportunities to integrate new buildings and waterfront dining to better connect the Dennett Street area with the North End.

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- 1 NOBLE'S ISLAND
- 2 ALBACORE MUSEUM
- 3 PSNH SUBSTATION
- 4 MAPLEWOOD/DENNETT GATEWAY REDEVELOPMENT
- 5 MARSH LANE PARK
- 6 WATERFRONT DINING
- 7 MILL POND CIVIC PLAZA & GREEN
- 8 MILL POND WATERFRONT PARK & GREENWAY
- 9 35 ARTSPACE
- 10 MARKET STREET ROUNDABOUT & PARKS
- 11 NORTH END PLAZA
- 12 FUTURE HARBORCOP/WHOLE FOODS CONVENTION CENTER
- 13 UNION CEMETERY/NORTH CEMETERY
- 14 MAPLEWOOD HISTORIC HOMES
- 15 TRANSIT ORIENTED DEVELOPMENT
- 16 FUTURE PASSENGER RAIL STATION
- 17 FUTURE NORTH END PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 18 FUTURE MAPLEWOOD PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 19 FUTURE MAPLEWOOD AVENUE SQUARE/PARK
- 20 FUTURE ARTISAN/WORKFORCE HOUSING DISTRICT
- 21 FUTURE UPWARD EXTENSION OF HEINEMANN BUILDING
- 22 FUTURE MIXED-USE DISTRICT
- 23 FUTURE INFILL & LINER BUILDINGS

Figure 1 – North End Vision Plan

Neighborhood Context

The surrounding neighborhood context is characterized by a mix of land uses, building heights and footprints. The context includes the 14 properties shown on Figure 2. The context includes a portion of Foundry Place as well as Hanover, Hill, Rock, and Sudbury Streets. As shown in Figure 2, to the west of the property, most existing structures are 2 to 2 ½ stories, of wood-frame construction and are built in the late 18th and 19th century. These smaller historic structures are also located directly along the street edge with narrow side yards on small urban lots with limited off-street parking.

To the north are considerably larger urban structures associated with the recent development within the North End Incentive Overlay District. Most buildings on the north side are 4-5 stories and 52-64 feet in height with large footprints, high building coverage, and limited active commercial uses on the ground-floor. Parking is primarily located on the ground-floor behind a commercial liner building. Importantly, the 6 level (64') Foundry Place municipal parking structure, shown on Figure 2, is located direct behind 361 Hanover Street.

To the south, the existing land use pattern is represented by larger, multi-family structures built in the late 19th century. Additionally, the Pearl Church is located directly across the site and it is a two-story, wood frame building that is 40 in height and currently used as a mixed-use space.

To the east, the land use pattern is characterized with two – to three-story wood frame multi-family historic structures. These structures were built in the mid-19th century, have high building coverage, and have limited open space due to parking behind and between the structures.

NEIGHBORHOOD CONTEXT MAP – 361 HANOVER STREET, PORTSMOUTH, NH

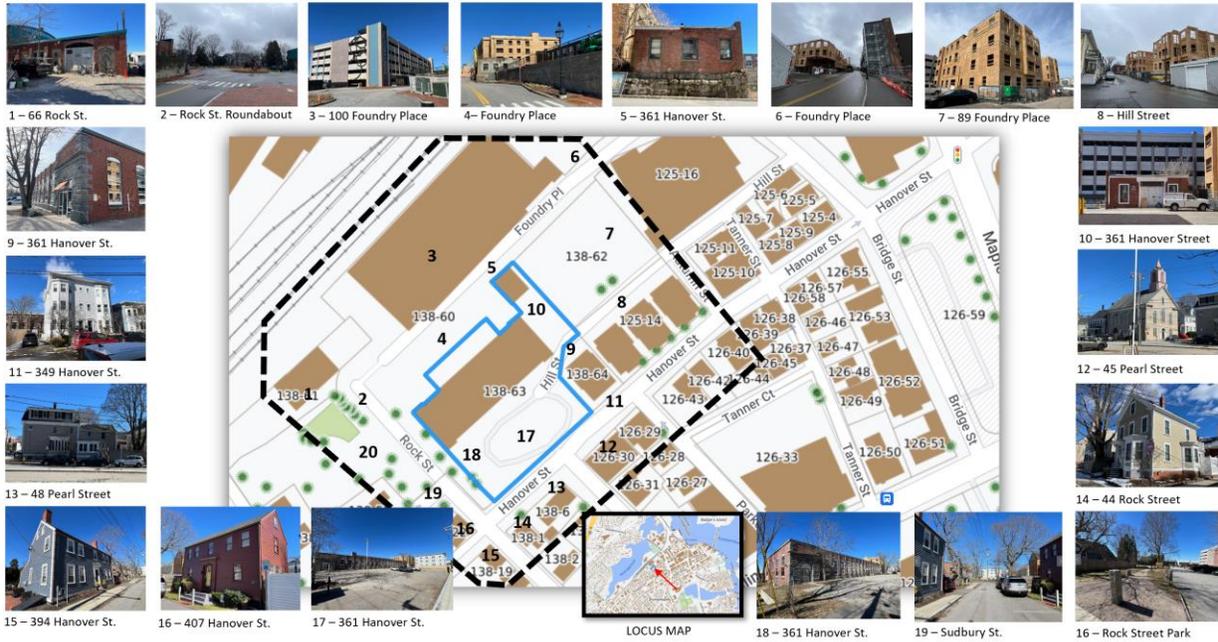


Figure 2 – Neighborhood Context Map

Figure 3 shows an aerial view of the surrounding context and illustrates the substantial footprint of the former industrial building as well as the recent suburban surface parking lots along Hanover Street and at the end of Hill Street.



Figure 3 – Existing Context – Aerial View of 361 Hanover Street

Site Plan Review Application Required Information

The following information has been submitted for review and consultation during the Design Review process.

Site Plan Review Checklist

The Site Plan specifications, required exhibits, and supporting documentation have been provided and posted on the city’s online permitting system (OpenGov). The following plans, elevations and exhibits have been submitted for review and consultation:

**City of Portsmouth, New Hampshire
Site Plan Application Checklist**

Application Requirements

Required Items for Submission	Item Location (e.g. Page or Plan Sheet/Note #)	Waiver Requested
<input checked="" type="checkbox"/> Complete application form submitted via the City's web-based permitting program (4.2.112.5-2.34)		N/A
<input checked="" type="checkbox"/> All application documents, plans, supporting documentation and other materials uploaded to the application form in viewable digital Portable Document Format (PDF). One hard copy of all plans and drawings shall be submitted to the Planning Department by the published deadline. (2.3.10)		N/A

Site Plan Review Application Required Information

Required Items for Submission	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested
<input checked="" type="checkbox"/> Statement that lists and describes "green" building components and systems. (2.3.10)		N/A
<input checked="" type="checkbox"/> Floor and proposed gross floor area and dimensions of all buildings and statement of uses and floor use for each floor. (2.3.10)		N/A
<input checked="" type="checkbox"/> The map grid lot number, and current zoning of all parcels under Site Plan Review. (2.3.10)		N/A

Site Plan Application Checklist, December 2020 Page 1 of 4

1. Existing Conditions
2. Building and Structures
3. Access and Circulation
4. Parking and Loading
5. Utilities
6. Solid Waste Facilities
7. Storm Water Management
8. Landscaping & Open Space
9. Easement and License Plans
10. Character District Data

Historic Use – the Portsmouth Steam Factory

As shown in Figure 4, the historic structure on the property is the remaining first and second floor of the former five- story Portsmouth Steam Factory (c. 1840). Additionally, a portion of the former

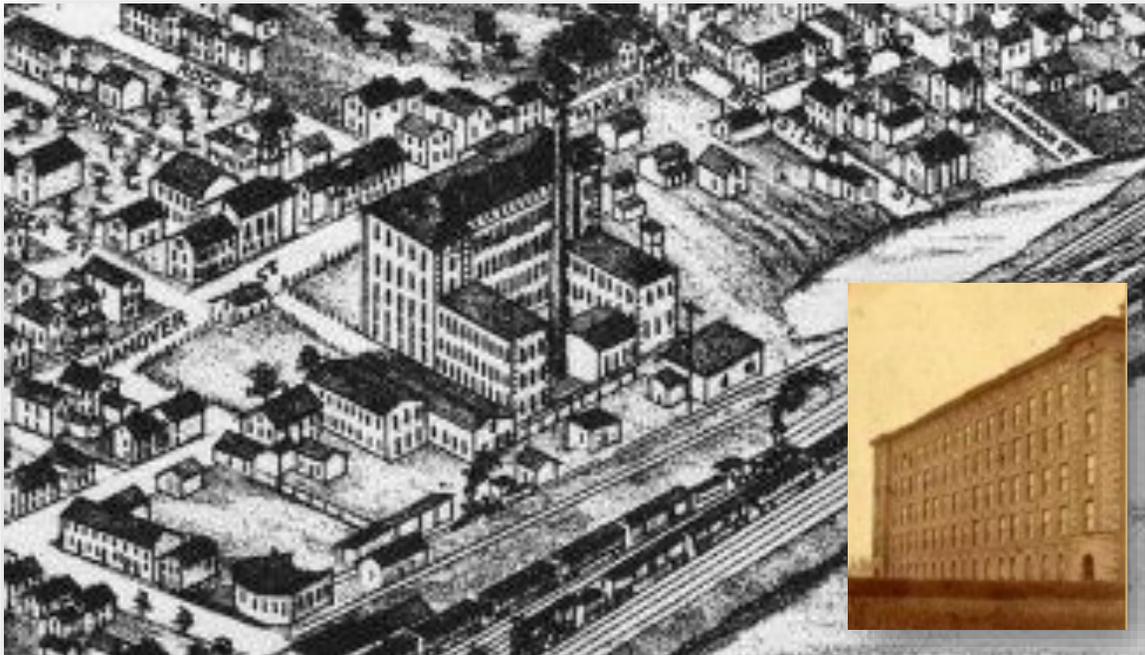


Figure 4 – Former Portsmouth Steam Factory (c. 1840)

Powerhouse Building (c. 1840), a single-story building, remains and is located between Hill Street and Foundry Place. The Portsmouth Steam Factory is a masonry structure designed as an Italianate Renaissance Revival-style building with symmetrical elevations. The building was significantly reduced in height as a result of a fire in the late 19th century.

Existing Zoning

Character District

As shown in Figure 5, the property is located within the CD5 Character District. The CD5 District is a urban zoning district that allows for a wide variety of higher density commercial and residential uses. Figure 6 shows the Development Standards for the CD5. Such standards allow for 95% building coverage, footprints of up to 20,000 SF and just 5% open space. For buildings located along a public street a maximum setback of 5 feet is required. Flat, Gable, Mansard, Gambrel, and Hip roofs are all permitted in the CD5.

Overlay Districts

The northern half of the property is also located within the North End Incentive Overlay District (NEIOD). The entire property is also located within the Downtown Overlay District (DOD).

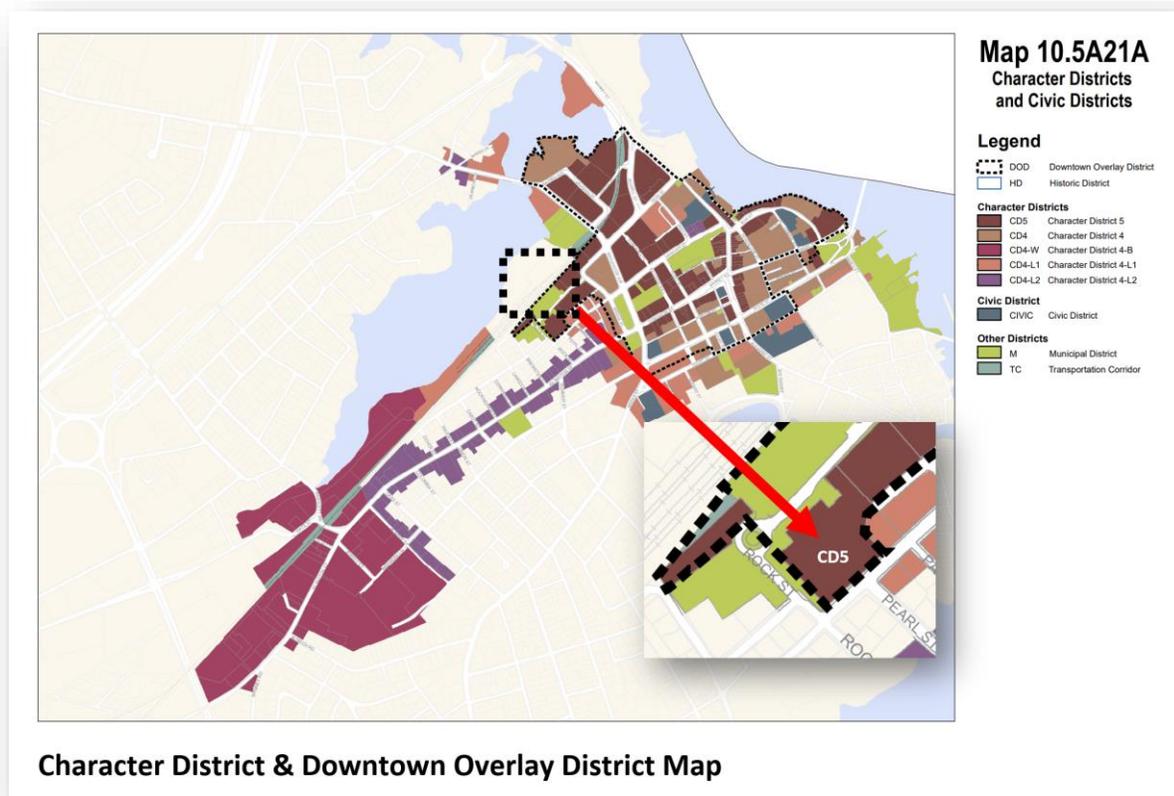
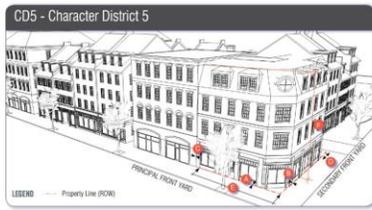


Figure 5 – Character and Overlay District Map

FIGURE 10.5A41.100 DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	5 ft
Maximum secondary front yard	5 ft
Side yard	NR
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley
Minimum front lot line buildout	80%

BUILDING AND LOT OCCUPATION

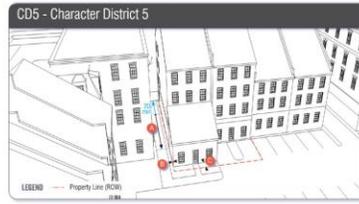
Maximum building block length	225 ft
Maximum facade modulation length	100 ft (see Section 10.5A43.20)
Maximum entrance spacing	50 ft
Maximum building coverage	95%
Maximum building footprint	20,000 sf (or as allowed by Section 10.5A43.40)

Minimum lot area	NR
Minimum lot area per dwelling unit	NR
Minimum open space	5%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30
Maximum finished floor surface of ground floor above sidewalk grade	36"
Minimum ground story height	12 ft
Minimum second story height	10 ft
Facade glazing:	
Shopfront facade	70% min.
Other facade types	20% min. to 50% max.
Roof type	flat, gable, hip, gambrel, mansard
Roof pitch, if any	
Gable	6:12 min. to 12:12 max
Hip	3:12 min.
Mansard/gambrel	6:12 min. to 30:12 max.

FIGURE 10.5A41.100 DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a facade of a principal building
Minimum side yard	0 ft
Minimum rear yard	3 ft

BUILDING TYPES

House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouses	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted

*Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FACADE TYPES

See Figure 10.5A43.10 for facade type definitions. Except where required facade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	not permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

Development Standards – CD5

Figure 6 – CD5 Development Standards

The DOD requires the ground-floor use to be non-residential and all residential uses are required to be located above the ground-floor. Off-street parking is also not required for all commercial uses and a four-space parking credit is applied to any off-street parking required for either a residential or hotel use of the property.

The NEIOD allows, by a Conditional Use Permit (CUP), for an additional story, or 10 feet, of building height provided workforce housing and community space is provided. In order to approve a CUP for the project, at least 20% of the total residential units are deed restricted to incomes at or less than 100% of Average Median Income (AMI) for a 4-person household and sold as workforce housing units or, 10% of the total residential units in a project are deed restricted to incomes at or below 60% AMI for a 3-person household and rented as workforce housing units. The workforce housing units are required to be at least 600 SF in area. Additionally, at least 10% of the property shall be deed restricted as Community Space (CS). Permitted CS types include, but are not limited to, pocket parks, pedestrian alley, wide pedestrian sidewalks, pedestrian passage, pedestrian arcade, or a shared multi-model way. Such CS shall connect to existing public sidewalks and shall include landscaping and pedestrian amenities such as benches, lighting, and other street furniture.

Building Height Standards

As shown in Figure 7, the entire property is located within the 2-3 story building height district with a maximum building height of 40 feet. Except for the existing surface parking lot along Hanover Street, the Building Height Standards Map also shows the property is located within the NEIOD.

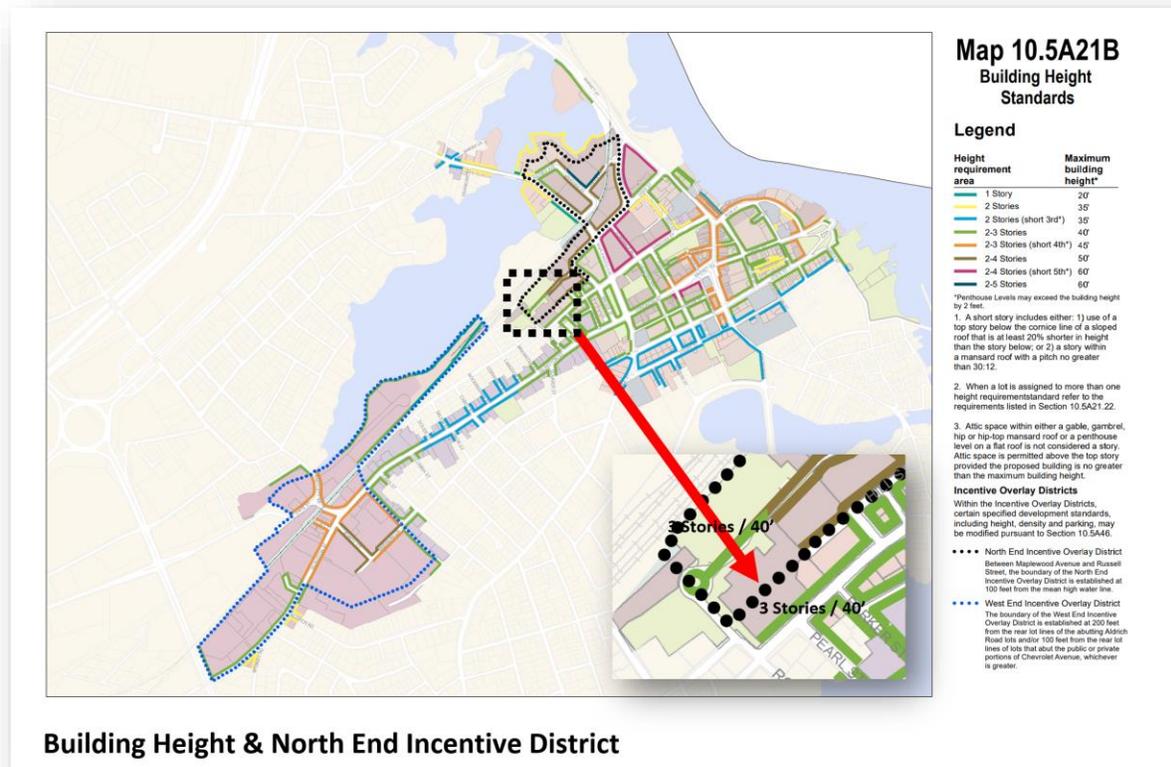


Figure 7 – Building Height Standards and Incentive Overlay District Map

Existing Conditions

As shown on Figure 8, the Existing Conditions Plans shows the two-story former Steam Factory Building with a footprint of 14,808 SF. It has a second, mezzanine level. The former Powerhouse Building has a footprint of 1,400 SF and is a single-story structure with a partial basement. The total building coverage on the lot is 32%. Both buildings are currently used commercially as professional office and light industrial uses. There are 61 off-street surface parking spaces on the property. Vehicular access to the parking lot is limited to Hanover Street, a Public Street. Private access to the property is also provided from Hill Street, a private way. An access easement is also provided across the Hanover Street parking area to the abutting lot (349 Hanover Street).

The property also has access to the rear parking area adjacent Foundry Place through a license agreement with the City to the 23,000 SF property along Foundry Place. Notably, the retaining walls separating this rear parking area and Foundry Place are between 5 and 8 feet in height. The property has virtually no open space, is 97.5% impervious, and has limited landscaping.

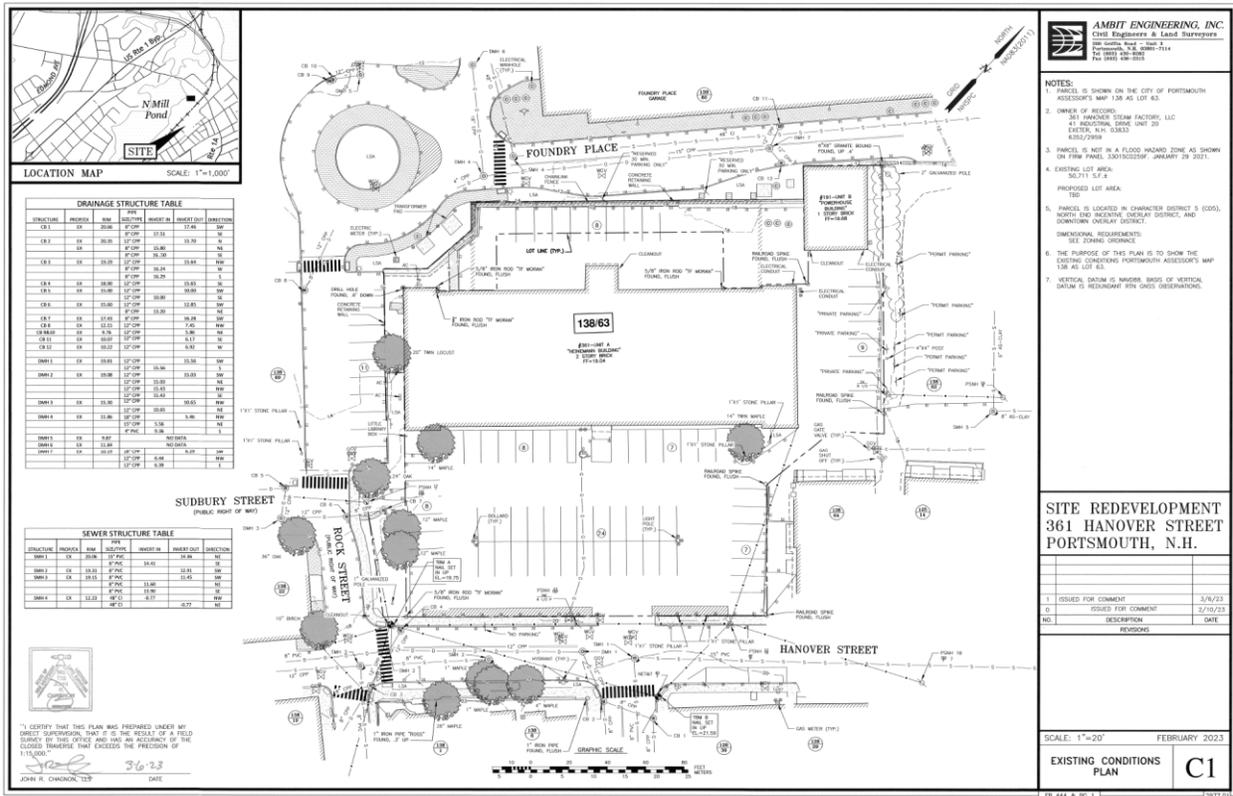


Figure 8 - Existing Conditions (includes the former Powerhouse Building)

Buildings and Structures

Figure 9 shows the existing buildings and parking areas on the property. Area A is the remaining first and second floor of the former Portsmouth Steam Factory, Area B is the former Powerhouse Building, and Area C is the existing surface parking lot along Hanover Street.





Figure 9 - Existing Conditions showing Buildings and Parking Areas

Proposed Subdivision Plan

As part of the proposed reorganization of the ownership structure for the property, we are seeking to subdivide the property into two lots. As shown in Figure 10, Lot 1 will contain the former Powerhouse Building, currently *The Last Chance Garage*. Lot 1 is proposed to be a conforming lot with 4,717 SF of land area with 8 off-street parking spaces. Lot 1 will also have an access easement across Lot 2 to Hanover Street. Lot 2 will contain the former Portsmouth Steam Factory building – currently the Portsmouth Offices for the Hampshire Development Corporation – and be 38,528 SF in land area and have frontage and access off of Hanover Street and have 53 surface parking spaces along Hanover Street.

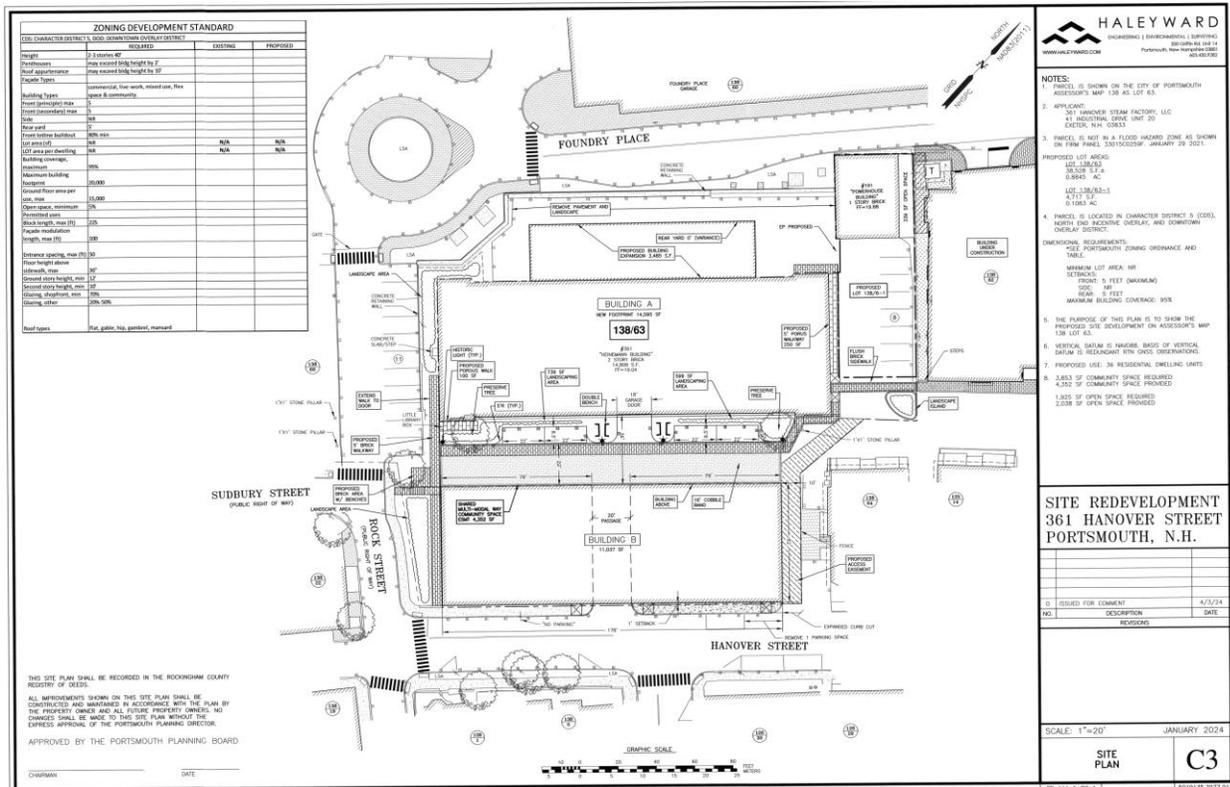


Figure 11 – Proposed Site Plan

Proposed Building Elevations

As shown in Figures 12 and 13, the proposed building elevations for the Portsmouth Steam Factory and the new building along Hanover Street proposed a mansard roof. The ground floor uses along the street and front façade are commercial (as required in the DOD) with parking for the visitors and the upper floor residential units located behind the liner buildings.



2 NORTH ELEVATION
Scale: 1/8" = 1'-0"



Figure 12 – Proposed Elevations for the Portsmouth Steam Factory Building

Both buildings show an attic level under a mansard roof. The Portsmouth Steam Factory building has a total GFA of nearly 75,000 SF with up to 42 parking spaces proposed within the ground story of the building. Figure 12 shows the proposed three-story mansard building along Hanover Street. The Hanover Street building has ground floor commercial uses along the street edge within a liner building and 26 off-street parking spaces within the rear portion of the ground floor. Additionally, there are four visitor spaces proposed for the courtyard area between the buildings.



Figure 13 – Proposed Elevations for the Mixed-Use Hanover Street Building

Figure 14 shows a cross section of the Hanover Street building and a proposed building height of 40 feet. Importantly, both buildings are proposed to meet the requirement to be no taller than 3 stories (plus and attic level within a mansard roof) and 40 feet. Both buildings will also be designed using traditional design principles to fit in with their surrounding historic context.

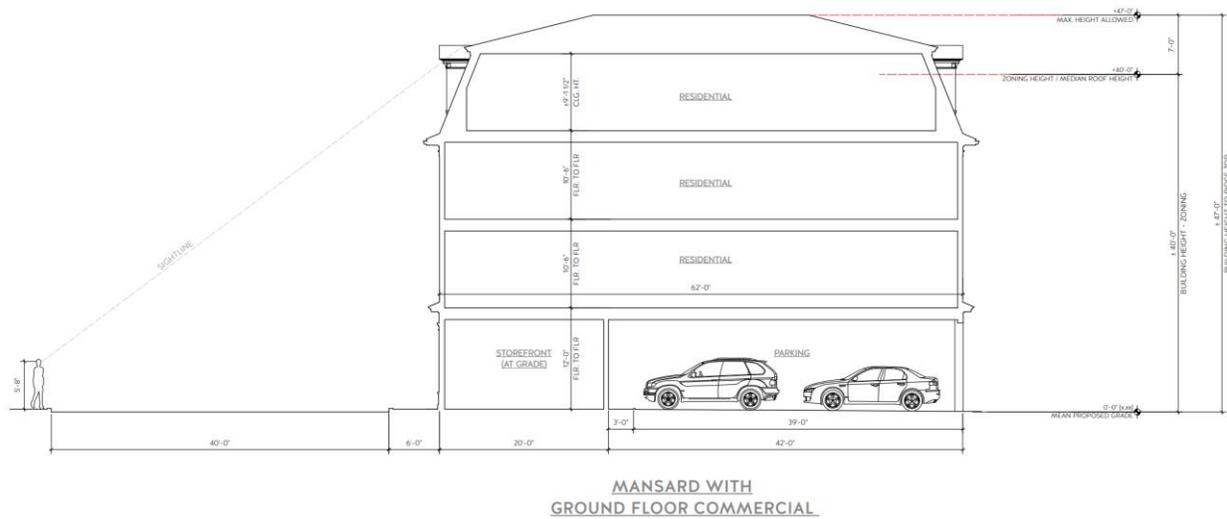


Figure 14 – Proposed Building Height for the Mixed-Use Hanover Street Building

Figure 15 shows the proposed 3 story building in context along Hanover Street.



Figure 15 – Proposed Rendering of Hanover Street Mixed-Use Building

Proposed Building Dimensions and Land Use

Table 1 lists the proposed uses and gross floor areas by floor for the existing and proposed building.

EXISTING PORTSMOUTH STEAM FACTORY MILL BUILDING					
Floor	Primary Use	GFA (SF)	Accessory Use	GFA (SF)	Total GFA (SF)
1	Commercial	3,264	Parking	15,516	18,780
2	Residential	18,780	-	-	18,780
3	Residential	18,780	-	-	18,780
Attic	Residential	17,800	-	-	17,800
		58,624		15,516	74,140
PROPOSED HANOVER STREET BUILDING					
Floor	Primary Use	GFA (SF)	Accessory Use	GFA (SF)	Total GFA (SF)
1	Commercial	2,816	Parking	6,856	9,672
2	Residential	10,912	-	-	10,912
3	Residential	10,912	-	-	10,912
Attic	Residential	10,300	-	-	10,300
		34,940		6,856	41,796

Table 1 – Uses and Gross Floor Area of the Proposed Buildings

Future Studies

As we prepare for a formal SPR submission, we are seeking guidance on whether the Board would like traffic study for the project.

Green Building Statement

The proposed building is still in design development but may be designed with solar-ready roof systems and use hi-efficiency heat pumps for heating and cooling. Additional information will be provided for the formal site plan submission.

License Plan

As shown on Figure 17, the project includes a modified license amendment with the city to improve and maintain the land area, highlighted in blue, owned by the city along Foundry Place and Rock Street. Except for the area at the intersection of Rock and Hanover Streets, most of this city-owned property is inaccessible due to the presence of an 5-10 foot retaining wall along Foundry Place and a four-foot retaining wall and steep grades along Rock Street between Sudbury Street and Foundry Place. As shown on the proposed site plan, a 6-foot-wide brick sidewalk is proposed to be constructed along the property lines fronting on Hanover and Rock Street to Sudbury Street.

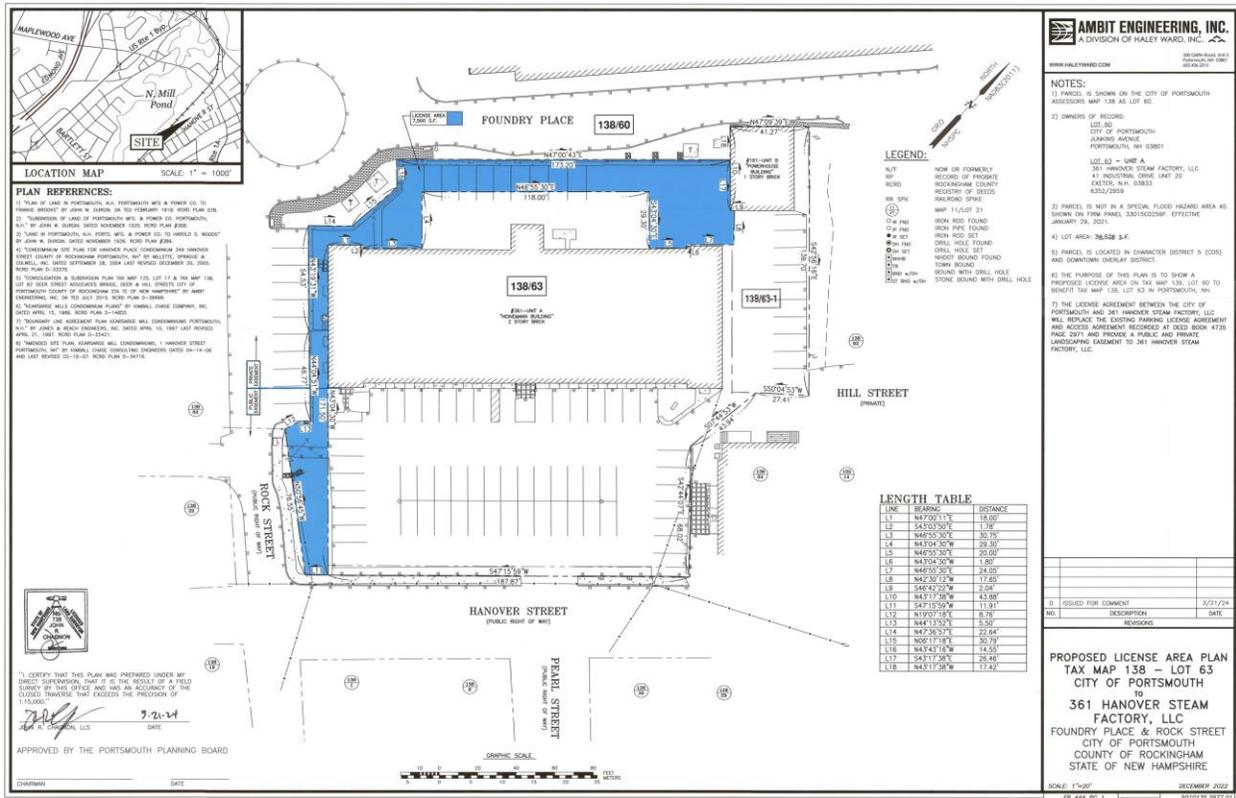


Figure 17 – Proposed License Agreement Plan with the City

Access and Circulation

As shown above in the proposed site plan, access and egress to the site is proposed using a 20-foot driveway connecting Hanover Street to the proposed courtyard between the buildings. The courtyard will provide access to structured parking within the two buildings as well as four visitor spaces within the courtyard. All parking spaces and driveway aisles will conform to the required minimum dimensions. Emergency access will be provided using the proposed tunnel and driveway within the courtyard area.

Parking and Loading

As shown in Figure 18, there are 72 proposed off-street parking spaces shown on the proposed site plan. Given the property is located within the DOD only 51 spaces are required for the proposed use. A total of 47 spaces are required for 36 dwelling units given the units are all over 750 SF in GFA. Additionally, 8 visitor spaces are required for a total of 55 spaces. Tandem parking spaces will be assigned to the same unit owner. The DOD does not require any off-street parking for any proposed commercial uses and there is a four-space credit from the required parking. Thus, in the aggregate, the proposed building design and site plan has the capacity to provide nearly 2 spaces per dwelling unit plus visitor parking thereby minimizing any potential spillover parking to the abutting neighborhood.

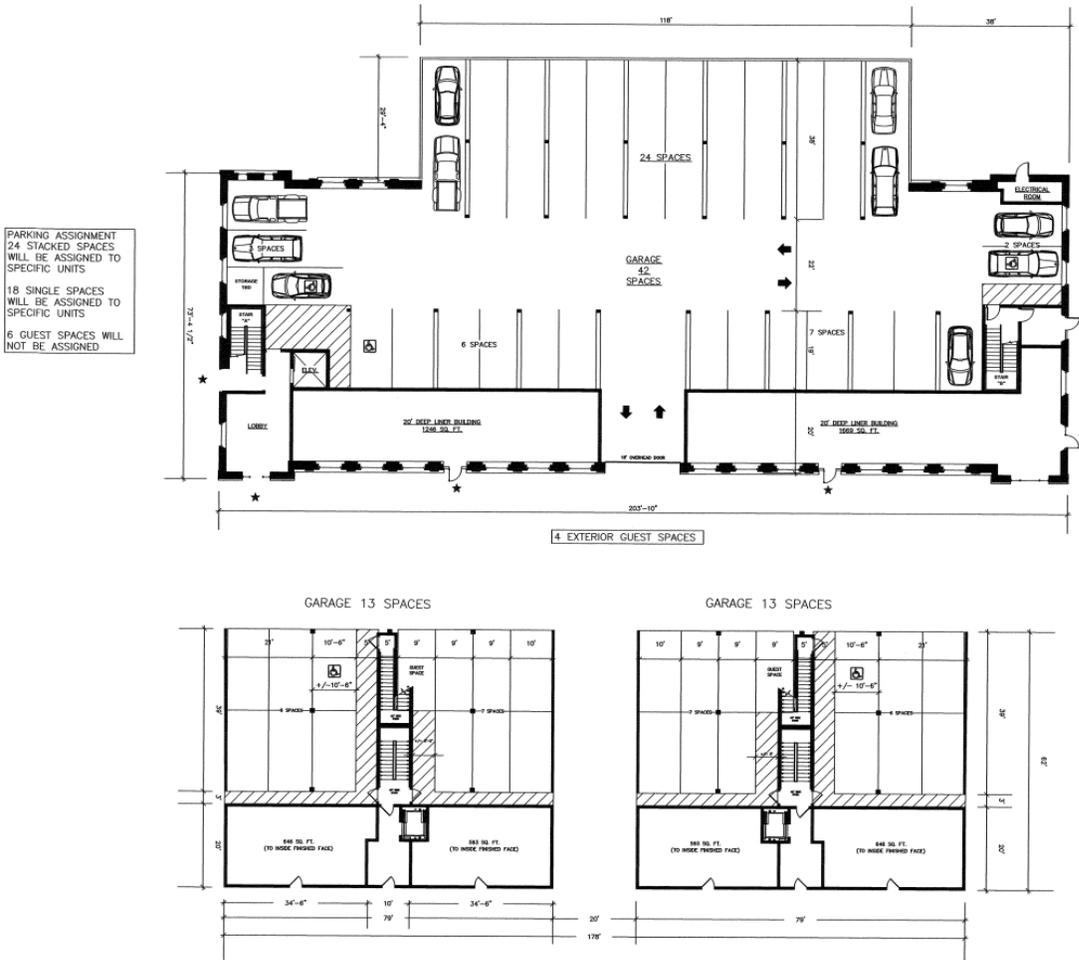


Figure 18 – Proposed Parking Layout (72 Spaces)

Water and Sewer Infrastructure

The proposed buildings will be connected to the city’s water distribution and sewer collection systems.

Utilities

The proposed buildings will be served by Eversource. Generators will likely be located on the roof structures and all HVAC units will either be internal or roof mounted units.

Solid Waste

All solid waste will be managed inside the buildings using totes and a solid waste room.

Stormwater Management

The site is currently 98% impervious. A stormwater management plan will be prepared for formal Site Plan submission. Snow will be removed from the site and a management plan will be prepared.

Outdoor Lighting

A lighting plan will be proposed for the site. All on-site lighting will be energy efficient and use dark-sky compliant lighting.

Landscaping

A detailed landscape plan will be developed for the courtyard area and, pending approval by the city, a detailed landscape improvement plan will be submitted for the city-owned license area.

Open Space

The site will show the required 5% open space areas with at least 51% as pervious surfaces.

Easements and Licenses

A detailed easement plan will be developed showing all access easements and license areas.

Character District Zoning

The two proposed mixed-use buildings meet all the development standards of the CD5. Table 2 illustrates how the two buildings comply.

ZONING DEVELOPMENT STANDARD			
CD5: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT			
	REQUIRED	EXISTING	PROPOSED
Height	2-3 stories 40'	2 stories / 18" +/-	3 stories / 40'
Penthouses	may exceed bldg height by 2'	NA	NA
Roof appurtenance	may exceed bldg height by 10'	< 10'	<10'
Façade Types		NA	NA
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Mixed-Use
Front (principle) max	5	99'	1'
Front (secondary) max	5	0'	0'
Side	NR	0.00	1'
Rear yard	5'	0'	0'
Front lot line buildout	80% min	100%	94%
Lot area (sf)	NR	N/A	N/A
Lot area per dwelling	NR	N/A	N/A
Building coverage, maximum	95%	34.0%	75.0%
Maximum building footprint	20,000	14,808	18,808
Ground floor area per use, max	15,000	18,808	7,660
Open space, minimum	5%	<5%	5.3%
Permitted uses		Commercial	Mixed-Use
Block length, max (ft)	225	205'	178'
Façade modulation length, max (ft)	100	205'	79'
Entrance spacing, max (ft)	50	>50'	<50'
Floor height above sidewalk, max	36"	0'	0'
Ground story height, min	12'	10'	12'
Second story height, min	10'	10'	10'
Glazing, shopfront, min	70%	NA	NA
Glazing, other	20%-50%	>20%	>20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Mansard

Table 2 – Zoning Development Standards for As-of-Right Plan

Alternative Plans

Ground-Floor Residential Uses

As part of the informal discussion during the Design Review process, we would like to also discuss the merits of two alternative plans. The first, (shown in Figures 19 and 20) simply proposes to convert the required ground floor commercial space to residential. A variance from the Board of Adjustment would be required to make this change. However, we believe the abutters and larger neighborhood would prefer residential uses on the ground floor to reduce any adverse impacts on the neighborhood such as noise, lighting, and overflow parking. As shown in Figures 19 and 20, changing from a commercial storefront to a residential entryway simplifies the façade along Hanover Street to be more in keeping with the architectural character of the neighborhood buildings.



Figure 19 – Required Ground Floor Commercial Use in Hanover Street Building



Figure 20 – Alternative Ground Floor Residential Use in Hanover Street Building

The second alternative plan (which could also include the alternative plan to convert the ground-floor commercial space to residential) involves using the NEIOD zoning to add an additional story to the Portsmouth Steam Factory Mill Building for a total of four stories or 50' (see Figure 21). Unlike the surface parking lot along Hanover Street, the Portsmouth Steam Factory Building is located within the NEIOD. The overlay district allows the Board to approve a CUP to allow for an additional story or 10 feet to be added to the building provided both workforce housing and community space are provided. Notably, the Hanover Street building is not located within the NEIOD so is ineligible for the additional story.

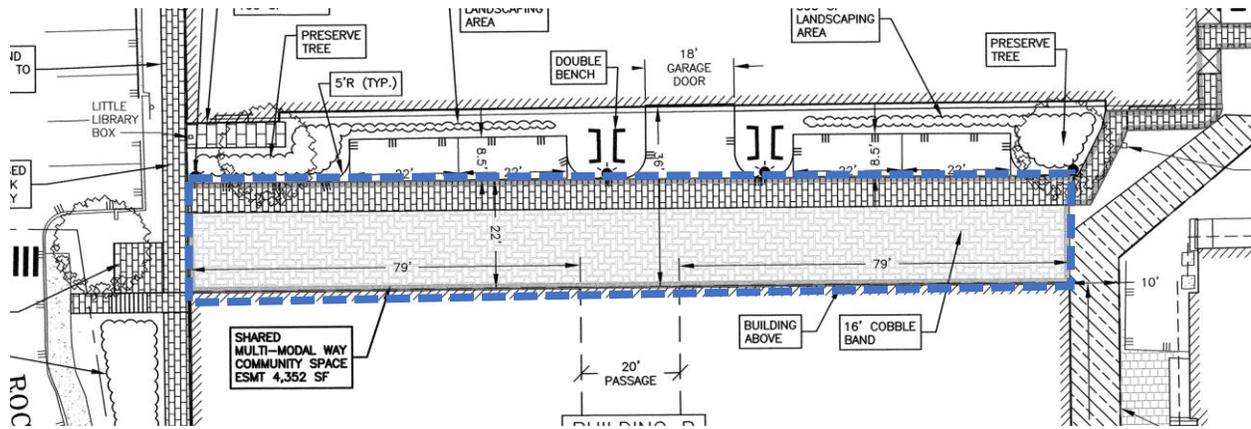


Figure 23 – Proposed Multi-Modal Way

Additionally, as required under the CUP, at least 10% of the proposed dwelling units would be deemed restricted as rental Workforce Housing Units and be rented to a household with an income of no more than 60% of the median family income for a 3-person household. Such units will be at least 600 SF in GFA and are proposed to be located within the ground-floor of both buildings.

Summary

We believe the as-of-right site plan submitted for this Design Review process fully conforms to all Zoning and Site Plan requirements without the need for waivers or variances. However, based on preliminary feedback from the neighborhood, we believe the alternative plan(s) are preferred to mitigate any potential adverse impacts of commercial uses on the ground-floor and, under the CUP plan, provide the city with needed workforce housing in the downtown area as well as community space to make a formal and permanent pedestrian link between the Rock and Sudbury Street neighborhood to Hill Street and the heart of the North End. As such, we appreciate any informal feedback the Planning Board can provide on the plan options presented in this narrative as zoning relief may be required to support the building program or development standards for the project. Similarly, your preliminary feedback on the merits of a CUP for the Portsmouth Steam Factory building will allow us to select a development option and prepare a formal application for Site Plan Review.

PROPOSED DEVELOPMENT

361 HANOVER STREET PORTSMOUTH, NEW HAMPSHIRE DESIGN REVIEW PLANS

OWNER/APPLICANT:

361 HANOVER STEAM
FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, NH 03833
TEL. (603) 235-5475

CIVIL ENGINEER/LAND SURVEYOR:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
TEL. (603) 430-9282

ARCHITECT:

SCOTT BROWN
29 WATER STREET, SUITE 209
NEWBURYPORT, MA 01950
TEL. (978) 465-3535

PLANNING CONSULTANT:

NICHOLAS CRACKNELL
TEL. (978) 270-4789

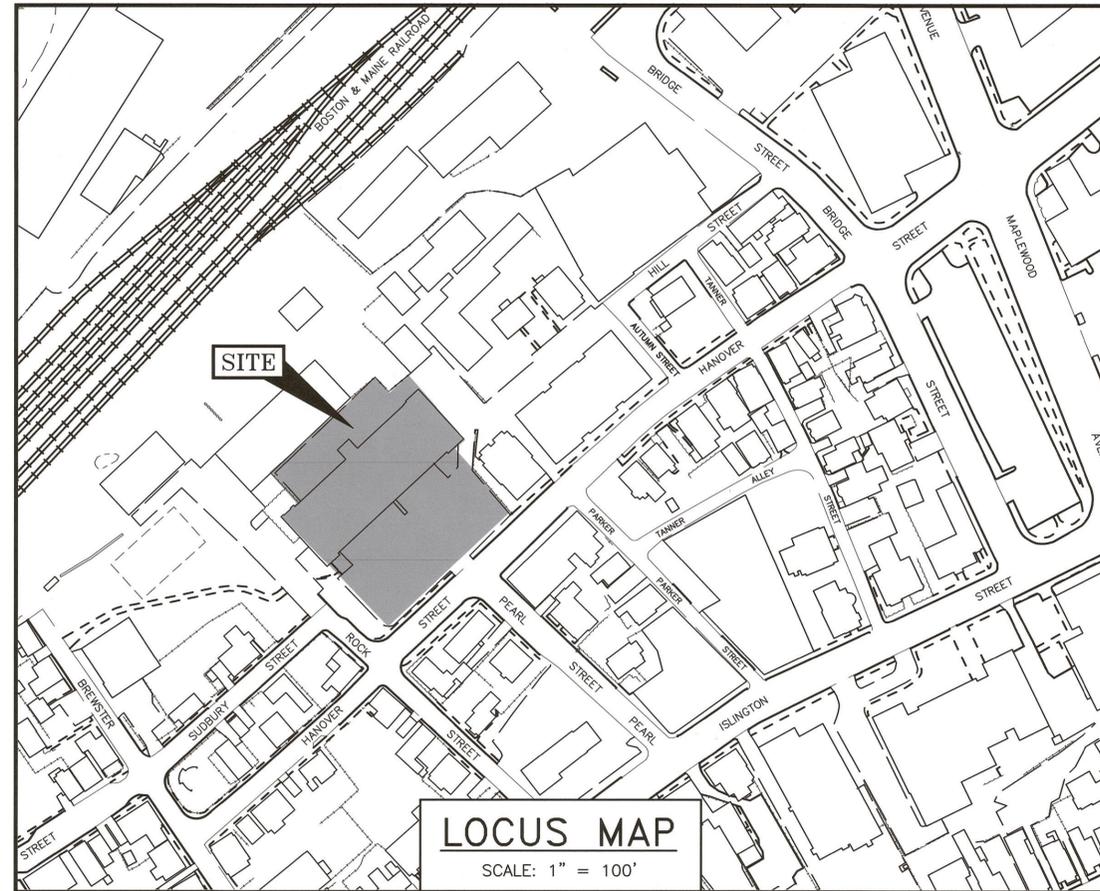
LAND USE ATTORNEY:

BOSEN & ASSOCIATES
266 MIDDLE STREET
PORTSMOUTH, N.H. 03801
TEL. (603) 427-5500

PERMIT LIST:
PORTSMOUTH HDC:
PORTSMOUTH ZONING BOARD:
PORTSMOUTH SITE REVIEW:
PORTSMOUTH CONDITIONAL USE PERMIT:

LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
○	○	UTILITY POLE
⊙	⊙	WALL MOUNTED EXTERIOR LIGHTS
⊙	⊙	TRANSFORMER ON CONCRETE PAD
⊙	⊙	ELECTRIC HANDHOLD
⊙	⊙	SHUT OFFS (WATER/GAS)
⊙	⊙	GATE VALVE
⊙	⊙	HYDRANT
⊙	⊙	HYDRANT
⊙	⊙	CATCH BASIN
⊙	⊙	SEWER MANHOLE
⊙	⊙	DRAIN MANHOLE
⊙	⊙	TELEPHONE MANHOLE
⊙	⊙	PARKING SPACE COUNT
⊙	⊙	PARKING METER
LSA	LSA	LANDSCAPED AREA
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL	EL	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



**MAP 10.5A21A
CHARACTER DISTRICTS
AND CIVIC DISTRICTS**

Character Districts

- CD2 Character District 2
- CD4 Character District 4
- CD4-W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

Civic District

- Civic District
- Municipal District

Overlay Districts

- OLDD Dispersed Landing Overlay District
- Downtown Overlay District
- Historic District

**MAP 10.5A21B
BUILDING HEIGHT
STANDARDS**

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd)	35'
2-3 Stories	40'
2-3 Stories (short 4th)	45'
2-4 Stories	50'
2-4 Stories (short 5th)	60'
2-5 Stories	60'

*Penthouse Levels may exceed the building height by 2 feet.



UTILITY CONTACTS

ELECTRIC:
EVERSOURCE
1700 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 436-7708, Ext. 555.5678
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

NATURAL GAS:
UNITIL
325 WEST ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 294-5144
ATTN: DAVE BEAULIEU

CABLE:
COMCAST
155 COMMERCE WAY
PORTSMOUTH, N.H. 03801
Tel. (603) 679-5695 (X1037)
ATTN: MIKE COLLINS

SEWER & WATER:
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427-1530
ATTN: JIM TOW

COMMUNICATIONS:
FAIRPOINT COMMUNICATIONS
JOE CONSIDINE
1575 GREENLAND ROAD
GREENLAND, N.H. 03840
Tel. (603) 427-5525

INDEX OF SHEETS

DWG. NO.	
-	SUBDIVISION PLAN
-	SITE ORTHOPHOTO
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE PLAN
-	LICENSE AREA PLAN
C4	UTILITY PLAN
C5	PARKING PLAN
A2.1-3.1	ARCHITECTURAL PLANS

PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

DESIGN APPLICATION PLANS
PROPOSED DEVELOPMENT
361 HANOVER STREET
PORTSMOUTH, N.H.



PLAN SET SUBMITTAL DATE: 3 APRIL 2024



NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 63.

2) APPLICANT:
 361 HANOVER STEAM FACTORY, LLC
 41 INDUSTRIAL DRIVE UNIT 20
 EXETER, NH 03833
 6352/2959

3) THE PURPOSE OF THIS PLAN IS TO SHOW SITE FEATURES AS OF FEBRUARY 2023 ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 LOT 63.

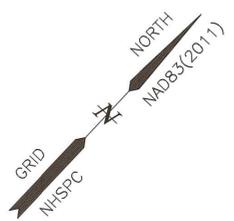
LICENSE AREA
 7,500 S.F.

138/60

#191 - UNIT B
 "POWERHOUSE
 BUILDING"
 1 STORY BRICK

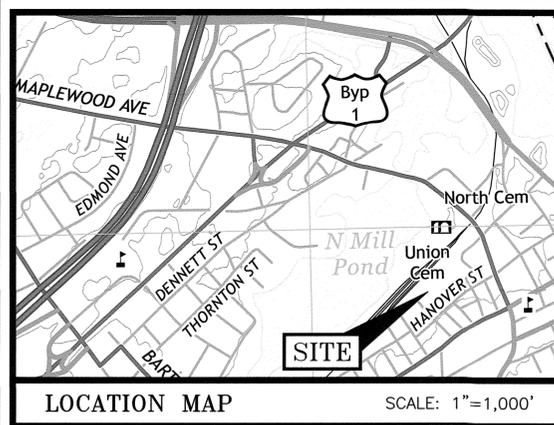
138/63

#361 - UNIT A
 "HEINEMANN BUILDING"
 2 STORY BRICK



NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/3/24
REVISIONS		

SITE ORTHOPHOTO
TAX MAP 138 - LOT 63
361 HANOVER STEAM FACTORY, LLC
FOUNDRY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



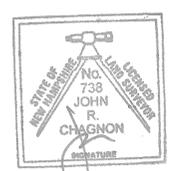
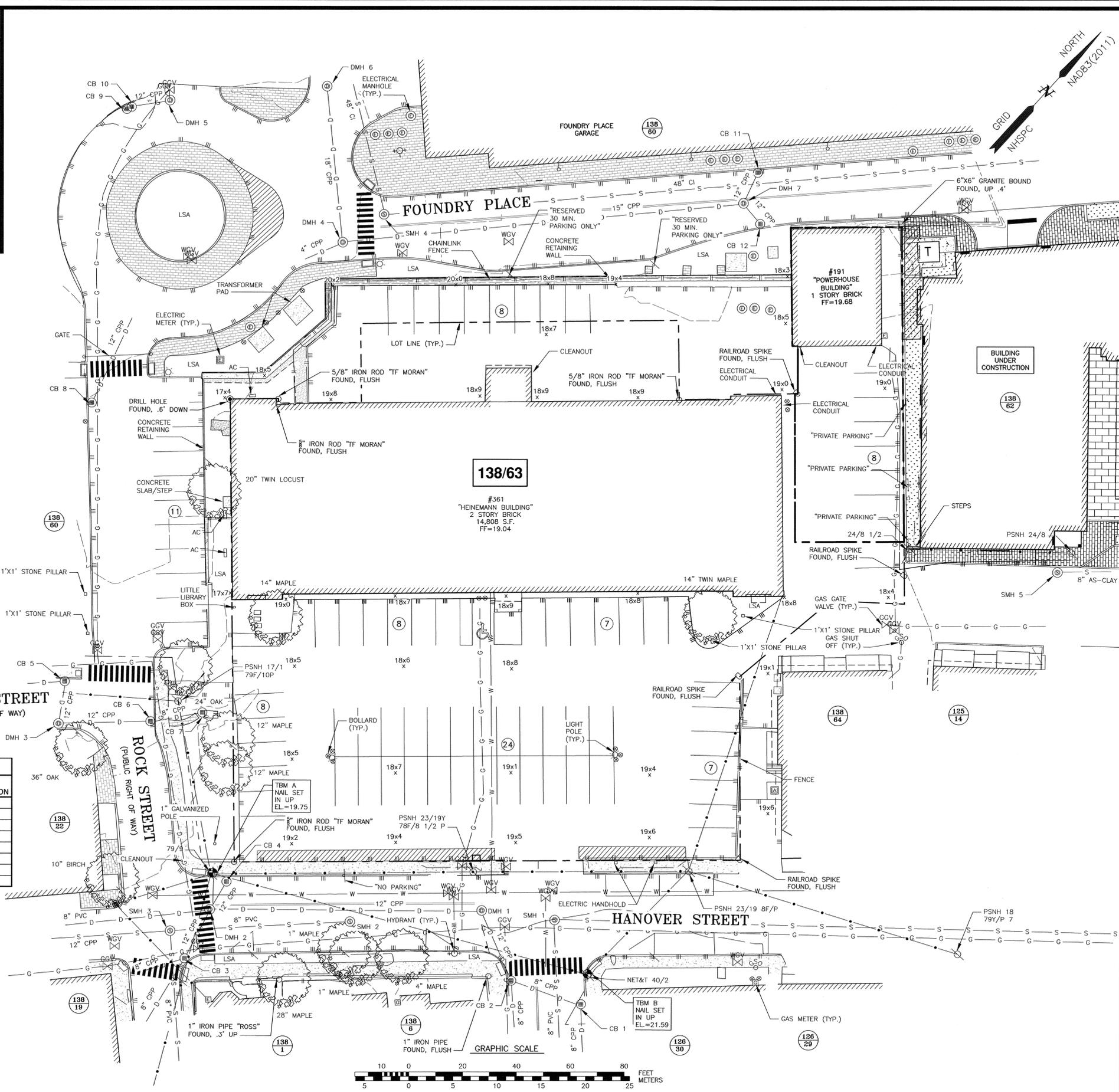
- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - OWNER OF RECORD:
 361 HANOVER STEAM FACTORY, LLC
 41 INDUSTRIAL DRIVE UNIT 20
 EXETER, N.H. 03833
 6352/2959
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. JANUARY 29 2021.
 - EXISTING LOT AREA:
 38,528 S.F.
 - PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY DISTRICT, AND DOWNTOWN OVERLAY DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
 SEE ZONING ORDINANCE
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63, AS AMENDED.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

DRAINAGE STRUCTURE TABLE

STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
CB 1	EX	20.66	8" CPP	17.51	17.46	SW
CB 2	EX	20.35	12" CPP	15.80	15.70	N
			8" CPP	15.80	15.70	NE
			8" CPP	16.50	16.40	SE
CB 3	EX	19.29	12" CPP	16.24	15.64	NW
			8" CPP	16.24	16.24	W
			8" CPP	16.29	16.29	S
CB 4	EX	18.90	12" CPP	15.65	15.65	SE
CB 5	EX	15.00	12" CPP	10.00	10.00	SW
			12" CPP	10.00	10.00	SE
CB 6	EX	15.60	12" CPP	12.85	12.85	SW
			8" CPP	13.20	13.20	NE
CB 7	EX	17.43	8" CPP	16.28	16.28	SW
CB 8	EX	12.15	12" CPP	7.45	7.45	NW
CB 9&10	EX	9.76	12" CPP	5.86	5.86	NE
CB 11	EX	10.07	12" CPP	6.17	6.17	SE
CB 12	EX	10.22	12" CPP	6.92	6.92	W
DMH 1	EX	19.81	12" CPP	15.56	15.56	SW
			12" CPP	15.56	15.56	E
DMH 2	EX	19.08	12" CPP	15.03	15.03	SW
			12" CPP	15.03	15.03	NE
			12" CPP	15.43	15.43	NW
			12" CPP	15.43	15.43	SE
DMH 3	EX	15.30	12" CPP	10.65	10.65	NW
			12" CPP	10.65	10.65	NE
DMH 4	EX	11.86	18" CPP	5.46	5.46	NW
			15" CPP	5.56	5.56	NE
			4" PVC	9.36	9.36	S
DMH 5	EX	9.87	NO DATA			
DMH 6	EX	11.84	NO DATA			
DMH 7	EX	10.19	18" CPP	6.29	6.29	SW
			12" CPP	6.44	6.44	NW
			12" CPP	6.39	6.39	E

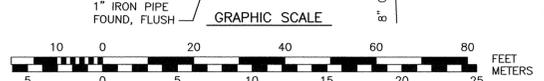
SEWER STRUCTURE TABLE

STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
SMH 1	EX	20.06	15" PVC	14.36	14.36	NE
			8" PVC	14.41	14.41	SE
SMH 2	EX	19.31	8" PVC	12.91	12.91	SW
SMH 3	EX	19.15	8" PVC	11.45	11.45	SW
			8" PVC	11.60	11.60	NE
			8" PVC	13.90	13.90	SE
SMH 4	EX	12.23	48" CI	-0.77	-0.77	NW
			48" CI	-0.77	-0.77	NE



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
 JOHN R. CHAGNON, LLS
 DATE: 4.3.24



**SITE REDEVELOPMENT
 361 HANOVER STREET
 PORTSMOUTH, N.H.**

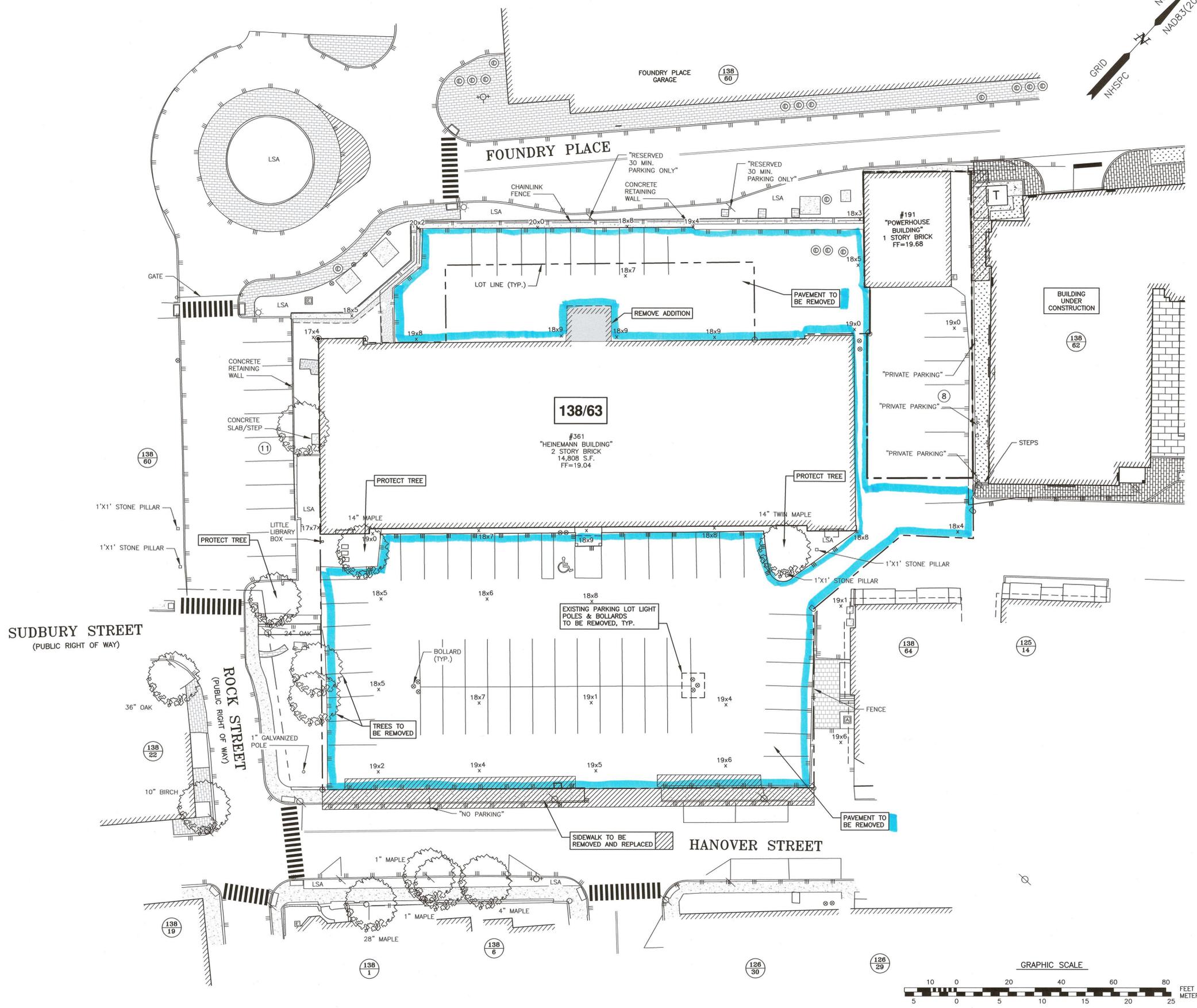
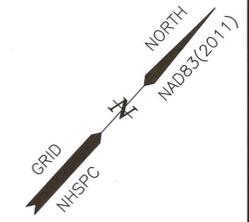
NO.	DESCRIPTION	DATE
2	ISSUED FOR REVIEW	4/3/24
1	UPDATE E.C. & ADD SPOT GRADES	2/28/24
0	ISSUED FOR COMMENT	1/31/24

REVISIONS

NO.	DESCRIPTION	DATE

SCALE: 1"=20' JANUARY 2024

EXISTING CONDITIONS PLAN **C1**



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
 - 4) COORDINATE ACCESS IN STREET/ROW AREAS ADJACENT TO DEMOLITION TO INSURE SAFE PASSAGE. UTILIZE DETOURS IF NEEDED.
 - 5) EXISTING UTILITIES TO BE ABANDONED SHALL BE REMOVED TO THE UTILITY MAIN AND CAPPED PER THE UTILITY COMPANY REQUIREMENT.

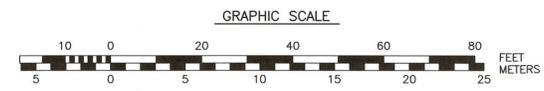
**SITE REDEVELOPMENT
 361 HANOVER STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/3/24
REVISIONS		

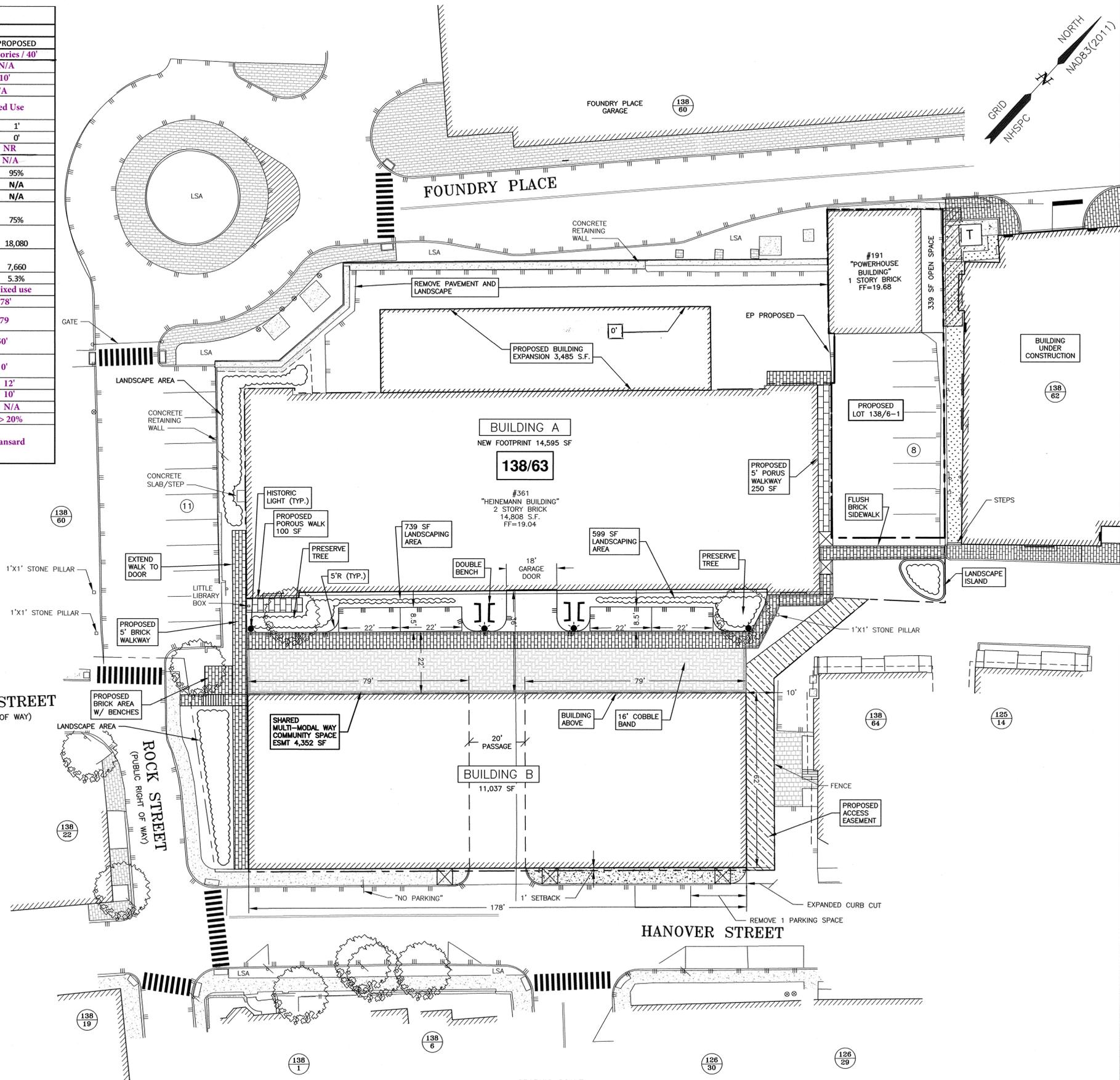


SCALE: 1"=20' JANUARY 2024

DEMOLITION PLAN **C2**



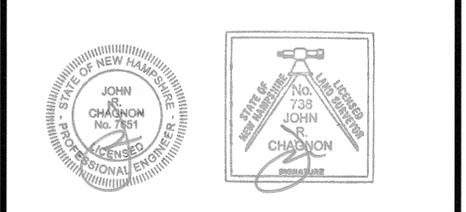
ZONING DEVELOPMENT STANDARD			
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT			
	REQUIRED	EXISTING	PROPOSED
Height	2-3 stories 40'	2 Stories / 18' +/-	3 stories / 40'
Penthouses	may exceed bldg height by 2'	N/A	N/A
Roof appurtenance	may exceed bldg height by 10'	< 10'	< 10'
Facade Types		N/A	N/A
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Mixed Use
Front (principle) max	5	99'	1'
Front (secondary) max	5	0'	0'
Side	NR	NR	NR
Rear yard	5'	N/A	N/A
Front lotline buildout	80% min	100%	95%
Lot area (sf)	NR	N/A	N/A
LOT area per dwelling	NR	N/A	N/A
Building coverage, maximum	95%	38%	75%
Maximum building footprint	20,000	14,808	18,080
Ground floor area per use, max	15,000	14,808	7,660
Open space, minimum	5%	<5%	5.3%
Permitted uses		Commercial	Mixed use
Block length, max (ft)	225	205'	178'
Facade modulation length, max (ft)	100	205	79
Entrance spacing, max (ft)	50	>50'	<50'
Floor height above sidewalk, max	36"	0'	0'
Ground story height, min	12'	10'	12'
Second story height, min	10'	10'	10'
Glazing, shopfront, min	70%	N/A	N/A
Glazing, other	20%-50%	> 20%	> 20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Mansard



- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - APPLICANT:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F, JANUARY 29 2021.
- PROPOSED LOT AREAS:**
- LOT 138/63
38,528 S.F.±
0.8845 AC
- LOT 138/63-1
4,717 S.F.
0.1083 AC
- PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY, AND DOWNTOWN OVERLAY DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
 *SEE PORTSMOUTH ZONING ORDINANCE AND TABLE.
- MINIMUM LOT AREA: NR
 SETBACKS:
 FRONT: 5 FEET (MAXIMUM)
 SIDE: NR
 REAR: 5 FEET
 MAXIMUM BUILDING COVERAGE: 95%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 138 LOT 63.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - PROPOSED USE: 36 RESIDENTIAL DWELLING UNITS
 - 3,853 SF COMMUNITY SPACE REQUIRED
4,352 SF COMMUNITY SPACE PROVIDED
1,925 SF OPEN SPACE REQUIRED
2,038 SF OPEN SPACE PROVIDED

**SITE REDEVELOPMENT
 361 HANOVER STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	Zoning Table	4/7/24
0	ISSUED FOR COMMENT	4/3/24



SCALE: 1"=20' JANUARY 2024

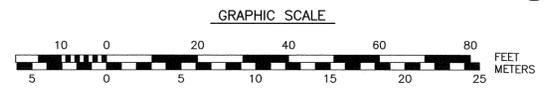
SITE PLAN **C3**

THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

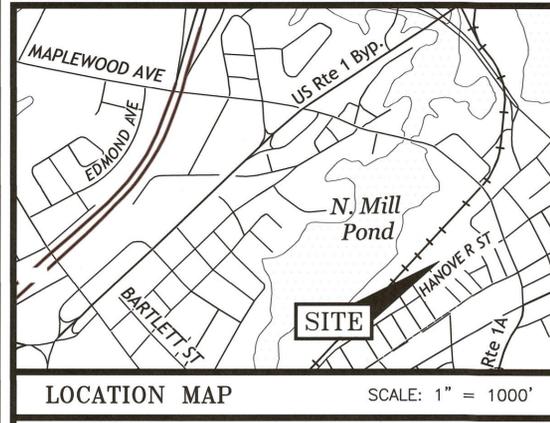
CHAIRMAN _____ DATE _____



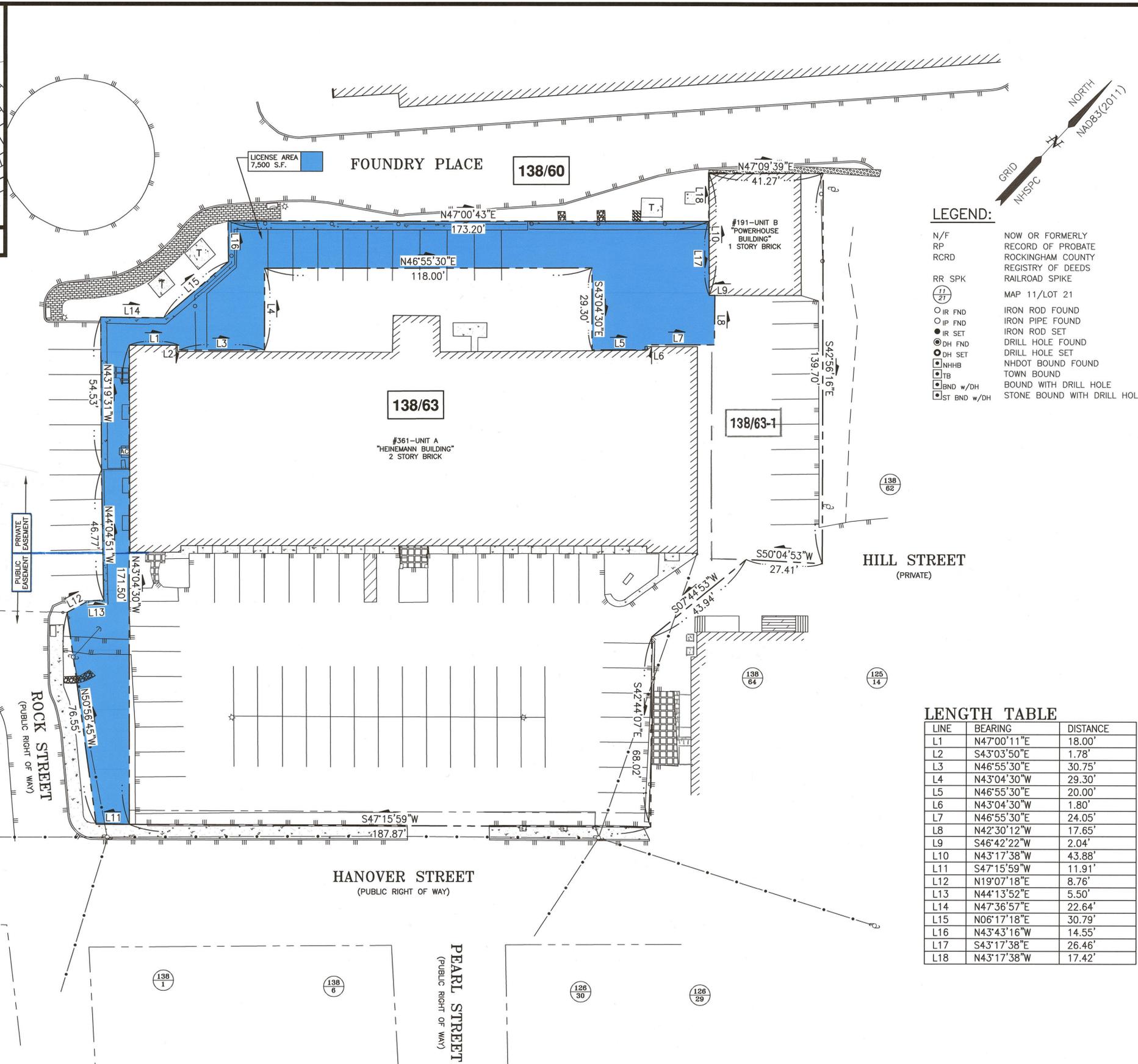
NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 60.
- 2) OWNERS OF RECORD:
LOT 60
CITY OF PORTSMOUTH
JUNKINS AVENUE
PORTSMOUTH, NH 03801

LOT 63 - UNIT A
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
6352/2959
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) LOT AREA: 38,528 S.F.
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5) AND DOWNTOWN OVERLAY DISTRICT.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED LICENSE AREA ON TAX MAP 139, LOT 60 TO BENEFIT TAX MAP 138, LOT 63 IN PORTSMOUTH, NH.
- 7) THE LICENSE AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND 361 HANOVER STEAM FACTORY, LLC WILL REPLACE THE EXISTING PARKING LICENSE AGREEMENT AND ACCESS AGREEMENT RECORDED AT DEED BOOK 4735 PAGE 2971 AND PROVIDE A PUBLIC AND PRIVATE LANDSCAPING EASEMENT TO 361 HANOVER STEAM FACTORY, LLC.



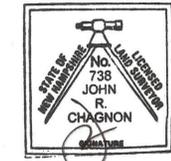
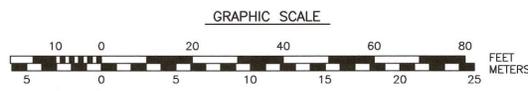
- PLAN REFERENCES:**
- 1) "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MFG & POWER CO. TO FRANKIE BROOKS" BY JOHN W. DURGIN. DA TED FEBRUARY 1918. RCRD PLAN 078.
 - 2) "SUBDIVISION OF LAND OF PORTSMOUTH MFG. & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DURGIN. DATED NOVEMBER 1925. RCRD PLAN #368.
 - 3) "LAND IN PORTSMOUTH, N.H. PORTS. MFG. & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DURGIN. DATED NOVEMBER 1926. RCRD PLAN #389.
 - 4) "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004 LAST REVISED DECEMBER 20, 2005. RCRD PLAN D-33379.
 - 5) "CONSOLIDATION & SUBDIVISION PLAN TAX MAP 125, LOT 17 & TAX MAP 138, LOT 62 DEER STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STA TE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DA TED JULY 2015. RCRD PLAN D-39699.
 - 6) "KEARSARGE MILLS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 15, 1986. RCRD PLAN D-14855.
 - 7) "BOUNDARY LINE AGREEMENT PLAN KEARSARGE MILL CONDOMINIUMS PORTSMOUTH, N.H." BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997 LAST REVISED APRIL 21, 1997. RCRD PLAN D-25421.
 - 8) "AMENDED SITE PLAN, KEARSARGE MILL CONDOMINIUMS, 1 HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-06 AND LAST REVISED 02-16-07. RCRD PLAN D-34716.



- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - IR FND IRON ROD FOUND
 - IP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - DH FND DRILL HOLE FOUND
 - DH SET DRILL HOLE SET
 - NHHD NHDOT BOUND FOUND
 - TB TOWN BOUND
 - BND w/DH BOUND WITH DRILL HOLE
 - ST BND w/DH STONE BOUND WITH DRILL HOLE

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N47°00'11"E	18.00'
L2	S43°03'50"E	1.78'
L3	N46°55'30"E	30.75'
L4	N43°04'30"W	29.30'
L5	N46°55'30"E	20.00'
L6	N43°04'30"W	1.80'
L7	N46°55'30"E	24.05'
L8	N42°30'12"W	17.65'
L9	S46°42'22"W	2.04'
L10	N43°17'38"W	43.88'
L11	S47°15'59"W	11.91'
L12	N19°07'18"E	8.76'
L13	N44°13'52"E	5.50'
L14	N47°36'57"E	22.64'
L15	N06°17'18"E	30.79'
L16	N43°43'16"W	14.55'
L17	S43°17'38"E	26.46'
L18	N43°17'38"W	17.42'



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
JOHN R. CHAGNON, LLS
DATE 3.21.24

APPROVED BY THE PORTSMOUTH PLANNING BOARD

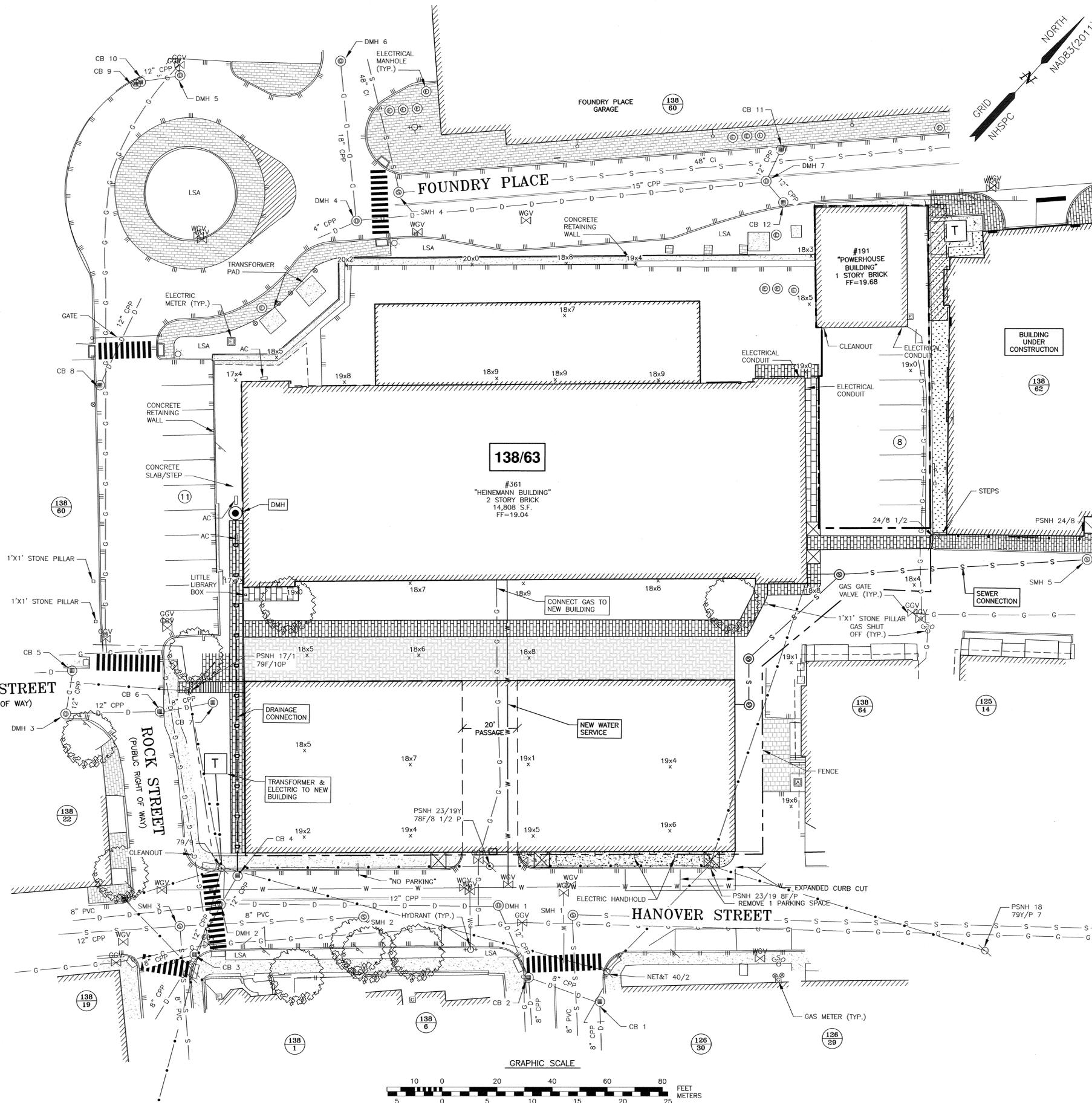
CHAIRMAN _____ DATE _____

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/21/24
REVISIONS		

PROPOSED LICENSE AREA PLAN
TAX MAP 138 - LOT 63
CITY OF PORTSMOUTH
TO
361 HANOVER STEAM
FACTORY, LLC
FOUNDRY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

UTILITY NOTES:

- 1) SEE EXISTING CONDITIONS PLAN FOR BENCHMARK INFORMATION.
- 2) COORDINATE ALL UTILITY WORK WITH APPROPRIATE UTILITY.
- 3) CONTRACTOR SHALL COORDINATE ALL ELECTRIC WORK INCLUDING BUT NOT LIMITED TO: CONDUIT CONSTRUCTION, MANHOLE CONSTRUCTION, UTILITY POLE CONSTRUCTION, OVERHEAD WIRE RELOCATION, AND TRANSFORMER CONSTRUCTION WITH POWER COMPANY.
- 4) ALL WATER MAIN INSTALLATIONS SHALL BE CLASS 52, POLYWRAPPED, CEMENT LINED DUCTILE IRON PIPE.
- 5) ALL WATERMAIN INSTALLATIONS SHALL BE PRESSURE TESTED AND CHLORINATED AFTER CONSTRUCTION AND BEFORE ACTIVATING THE SYSTEM. CONTRACTOR SHALL COORDINATE WITH THE CITY OF PORTSMOUTH.
- 6) ALL SEWER PIPE SHALL BE PVC SDR 35 UNLESS OTHERWISE STATED.
- 7) ALL WORK WITHIN CITY R.O.W. SHALL BE COORDINATED WITH CITY OF PORTSMOUTH.
- 8) CONTRACTOR SHALL MAINTAIN UTILITY SERVICES TO ADJACENT PROPERTIES THROUGHOUT CONSTRUCTION.
- 9) ANY CONNECTION TO EXISTING WATERMAIN SHALL BE CONSTRUCTED BY THE CITY OF PORTSMOUTH.
- 10) EXISTING UTILITIES TO BE REMOVED SHALL BE CAPPED AT THE MAIN AND MEET THE DEPARTMENT OF PUBLIC WORKS STANDARDS FOR CAPPING OF WATER AND SEWER SERVICES.
- 11) ALL ELECTRICAL MATERIAL WORKMANSHIP SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION, AND ALL APPLICABLE STATE AND LOCAL CODES.
- 12) THE EXACT LOCATION OF NEW UTILITY SERVICES AND CONNECTIONS SHALL BE COORDINATED WITH BUILDING DRAWINGS AND UTILITY COMPANIES.
- 13) ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
- 14) ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING CABLES.
- 15) THE CONTRACTOR SHALL OBTAIN, PAY FOR, AND COMPLY WITH ALL REQUIRED PERMITS, ARRANGE FOR ALL INSPECTIONS, AND SUBMIT COPIES OF ACCEPTANCE CERTIFICATES TO THE OWNER PRIOR TO THE COMPLETION OF PROJECT.
- 16) THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL MANHOLES, BOXES, FITTINGS, CONNECTORS, COVER PLATES AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED IN THESE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL.
- 17) CONTRACTOR SHALL PROVIDE EXCAVATION, BEDDING, BACKFILL AND COMPACTION FOR NATURAL GAS SERVICES.
- 18) A 10-FOOT MINIMUM EDGE TO EDGE HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN ALL WATER AND SANITARY SEWER LINES. AN 18-INCH MINIMUM OUTSIDE TO OUTSIDE VERTICAL SEPARATION SHALL BE PROVIDED AT ALL WATER/SANITARY SEWER CROSSINGS WATER ABOVE SEWER.
- 19) SAWCUT AND REMOVE PAVEMENT AND CONSTRUCT PAVEMENT TRENCH PATCH FOR ALL PROPOSED UTILITIES LOCATED IN EXISTING PAVEMENT AREAS TO REMAIN.
- 20) GATE VALVES, FITTINGS, ETC. SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTSMOUTH.
- 21) COORDINATE TESTING OF SEWER CONSTRUCTION WITH THE CITY OF PORTSMOUTH.
- 22) ALL SEWER PIPES WITH LESS THAN 6' COVER SHALL BE INSULATED.



NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION." (NHDES DECEMBER 2008).
- 4) INSTALL CATCH BASIN INLET PROTECTION ON ALL EXISTING AND PROPOSED CATCH BASINS (IN THE PROJECT VICINITY) UNTIL CONSTRUCTION IS COMPLETED AND THE SITE IS STABILIZED.
- 5) ALL WATER MAIN AND SANITARY SEWER WORK SHALL MEET THE STANDARDS OF THE NEW HAMPSHIRE STATE PLUMBING CODE AND CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS.
- 6) UTILITY AS-BUILTS SHALL BE SUBMITTED TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS UPON COMPLETION OF THE PROJECT.
- 7) EVERSOURCE WORK ORDER #XXXXXXX
- 8) PROPOSED SEWER FLOW:
 36 UNITS X 170 GPD/UNITS = 6,120 GPD
 TOTAL FLOW: 6,120 GPD
 COMMERCIAL TBD S.F. 5 GPD/100 SF = TBD GPD
- 9) THE APPLICANT SHALL HAVE A COMMUNICATIONS SITE SURVEY CONDUCTED BY A MOTOROLA COMMUNICATIONS CARRIER APPROVED BY THE PORTSMOUTH'S COMMUNICATIONS DIVISION. THE RADIO COMMUNICATIONS CARRIER MUST BE FAMILIAR AND CONVERSANT WITH THE PORTSMOUTH POLICE AND FIRE RADIO SYSTEMS CONFIGURATION. IF THE SITE SURVEY INDICATES THAT IT IS NECESSARY TO INSTALL A SIGNAL REPEATER EITHER ON OR NEAR THE PROPOSED PROJECT, THOSE COSTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE PROPERTY OWNER WILL BE REQUIRED TO MAINTAIN ANY INSTALLED EQUIPMENT. THE PROPERTY OWNER SHALL BE RESPONSIBLE TO PAY FOR THE SITE SURVEY WHETHER OR NOT THE SURVEY INDICATES THAT EQUIPMENT IS NECESSARY. THE OWNER SHALL COORDINATE WITH THE SUPERVISOR OF RADIO COMMUNICATIONS FOR PORTSMOUTH. THE SURVEY SHALL BE COMPLETED AND ANY REQUIRED EQUIPMENT INSTALLED, TESTED, AND ACCEPTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- 10) FINAL CONDUIT LOCATION SUBJECT TO CONFIRMATION FROM UTILITY PROVIDERS.
- 11) EXISTING UTILITIES TO BE ABANDONED SHALL BE REMOVED TO THE UTILITY MAIN AND CAPPED PER THE UTILITY COMPANY REQUIREMENT.

**SITE REDEVELOPMENT
 361 HANOVER STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/3/24



SCALE: 1"=20' JANUARY 2024

UTILITY PLAN **C4**

361 HANOVER STREET
PORTSMOUTH, NH 03801



3 WEST (LEFT SIDE) ELEVATION
Scale: 1/8" = 1'-0"



2 EAST (RIGHT SIDE) ELEVATION
Scale: 1/8" = 1'-0"



1 SOUTH (FRONT) ELEVATION
Scale: 1/8" = 1'-0"

REVISION & REISSUE NOTES

No.	Date	Notes

Project # 2024-09	Project Manager X.X.	Date 4-2-24
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Scale: AS NOTED

PROPOSED ELEVATIONS

A2.1

P5118-001
April 4, 2024

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

Re: **Preliminary Conceptual Consultation**
1035 Lafayette Road – Proposed Mixed-Use Development

Dear Chairman Chellman:

On behalf of Portsmouth Housing Authority (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 April, 2024;
- Parking Demand Memo, dated April 4, 2024
- Owners Authorization, dated March 25, 2024

The proposed project is located at 1035 Lafayette Road (US Route 1) which is identified as Map 246 Lot 1 on the City of Portsmouth Tax Maps. The property is bound to the west by Route 1 and to the North, East, and South by a State of New Hampshire Conservation Urban Forestry Center parcel. The sites current uses include the Christ Episcopal Church and Little Blessings Child Care Center. The site is accessed by two driveways on Route 1, a right in / right out at the center of the property and a signalized intersection at Mirona Road on the north side of property.

The property is a 3.49-acre parcel of land that at this time is located in the Single Residence B District (SRB). This property is currently included in a proposed amendment to the Zoning Ordinance that would rezone this parcel's designation to Gateway District (G2). It is our understanding that the second reading for this proposed zoning amendment is on the agenda for the April 15th City Council Meeting. For the purposes of developing the enclosed Conceptual Site Plan, the applicant has assumed the parcel to be rezoned to Gateway District (G2).

For the proposed project, the Portsmouth Housing Authority will construct a 4-story, 44-unit multi-family residential building to the south of the existing church building. In addition, HAVEN will convert and renovate the first-floor of the existing church into office space and will construct a 7-unit transitional housing building to the north of their new office. The lower level of the existing church will be renovated for Little Blessings Child Care Center. The Christ Episcopal Church will be relocated to the existing rectory building on the southern portion of the site. The project will include associated site improvements such as parking, pedestrian connections, access to public transportation, utilities, stormwater management, lighting, and landscaping. The site will continue to be accessed via the existing driveways on Route 1.



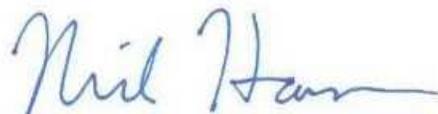
The applicant respectfully requests to be placed on the April 18, 2024, Planning Board meeting agenda for the Preliminary Conceptual Consultation Phase. If you have any questions or need any additional information, please contact me by phone at (603) 433-8818 or by email at NAHansen@tighebond.com.

Sincerely,

TIGHE & BOND, INC.



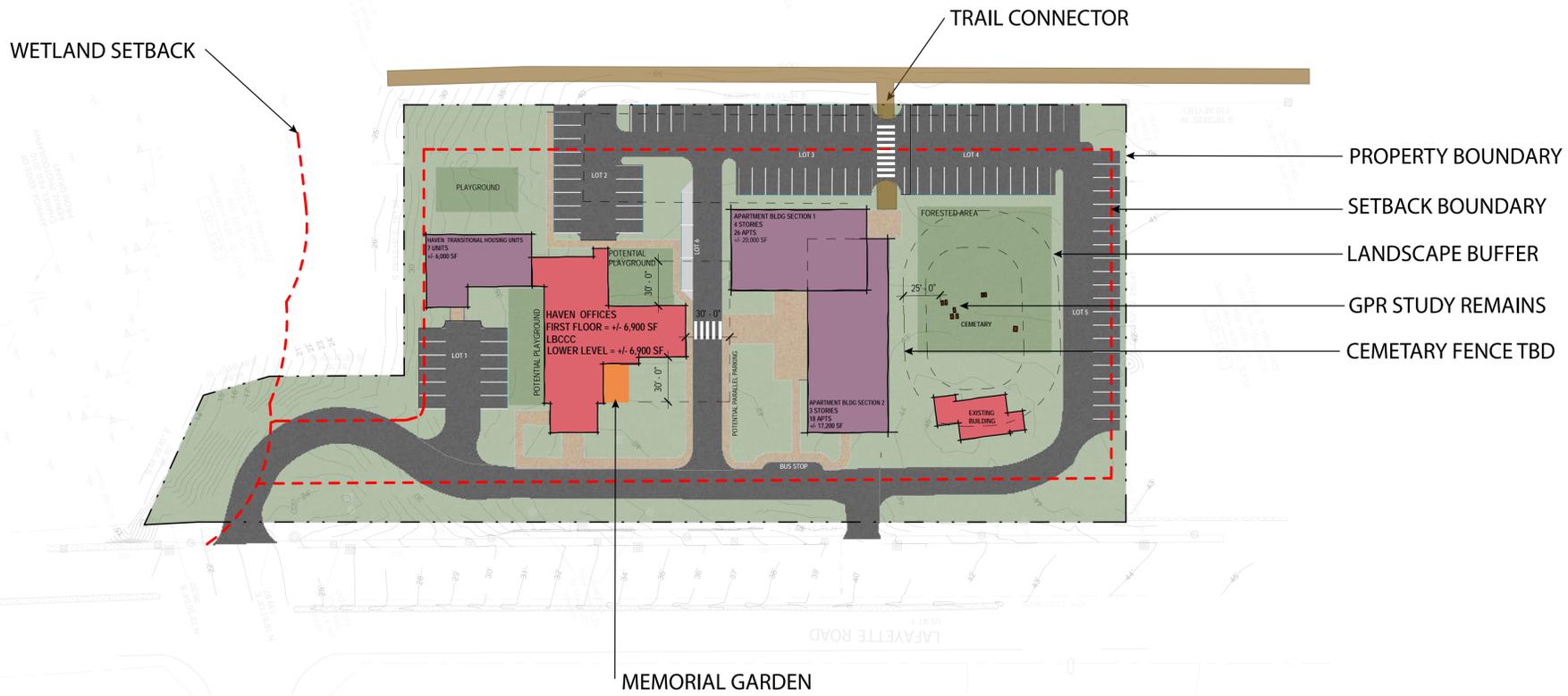
Patrick M. Crimmins, PE
Vice President



Neil A. Hansen, PE
Project Manager

Copy: Portsmouth Housing Authority

QUANTITIES MATRIX		
	AREA	QTY.
BUSINESS USE	13,800 SQ.FT.	-
HAVEN OFFICES	6,900 SQ.FT.	-
DAYCARE	6,900 SQ.FT.	-
RESIDENTIAL USE	43,200 SQ.FT.	51
HAVEN TOWNHOUSE 3-BED UNITS	6,000 SQ.FT.	7
APT. BUILDING 1 1-BED; 2-BED; 3-BED	37,200 SQ.FT.	44
PARKING	28,746 SQ.FT.	99
LOT 1	3,260 SQ.FT.	12
LOT 2	4,332 SQ.FT.	14
LOT 3	6,103 SQ.FT.	25
LOT 4	7,235 SQ.FT.	24
LOT 5	7,216 SQ.FT.	21
LOT 6	600 SQ.FT.	3



- LANDSCAPED AREA
- PUBLIC GATHERING SPACE
- PROPOSED BUILDINGS
- RE-PURPOSED EXISTING BUILDINGS

2 SITE PLAN
1" = 50'-0"

1035 LAFAYETTE ROAD

PROJECT NUMBER: 23.30	NORTH	DRAWING NAME: SITE PLAN
DATE: APR 2024		DRAWING NUMBER:
SCALE: 1"=50'-0"		
REVISION:		

4/2/2024 4:16:21 PM S:\FILES\CURRENT\1035 Lafayette Road - Portsmouth6.DRAWINGS\6.2 REV\1035 Lafayette Road - SD - OPTION 11 REV2.dwg

1035 Lafayette Rd Redevelopment – Parking Demand Memo

TO: City of Portsmouth Planning Board
FROM: Patrick M. Crimmins, PE
Neil A. Hansen, PE
COPY: Portsmouth Housing Authority
DATE: April 4, 2024

Tighe & Bond, Inc. (Tighe & Bond) has prepared this Parking Demand Memo to summarize the parking demand calculations related to the conceptual redevelopment of the parcel located at 1035 Lafayette Road (Route 1) in Portsmouth, New Hampshire.

The Project conceptually includes 4 proposed uses consisting of residential, office space, daycare facility, and a place of worship. The preliminary residential building and addition to the existing church includes 51 total units consisting of a mix of 500-750 SF and >750 SF units. The existing Church is anticipated to be converted to 6,900 SF of first-floor office space and 6,900 SF of lower-level daycare which has a max licensed enrollment capacity of 71 students. The existing single-family dwelling located in the southern portion of the lot would be converted to a chapel and place of assembly with an anticipated maximum occupancy of 72 people. This chapel has been calculated utilizing the place of assembly use identified as Use No. 3.10 from Portsmouth Zoning Ordinance Section 10.1112.32.

To calculate the project's parking requirement, parking demand was first calculated by the minimum parking requirements defined in the City of Portsmouth Zoning Ordinance Section 10.1112.30.

Due to the mix in uses, a shared parking calculation was then applied as allowed by Section 10.1112.61 of the Zoning Ordinance. The shared parking occupancy rate for the residential, office space, and place of worship proposed uses have utilized the standard rates identified in section 10.1112.61. The daycare parking occupancy rates have been modified from the standard Retail/Service Use to better reflect the anticipated working hours of the proposed daycare of Monday through Friday 8 AM to 5PM. We have modified the weekday daytime rate to be 100%, weekday evening to be 10% and weekend and nighttime rates to be 0%.

Lastly, a 20% reduction was applied to the parking requirement calculation as allowed by Section 10.5B82.10 of the Zoning Ordinance when public transportation is within a ¼-mile of the property. The public transit reduction requirement states that *"For developments located on a public transit route with year-round, 5-days-per-week, fixed-route service and where at least 50% of the building(s) are within ¼ mile of a transit stop, the minimum offstreet parking required for motor vehicles shall be reduced by 20% of the total required for all uses."* The proposed parcel is located along the COAST route 41, Portsmouth-Lafayette Trolley, that runs along Lafayette Rd from Downtown Portsmouth to the Lafayette Road Residence Association at Bluefish Blvd. The applicant is currently working with COAST to provide a bus stop onsite along this route which would allow the project to utilize the 20% reduction.

Based on the above-described zoning requirements, the minimum required parking for the project is calculated at 84 spaces. The proposed project provides 99 spaces, which exceeds the minimum parking requirement. In addition, the project is promoting alternative modes of transportation such as walking, bicycling, and public transportation by incorporating pedestrian connections, bicycle storage and a bus stop.

MINIMUM PARKING REQUIRED PER CITY ZONING ORDINANCE						
Type of Use	Weekday		Weekend		Nighttime (Midnight– 6:00 AM)	
	Daytime (8:00 AM – 5:00 PM)	Evening (6:00 PM– Midnight)	Daytime (8:00 AM– 5:00 PM)	Evening (6:00 PM– Midnight)		
Residential	60%	100%	80%	100%	100%	
Daycare ⁽¹⁾	100%	10%	0%	0%	0%	
Office Space	100%	20%	10%	5%	5%	
Place of Worship	10%	5%	100%	50%	5%	
Use	Required Spaces per Section 10.1112.30	Required Shared Spaces per Section 10.1112.61				
PROPOSED RESIDENTIAL UNITS < 500 SF	0	0	0	0	0	0
PROPOSED RESIDENTIAL UNITS 500 - 750 SF	11	7	11	9	11	11
PROPOSED RESIDENTIAL UNITS >750 SF	52	32	52	42	52	52
SPACES FOR RESIDENTIAL VISITORS	11	7	11	9	11	11
PROPOSED OFFICE	20	20	4	2	1	1
PROPOSED DAYCARE	36	36	4	0	0	0
RELOCATED EXISTING CHAPEL	18	2	1	18	9	1
Total Required Shared Spaces:	104	83	80	84	76	
Public Transit 20% Reduction Spaces: (Per Section 10.5B82.10)	84	67	64	68	61	
Total Provided:			99			

⁽¹⁾ Daycare has been modified from the Retail/Service use based on conservative estimates of the business hours (M-F 8 am-5 pm) of the proposed daycare.

Agent Letter of Authorization

This letter is to authorize Tighe & Bond, Inc. (Civil Engineer), to represent and submit on behalf of Portsmouth Housing Authority (Applicant), applications and materials in all site design and permitting matters for the proposed redevelopment project located at 1035 Lafayette Road in Portsmouth, New Hampshire on parcel of land identified as Map 246 Lot 1. This project includes the construction of multifamily buildings, repurposing of an existing church for office and daycare uses, and associated on-site improvements. This authorization shall relate to those activities that are required for local, state and federal permitting for the above project and include any required signatures for those applications.


Signature

Craig W. Welch
Print Name

3/24/24
Date



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@cityofportsmouth.com
(603) 610-7234

Trevor P. McCourt
Deputy City Attorney

Date: March 25, 2024

To: Karen S. Conard, City Manager

From: Trevor P. McCourt, Deputy City Attorney

Re: 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street
Disposition of Real Estate

As you know, the City Tax Collector issued tax deeds for three properties last fall: 508 Richards Avenue; 150 Bartlett Street; and, 323 Islington Street. Since that time the City has, through a management company, managed these three properties as a property owner. Now the City Council must decide how the City will dispose of these properties given the legal landscape relevant to tax deeded properties. What follows is a description of how the City came to own these three properties, a brief description of each property and various options moving forward.

Background on Tax Deeding

For the City to take ownership of a property by tax deed, a considerable amount of process and notice must occur. For this reason, tax deeding in Portsmouth is rare. A property owner must fail to pay property taxes to the City for at least three years prior to tax deeding. After the first year of unpaid taxes, the Tax Collector must place a tax lien on the property and provide notice to both the property owner and all mortgage holders. Any time up until the actual deeding of the property, that is the conveyance of the property to the City by deed, any person or entity with a legal interest in the property may redeem the property by paying off all unpaid tax bills. Repayment plans are also available.

Although the City regularly places tax liens on properties for failure to pay taxes in any given year, City staff engage in regular outreach to property owners to ensure they are aware of the process and potential consequences for continued failure to make required property tax payments. This includes sending letters by certified mail, searching local and state public databases for contact information for owners, physically visiting the properties, and other outreach methods as appropriate.

For the past several decades this approach has been largely successful and has helped keep the City out of the tax deeding process. However, despite best efforts in the case of three properties in particular, last year the City Tax Collector deeded three properties for failure to pay three years of accrued property taxes.

Ongoing Litigation

The City is subject to ongoing litigation regarding the tax deeding of these three properties. An entity known as Appledore Associates LLC claims to be the former property management company for the three properties, and it claims that the City violated state law when the Tax Collector did not accept payment from the property management company prior to

tax deeding. The City maintains that RSA 80:69 mandates that property subject to a tax lien can only be redeemed, or have the tax lien extinguished, by an individual or entity with a legal interest in the property. More detail regarding this process and the current status of the ongoing litigation can be provided upon request.

Description of the Properties

508 Richards Avenue – This property is a two-family residential structure, which has been used as a rental property for some time. For the past two years the Seacoast Repertory Theater has rented this property as housing for some of its actors. As of April 1, 2023, the City assessed the value of this property at \$647,000.

150 Bartlett Street - This five-unit apartment building has been largely vacant for some time. One unit is currently occupied, and the City has continued to honor this tenant’s lease. As of April 1, 2023, the City’s assessed value of this property was \$497,000.

323 Islington Street – This two-unit commercial building was most recently used for storage by the previous owner. It is currently unoccupied. As of April 1, 2023, the City’s assessed value of this property was \$576,000.

City Ownership

While the City owns these three properties, it acts as landlord for tenants and steward of the properties. To that end, acting through a property management company the City has conducted some minor repairs and improvements to the structures to ensure the occupied buildings are safe for human occupation and to ensure that the buildings are marketable.

In order to avoid an unconstitutional taking without just compensation, the City is required to return the equity in the properties, above what the City is owed, to the previous owners. The City is entitled to recover any unpaid taxes, water and sewer fees plus statutory interest. In addition, the City is required to collect a penalty in an amount of 10% of the assessed value of each property, any costs reasonably incurred in the management of the properties, and any attorney’s fees and costs associated with the acquisition, management and disposition of the properties. For those reasons the City has hired a management company for the day-to-day operations of the properties and plans to engage a law firm which specializes in the disposition of tax deeded properties for the purpose of auctioning the properties and handling all post-disposition matters.

As described below, the City is required to dispose of the properties by public auction, receipt of sealed bids, or through negotiation with the previous property owners.

Options for Disposition

There are several options available for the City in terms of disposition of the three parcels. However, it is important to note at the outset that the New Hampshire Constitution limits the extent the City may permanently take an interest in any private property. Part 1, Article 11 of the New Hampshire Constitution states in part “[n]o part of a man’s property shall be taken from him, or applied to public uses, without his own consent”. Although the unpaid taxes and penalties amount to a substantial sum, as indicated above the owners maintain significant equity in the properties. Therefore, the City has a constitutional duty to return this equity to the former owners, despite the fact they have not paid their property tax bills for the past several years.

Option 1 contemplates selling the properties to the highest bidders at auction, options 2, 3, and 4 contemplate the City retaining ownership of the properties, and option 5 is provided because it is specifically provided by statute.

Option 1 – Public Auction

The standard method for disposing of tax deeded property is to hold an auction and sell the properties to the highest bidders. The City would then recover the total amount of the lien, along with statutory interest, penalties, and all of its costs expended in the management of the property during the period of ownership, attorney's fees and costs. The proceeds above that amount would be returned to each previous owner. This method protects the taxpayers' investment in the property, ensures all back-taxes are paid, and protects the former owners' right to their equity in the property.

Option 2 – Appraisal and Offer by the City

The second option for the City would be to obtain an appraisal of the fair market value of the parcels and to offer the difference between what the City is owed and the appraised value to the previous property owners. If accepted, City staff would then negotiate an appropriate agreement with the previous owners and return to the City Council for an appropriation of funds.

Option 3 – Auction Property and Bid by the City

This option envisions the City placing the properties up for sale at a public auction, with the City Council authorizing the City Manager to bid on one or any combination of the properties up to a pre-specified limit. The authorization by the City Council could be discussed and approved within a non-public session. Then, in the event the City is the successful bidder on one or any combination of properties, the City Council could then appropriate the funds and unseal the non-public meeting minutes.

This option would require careful drafting in advance of the terms of the auction and the purchase and sale agreement to be entered into by the successful bidder.

Option 4 – Identify Bidder and Purchase Option

This option requires the City to identify a private member of the community who would be willing to bid on the project and sell to the City an option to buy the private bidder out of any one or combination of properties in the event the private bidder is also the successful bidder. This option may not be realistic as City staff do not currently know of any private bidders interested in selling the City an option agreement of this nature.

Option 5 – Deed Restriction

This final option is not recommended by the legal department due to concerns regarding constitutionality but is offered because it is specifically provided for by statute. It entails crafting a deed restriction for the properties which would restrict its future use, for example by compelling any future owner to rent the properties as affordable housing as set by the City. This option is not recommended because it gives rise to a potential unconstitutional taking without just compensation. This is because by placing a deed restriction on the properties the City would be lowering their potential fair market value, and therefore depriving the previous owners of the full amount of their equity in the properties. That said, no New Hampshire Court has ruled on the constitutionality of this kind of deed restriction.

At this time, I would recommend the City Council refer the question of disposition of these three properties to the Planning Board for a recommendation pursuant to Ordinance Section 10.152. The City Council could provide some direction or commentary to the Planning Board and/or to staff as it deems appropriate. Once the issue returns to the City Council with appropriate recommendations the City Council would have the opportunity to make a final decision.

Proposed Motion: Refer the question of how the City should dispose of 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation back at its next available meeting.

cc: Suzanne Woodland, Deputy City Manager
Susan Morrell, City Attorney

M E M O R A N D U M

TO: Planning Board
CC: Trevor McCourt, Assistant City Attorney; Peter Stith, Planning Manager
FROM: Elise Annunziata, Community Development Director 
DATE: April 18, 2024
RE: Deeded Properties: 508 Richards Avenue, 150 Bartlett Street, and 323 Islington Street

As the City considers options related to the disposition or continued ownership of three (3) deeded properties located at 508 Richards Avenue, 150 Bartlett Street, and 323 Islington Street, it may wish to consider some or all of these properties for rehabilitation for affordable housing. The City's Community Development Block Grant (CDBG) Program through U.S. Department of Housing and Urban Development (HUD) has funds that may be used for acquisition and/or rehabilitation for affordable housing. *The strong preference would be to use CDBG for **rehabilitation***, though either use could be pursued.

Currently available CDBG funds for acquisition and/or rehabilitation are at least \$550,000-\$600,000 with a very likely possibility of additional funds (approx. \$1.1M) by loan within the CDBG Program.

Note that there would be federal HUD requirements using these funds – primarily that the acquisition/rehabilitation would need to benefit low-moderate income persons (through, for example, affordable housing at 80% AMI per federal CDBG requirements) in perpetuity.

Community Development (CD) staff has knowledge, technical support, and experience to undertake this kind of effort. CD staff would advise that should the City choose this option, the City would use funds to acquire and/or rehabilitate the property(ies) in concert with a housing development partner who would also manage the housing/leasing. This, rather than the City being a property manager/landlord of housing units. Note that a community partner/housing developer-manger may also be able and willing to bring additional funds or in-kind contributions to the project.

Given the condition and nature of the properties and the currently available funds, it may be most suitable to focus on one or two of the properties for the effort: first choice 150 Bartlett Street (5 units), followed by 323 Islington Street (2 units).

I would be happy to answer any questions about this potential for adding affordable housing units in Portsmouth.

David Sinclair & Nicole Giusto
765 Middle Street
Portsmouth, NH 03801

March 25, 2024

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

RE: Site Plan Approval Extension LU-22-196

Dear Chairman Chellman:

Site plan approval for 765 Middle Street was approved on May 18th, 2023 by the Planning Board. Conditions to satisfy the approval are still ongoing, specifically:

2.2)A licensed utility engineer will determine the appropriate sizing for the fire service and domestic water lines.

We formally request a 1 year extension to fulfill the conditions. Although permitting process is underway and domestic line sizing has been determined, the fire suppression sizing is backlogged. Additionally, it was discovered by Unitil that Lincoln Avenue lacks sufficient pressure to add an additional gas line. They propose trenching a main from Middle St which is currently under review by their construction department.

Although it's possible we may have the information needed within 6 weeks, we'd prefer to play it safe asking for the extension.

Respectfully,



David Sinclair & Nicole Giusto
765 Middle St
720-244-2095