



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

Memorandum

To: Planning Board

From: Peter Stith, AICP  
Planning Manager

Date: October 17, 2024

Re: Recommendations for the October 17 2024 Planning Board Meeting

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## I. APPROVAL OF MINUTES

A. Approval of the September 19, 2024 meeting 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 September 19, 2024 meeting and vote to approve meeting minutes with edits if needed.

## II. DETERMINATION OF COMPLETENESS

### SITE PLAN REVIEW

A. The request of **HPH Boston Portsmouth LLC (Owner), Hammes Realty Services, LLC (Applicant)**, for property located at **1900 Lafayette Road** requesting amended site plan for the addition of a new parking area with associated site improvements including storm water, landscaping and lighting. Said property is located on Assessor Map 267 Lot 8 and lies within the Gateway Corridor (G1) District. (LU-24-148)

### Planning Department Recommendation

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1) Vote to 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.

### III. PUBLIC HEARINGS – OLD 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.*

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- A.** The request of Matt **Ball** and **Andrea Fershtam (Owners)**, for property located at **252 Wibird Street** requesting a Conditional Use Permit from Section 10.814 for the conversion of an existing accessory structure into a Detached Accessory Dwelling Unit (DADU) that does not conform with the dimensional requirements of the Ordinance. Said property is located on Assessor Map 149 Lot 12 and lies within the General Residence A (GRA) District. (LU-24-137)

**\*\*Application has been postponed to January 2025 meeting.\*\***

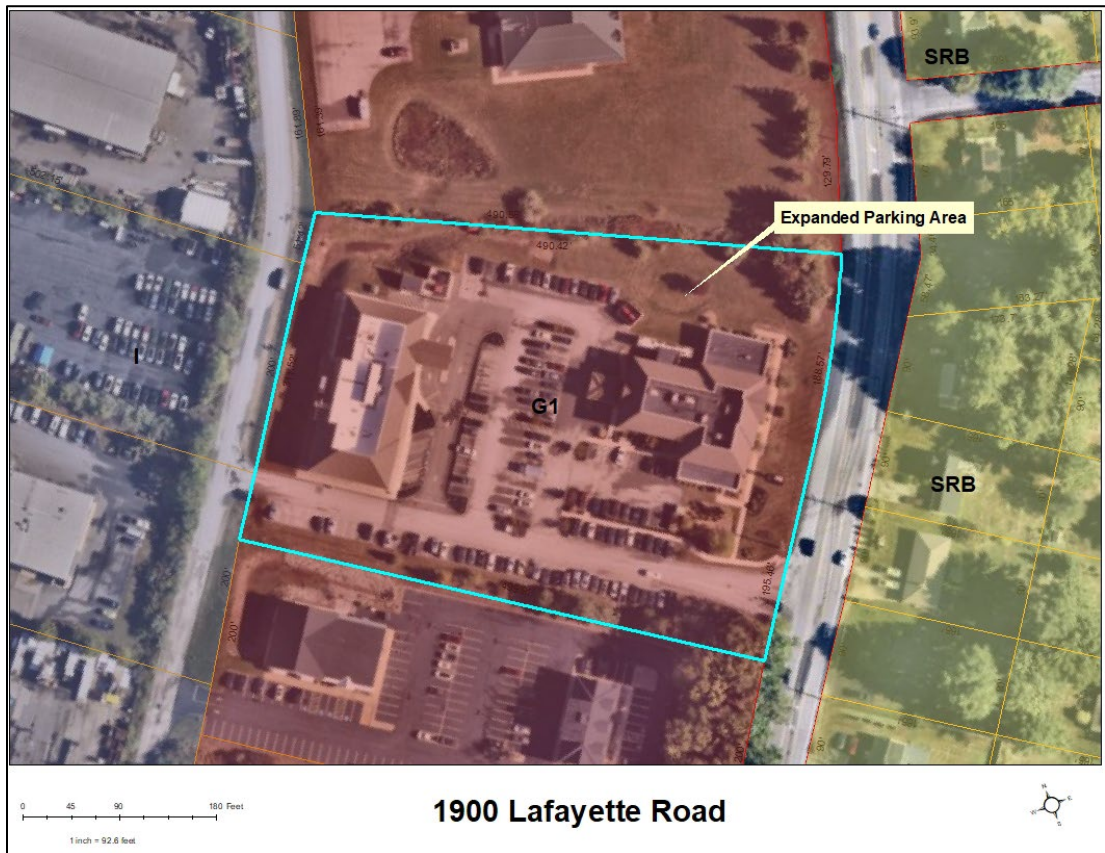
#### IV. PUBLIC HEARINGS – NEW BUSINESS

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- A. The request of **HPH Boston Portsmouth LLC (Owner), Hammes Realty Services, LLC (Applicant)**, for property located at **1900 Lafayette Road** requesting amended site plan for the addition of a new parking area with associated site improvements including storm water, landscaping and lighting. Said property is located on Assessor Map 267 Lot 8 and lies within the Gateway Corridor (G1) District. (LU-24-148)

#### Background

This application proposes addition of a new parking area to the north of the existing building that has frontage on Lafayette Road. The parking area will add 18 new spaces to the site, which increases the on-site parking to the maximum permitted at 156 spaces before a conditional use permit is required. The amendment also includes relocation of the dumpster and additional stormwater management infrastructure underneath the new parking area.



**Project Review, Decisions, and Recommendations**

The applicant was before the Technical Advisory Committee. See below for details.

**Technical Advisory Committee**

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, October 1, 2024 and voted to recommend amended site plan approval to the Planning Board with the following 2 conditions.

1. Applicant remove notes on blue paint for parking stalls in final plan set.
2. Applicant include updated open space plan in final plan set.

***Both conditions have been met in the Planning Board submission.***

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**Planning Department Recommendation**

**Amended Site Plan Review**

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**Site Plan Approval**

- 1) *Vote 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.*

*(Alt.) Vote 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 amended.*

- 2) *Vote to grant Amended Site Plan Approval.*
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**IV. PUBLIC HEARINGS – NEW BUSINESS**

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**B. Proposed Ordinance Amending Chapter 10, Article 6 - Overlay Districts, Section 10.680 – Gateway Neighborhood Overlay District, by Establishing a New Incentive Overlay District Allowing for Higher Density Housing.**

Affected parcels are listed on Assessor Map/Lot:

0213-0001-0000	0216-0001-0005
0213-0002-0000	0216-0001-0008
0213-0011-0000	0216-0001-0009
0213-0012-0000	0216-0001-0010
0214-0003-0000 (Portion of)	0216-0001-0011
0216-0001-0001	0216-0001-008A
0216-0001-0002	0217-0002-1819
0216-0001-0004	0217-0002-1975

Background

The proposed Gateway Neighborhood Overlay District (GNOD) is an innovative overlay district that will allow for higher density housing development by right in targeted areas in Portsmouth. The GNOD incorporates and expands upon the requirements from Article 5B to allow greater flexibility in site design and density. The overlay will include parcels along Commerce Way and Portsmouth Boulevard that are predominantly zoned Office Research (OR). The overlay could be expanded elsewhere in the City where appropriate higher density housing is targeted or desired in the future. The proposed boundary of the GNOD is shown on the maps below. This area was considered to be rezoned to Gateway by both the Land Use Committee and the Housing Committee. The Housing Committee, at their September 19<sup>th</sup> meeting, reviewed the GNOD and voted to support the adoption of the new overlay.

As proposed, developments within the GNOD would allow 80 units per building up to 5 stories with the requirement to provide public realm improvements consistent with Section 10.5B73.20. A development that exceeds 80 units per building or 5 stories would require both public realm improvements and three options for workforce housing that include constructing workforce housing units within the development, payment in-lieu of or a land donation as outlined in the draft ordinance. The table from the draft ordinance below shows the incentive options.

<b>10.686.10 Table 1: Optional Density Bonus Incentives Maximums (If Requirements Are Met)</b>			
<b>Incentive Option</b>	<b>Building Height Stories/Feet</b>	<b>Dwelling Units/Building</b>	<b>Approval Requirements</b>
<b>For All GNOD Developments over 4 Stories, 50 Feet and 24 Units Per Building:</b>			
<b>10.686.10 Public Realm Improvements</b>	5/68	80	Director of Planning and Sustainability
<b>And For Additional Height and Density, One of the Following :</b>			
<b>10.686.20 Workforce Housing</b>	6/80	120	Conditional Use Permit by the Planning Board
<b>10.686.20 Payment in Lieu</b>	6/80	120	Conditional Use Permit by the Planning Board
<b>10.686.30 Land Transfer</b>	6/80	120	City Council Approval

The GNOD provides additional development flexibility by reducing setbacks, increasing coverage allowance and building length (up to 400 feet where 200 currently exists), and exempting developments within the GNOD from certain sections of Article 5B below:

10.5B22.20 – Building Stepback – requirement to step building height back from ROW.

10.5B22.30 – Building Setbacks and Separation – requires 10 ft. setback between buildings (note: will still need to comply with building code)

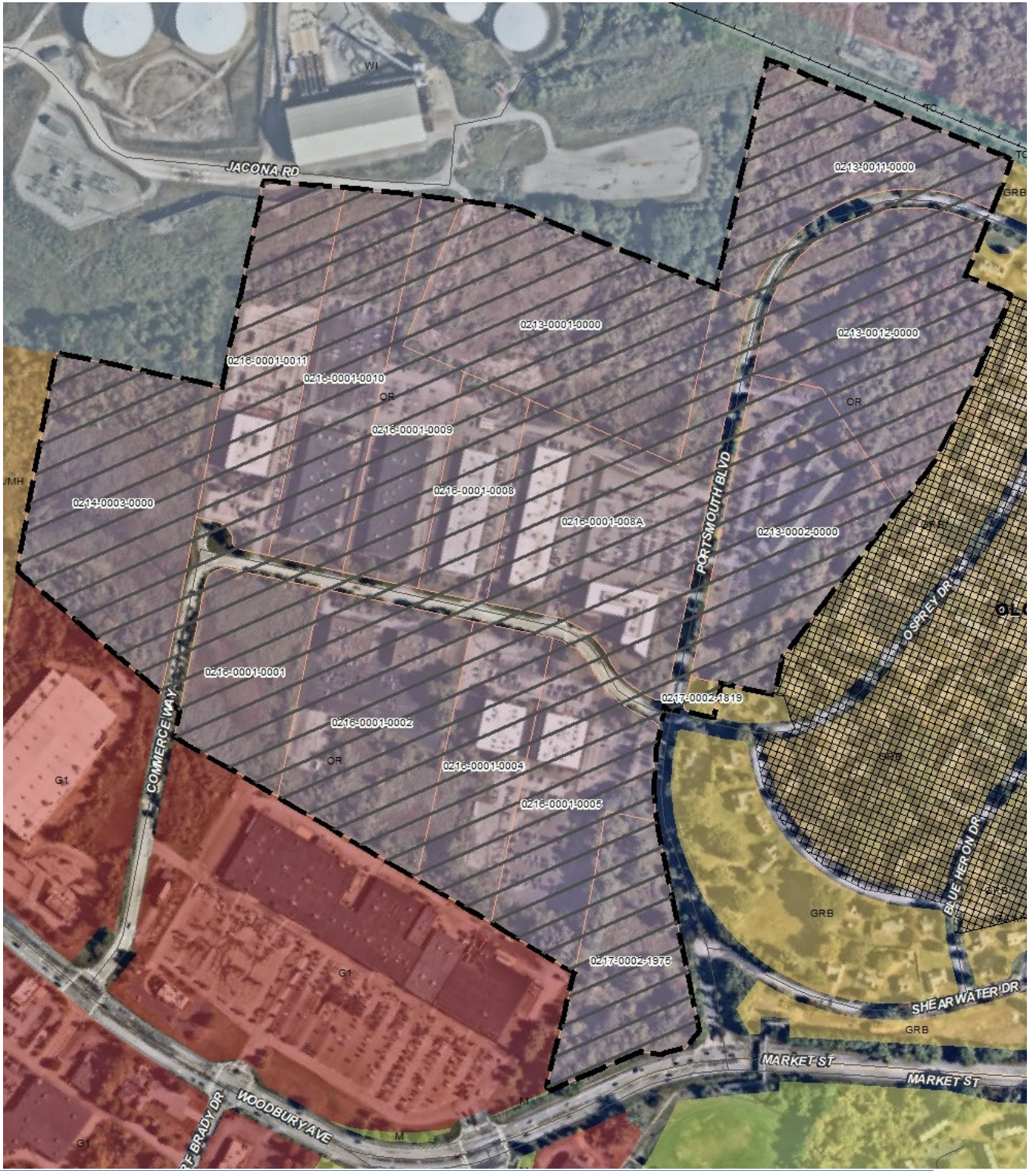
10.5B22.40 – Special Setback Requirements on Lafayette Rd. – developments on Lafayette Rd. setback 70 – 90 ft. from centerline; on Rt. 1 Bypass – min. setback of 30 ft. – max. 50 ft. from sideline)

10.5B33 - Building Placement and Orientation – section relates to front lot line buildout and façade orientation.

10.5B71 – Residential Density – specifies dwelling units per acre

Parking requirements are unchanged with the exception of allowing shared parking on separate lots without the requirement of a Conditional Use Permit, which is currently required. Development within the GNOD will also be exempt from Section 10.1113, which addresses setbacks from lot lines and location of parking facilities on a lot.







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<b>Property ID</b>	<b>Site Address</b>	<b>Owner Name</b>
0213-0001-0000	GOSLING ROAD	290 GOSLING RD LLC
0213-0002-0000	100 PORTSMOUTH BLVD	NEP PORTSMOUTH (NH) OWNER LLC
0213-0011-0000	DUNLIN WAY	GSP SCHILLER LLC
0214-0003-0000	300 GOSLING RD	PUBLIC SERVICE CO OF NH
0216-0001-0001	COMMERCE WAY	150 COMMERCE WAY LLC
0216-0001-0002	170 COMMERCE WAY	COMMERCE CENTER AT PORTSMOUTH
0216-0001-0004	210 COMMERCE WAY	210 COMMERCE WAY LLC
0216-0001-0005	230 COMMERCE WAY	230 COMMERCE WAY LLC
0216-0001-0008	195 COMMERCE WAY	195 COMMERCE WAY LLC
0216-0001-0009	175 COMMERCE WAY	ONE HUNDRED SEVENTY FIVE COMM RD LLC
0216-0001-0010	155 COMMERCE WAY	FIRST CITIZENS BANK & TRUST CO
0216-0001-0011	135 COMMERCE WAY	135 COMMERCE WAY LLC
0216-0001-008A	215 COMMERCE WAY	BEACON HARBOR TRUST LLC
0217-0002-1819	1 OSPREY DR	BRORA LLC
0213-0012-0000	DUNLIN WAY	BRORA LLC
0217-0002-1975	SHEARWATER DR	BRORA LLC

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**Planning Department Recommendation**

*1) Vote to recommend the City Council hold second reading on the proposed GNOD zoning amendments.*

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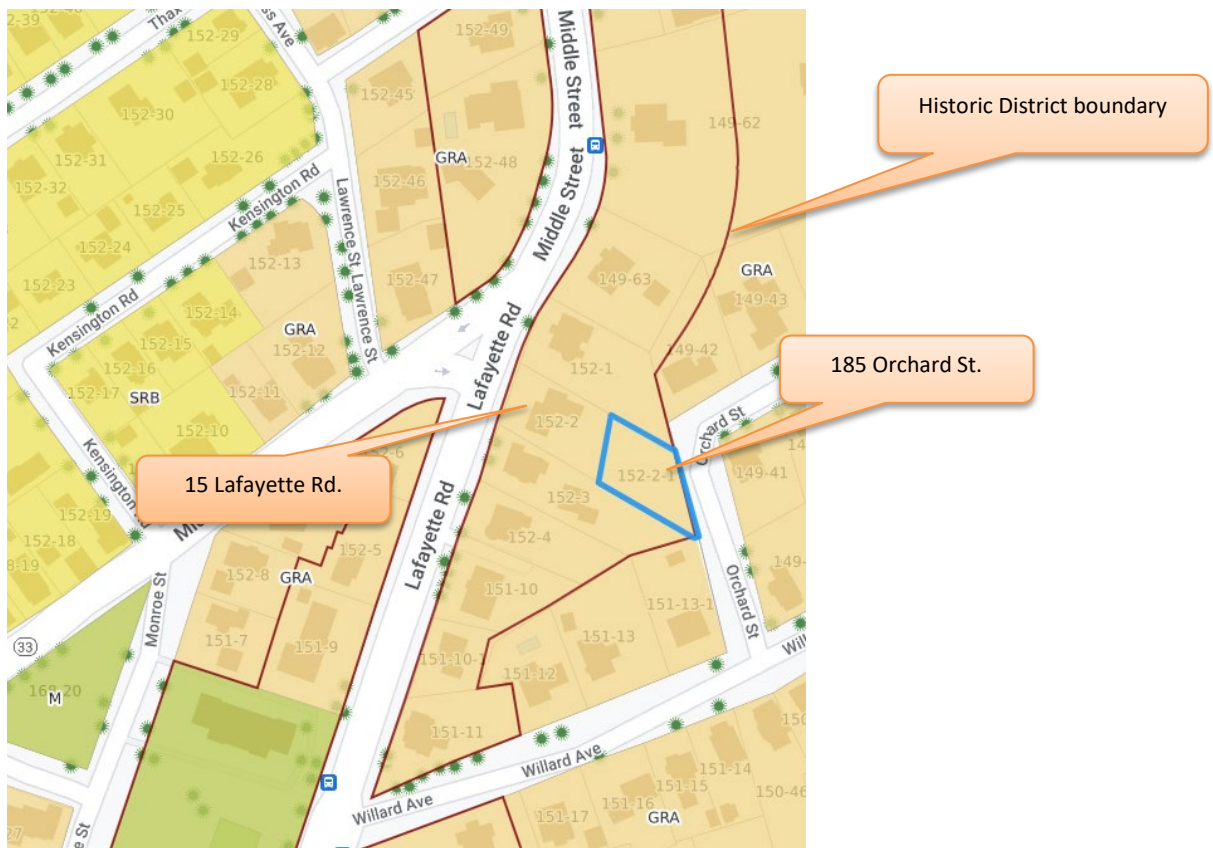
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- C. The request of **Scott Rafferty (Owner)**, to remove **185 Orchard Street** from The Historic District. Said property is located on Assessor Map152 Lot 2-1 and lies within the Historic and General Residence A (GRA) Districts.

#### Project Background

The subject property was created recently through a subdivision of 15 Lafayette that was approved by the Planning Board on July 20, 2023. The original lot had frontage on Lafayette Road and Orchard Street and is located in the Historic District. The Historic District along Lafayette and Middle Street follows parcel boundary lines and includes the parcel fronting on those streets as shown in the image below. Now that the lot has been subdivided, the frontage is located on Orchard Street, where no other property falls within the Historic District. A zoning map amendment is necessary in order to change the boundary of the Historic District.



City Council referred the matter to the Planning Board and the Historic District Commission at their October 7, 2024 meeting per their action below:

19. Letter from Jessie & Scott Rafferty requesting their residence be removed from the Historic District  
– **Voted** to refer the amendment of the zoning map, removing 185 Orchard Street from the Historic District to the Planning Board and the Historic District Commission for reports back to the City Council.

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**Planning Department Recommendation**

**Recommend the City Council remove 185 Orchard Street from the Historic District.**

**V. CITY COUNCIL REFERRALS [NOTE: ANY REFERRALS REQUIRING PUBLIC HEARING SHOULD BE INCLUDED ABOVE]**

- A. Gateway Neighborhood Overlay District (See Item B Above)
- B. 185 Orchard Street (See Item C Above)
- C. Sidewalk Easements on Properties located at 177 and 165 Barlett Street

See attached memo from Deputy City Attorney McCourt on the sidewalk and temporary construction easements on these two properties.

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***Planning Department Recommendation***

*Recommend the City Council accept sidewalk and temporary construction easements from property owners at 177 and 165 Bartlett Street.*

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## VI. OTHER BUSINESS

- A. Presentation from Portsmouth High School Student ACE (Architecture, Construction, Engineering) Mentorship Club
  
- B. **2 Russell Street** – Requesting a second one-year extension of the Site Plan Approval, through December 15, 2025.

### Background

The applicant is seeking a second, one-year extension of the site plan approval originally granted on December 15, 2023. The lot line relocation plan was recorded on June 13, 2024 and the applicant is working on the post approval conditions and has submitted a foundation permit. The applicant is going before the Board of Adjustment for dimensional relief for the parking layout, which will increase the number of parking spaces by 6 spaces. As per the site plan regulations, a second extension requires going before TAC and the Planning Board with the original plan set and to identify any changes. The applicant was before TAC at their October 8<sup>th</sup> meeting and the Committee confirmed nothing has changed with the exception of the parking layout and supported a second extension of the site plan without the need for another public hearing. The CUPs for this project will expire in December and are not eligible for another 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.
3. If additional one (1) year extensions are requested, the owner will be required to have the previously approved plans reviewed by the TAC and the Planning Board. For this review the owner shall provide to the Planning Department the previously approved plans and supporting data.
4. Upon review of a request for an extension, the Planning Board shall have the authority to amend or deny a previously approved application. This review shall not require an application fee; however, the Planning Board and/or TAC may, if deemed necessary by either chair, conduct a public hearing at the owner's expense.

5. A time extension shall be granted if determined that no change has taken place that would materially affect the currently approved site plan in regard to:
  - (a) Traffic flow, volume, or congestion;
  - (b) Pedestrian safety;
  - (c) Drainage;
  - (d) Water availability;
  - (e) Sewer capacity;
  - (f) Design standards;
  - (g) Landscape elements; and
  - (h) Zoning compliance.
  
6. The Planning Board shall not deny a request for an extension without first having held a public hearing.

Conditional Use Permits can only be extended for one year only with no other option for additional extensions per Section 10.246.10 below:

**10.246 Expiration and Abandonment of Approvals**

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

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**Planning Department Recommendation**

*Vote to grant a second one-year extension of the site plan to December 15, 2025.*

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**C. Chairman's Updates and Discussion Items**

**D. Board Discussion of Regulatory Amendments and Other Matters**

Upcoming meeting dates:

October 24, 2024: possible work session School Board Conference Room 6 pm

November 12, 2024: CIP joint work session with City Council

November 18, 2024: CIP joint public hearing with City Council

November 21, 2024: Regular November meeting

**VII. ADJOURNMENT**