

200 Griffin Road, Unit 14, Portsmouth, NH 03801 Phone (603) 430-9282

25 June 2025

Samantha Collins, Chair City of Portsmouth Conservation Commission 1 Junkins Avenue Portsmouth, NH 03801

Re: City of Portsmouth Wetland Conditional Use Permit Request | Tax Map 225, Lot 13 | 33 Gosport Road, Portsmouth, New Hampshire – Work Session

Dear Ms. Collins and Conservation Commission Members:

On behalf of the Frances A. Frangos Revocable Trust, Owner, and Thomas Frangos, Applicant -Builder, we are pleased to submit the attached plan set for a Work Session with the Commission for the above-mentioned project and request that we be placed on the agenda for your July 9, 2025, Conservation Commission Meeting. The project is the subdivision of an existing parcel into two residential lots, with the existing residence to remain as currently existing, on one of the lots. The proposed lot is adjacent to a wetland area greater than 10,000 SF, therefore a City of Portsmouth Wetland buffer is applied. In this particular case, the property was a part of the Tuckers Cove Subdivision (circa 1993). Wetland buffer adjustments were made during the Tuckers Cove Subdivision process, as the subdivision creation coincided with the creation of the Portsmouth wetland buffer regulations. The wetland buffer in this subdivision was set at 25 feet, by agreement (see attached). At this time, the city has determined that the 25-foot buffer may not apply to the subdivided lot, rather the 100-foot buffer should be applied. While the applicant disagrees with that assessment, we will be applying for a Conditional Use Permit for construction on the proposed lot.

The site is a proposed one-acre parcel that is located within the SRA Zoning District. The lot was previously developed, during the buildout of the Tucker's Cove Subdivision, with the construction sales trailer in the area where Mr. Frangos intends to build a new home (see attached). On the lot, a modest 3-bedroom home which meets no more than the minimum requirements of the Tucker's Cove Subdivision Covenants consisting of 2,000 square feet for a single-story home or 2,500 square feet for a 2-story home will be constructed. The new lot will access Gosport Road at a point at least fifty feet from the intersection with Elwyn Road, as required. The applicant is proposing to connect the proposed single-family residence on the new lot to the public sewer, water, power, and communications systems located in Gosport Road.

If possible, prior to the Work Session, we would be pleased to meet with the Commission on the property to review two key elements regarding the proposal. The first is the location of the proposed structure. Moving the structure further away from the resource, which would be the least impacting alternative, means that the proposed structure would violate the zoning ordinance building setbacks, and require relief from the Portsmouth Zoning Board. We ask the Commission to concur that is preferred.

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Second, regarding the buffer plantings, we propose invasive plant removal and selective cutting to allow for the planting of a robust understory, and feel that an onsite review would be a productive way to create the right balance.

The following plans are included in our submission:

- Cover Sheet This plan shows the site location, legend and utility contacts.
- Subdivision Plan This plan shows the proposed lot lines.
- Existing Conditions Plan This plan shows the site building envelope, topographic and utility features.
- Site Plan Option 1 This plan shows the proposed structure conforming to the ordnance building setback requirements.
- Site Plan Option 2 This plan shows the proposed structure moving forward towards the street, away from the resource, which requires relief from the ordnance building setback requirements.

We look forward to an in-person presentation and Conservation Commission review of this submission.

Sincerely,

John Chagnon, PE, LLS Senior Project Manager

 $P:\NH\5010314-Build_America\001-33\ Gosport\ Rd.,\ Portsmouth-JRC\03-WIP_Files\City\ of\ Portsmouth\ CUP\Conservation\ Commission\ CUP\Work\ Session\ Letter\ 6-25-25.docx$

TUCKER'S COVE LIMITED LIABILITY COMPANY PROTECTIVE COVENANT

As a result of a settlement agreement entered into in October of 1997 in the case of *Tucker's Cove Limited Liability Company v. City of Portsmouth* (97-E-0054) and as a result of the issuance to Tucker's Cove Limited Liability Company of certain Conditional Use Permits by the Portsmouth Planning Board during 1997, Tucker's Cove Limited Liability Company is recording this Protective Covenant. The provisions of this Protective Covenant shall run with the land and shall be binding on Tucker's Cove Limited Liability Company, its successors and assigns, including, but not limited to, individual lot owners, and each lot as defined in Paragraphs #1 and #2 shall remain subject to the benefits and restrictions imposed by this Covenant.

- 1. Twenty Five Foot Buffer: The Inland Wetlands Protection District Buffer Zone is comprised of all land within seventy five feet of the Inland Wetlands Protection District. In turn, the Inland Wetlands Protection District (hereinafter known as the "District") is comprised of all inland wetlands, as that term is defined in Section 604 of the December 18, 1995 Portsmouth Zoning Ordinance, of a size greater than one-half acre. The Inland Wetlands Protection District Buffer Zone shall not apply to the Tucker's Cove subdivision. However, except as herein provided, a twenty five foot buffer shall surround all inland wetlands of a size greater than one-half acre; said inland wetlands being defined in Section 604 of the December 18, 1995 Zoning Ordinance, Article VI, Inland Wetlands Protection, as said wetlands are shown on the Approved Definitive Subdivision Plan on all lots within the Tucker's Cove Subdivision, as said lots now exist or as they may be altered by amendments to the subdivision plan.
- 2. Lots With Conditional Use Permits: Lots A, 5, 6, 7, 10, 11, 12, 35, 36, 37, 38, 39 & 42 as shown on a plan entitled "Definitive Subdivision Construction Plan dated February 18, 1993, Tucker's Cove, Portsmouth, New Hampshire, prepared by Land Tech Consultants, Inc." and recorded in the Rockingham County Registry of Deeds as Plan #D-24827 (the Subdivision Plan) are all of the lots which adjoin Inland Wetlands greater than one-half (1/2) acre in size as herein before provided in Paragraph #1. Each of these lots have been granted conditional use permits by the Planning Board of the City of Portsmouth. These conditional use permits shall run with the land and each of the lots shall remain subject to the benefits and restrictions imposed by such permits. Copies of said permits are attached hereto as Exhibit A & Exhibit B.
- 3. Construction Within Buffer: The lots referenced in Paragraph #2 above contemplate the construction of homes within the twenty five foot (25') buffer; these structures shall be allowed as depicted on the plans previously submitted to and approved by the Planning Board as part of the Conditional Use Permit approvals. The issuance of a certificate of occupancy for homes constructed in the twenty five foot

PROTECTIVE COVENANT PAGE 2

- (25') buffer shall indicate compliance at the time of issuance with the Conditional Use Permit, provided a plot plan by a licensed land surveyor or engineer shall have been submitted to the Building Inspector's office after receipt of a foundation permit but prior to issuance of a full building permit, showing the foundation as built to be situated in accordance with the building permit application drawing provided in Paragraph #6 of this Covenant.
- 4. **Building Permit Applications**: At the time when building permit applications for any lots described in Paragraphs #1 or #2 (including those which are subject to Conditional Use Permits) are made, a scaled engineered drawing shall be submitted with said applications showing the location of the twenty five foot (25') buffer and, other than the lots with Conditional Use Permits referred to in Paragraph #2 and #3 above, the twenty five foot (25') buffer shown on this drawing shall constitute the "building setback" from the wetlands.
- 5. Lots Without Conditional Use Permits: For any lots which are not subject to the conditional use permits referenced in Paragraph #2 above, all structures, whether original or additions, as well as related uses such as accessory buildings and grading shall not encroach into the twenty five foot (25') buffer. At the request of the Portsmouth Planning Department, scaled engineered drawings shall be submitted with the building permit application designating the number of feet between the proposed activity and the twenty five foot (25') building setback. The issuance of a certificate of occupancy shall indicate that at the time of issuance any structure, whether original or an addition, is in compliance with the terms of the ordinance provided that a plot plan by a licensed land surveyor or engineer shall have been submitted to the Building Inspector's office after the issuance of a foundation permit, but prior to the issuance of a full building permit showing the foundation as built to be situated no closer to the wetlands than shown on the building permit application plan provided in Article 4 hereof.
- 6. Lots With Conditional Use Permits: For lots which received and are subject to the restrictions of Conditional Use Permits as provided in Paragraph #2 and #3 above, at the time of building permit applications, scaled engineered drawings shall be submitted with said application showing within one foot (1') accuracy, the footprint of the proposed building relative to the building approved as part of the conditional use application. Thereafter, any building permit application for additions or accessory buildings shall include an engineered drawing designating the number of feet between the proposed activity and the twenty five foot buffer. It is understood that additions or accessory buildings other than shown on the Conditional Use Plans shall not encroach into the twenty five foot (25') buffer unless otherwise permitted as provided in Paragraph #7 hereof.

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Above, upon which single family homes and associated filling and grading occurs within the twenty five foot (25') buffer as shown on the plans submitted to the Planning Board, the removal of trees and vegetation in the twenty five foot (25') wetlands buffer zone shall be limited to only that area reasonably calculated to allow the proper siting and grading of a single family home. Once the home is initially sited and prepared for construction, no additional removal of trees or vegetation shall occur to create a lawn for general landscaping purposes within the twenty five foot (25') wetlands buffer, except as may permitted in accordance with the terms of the conditional use permit or as may otherwise be permitted under the Portsmouth Zoning Ordinance, as it presently exists or as it may be amended from time to time.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the 28 maday of January, 1998.

TUCKER'S COVE LIMITED LIABILITY COMPANY

By: Harbor Associates LLC, Manager

By:

effey Gouchberg, Manager

I hereby certify that the above executed Protective Covenant is in accordance with the Covenant Requirements of the Conditional Use Permits issued by the City of Portsmouth Planning Board for the Lots identified in Paragraph #2 above and for all lots identified in the settlement agreement between the City of Portsmouth and Tucker's Cove Limited Liability Company (97-E-0054) and identified on a plan entitled "Definitive Subdivision Construction Plan dated February 18, 1993, Tucker's Cove, Portsmouth, New Hampshire, prepared by Land Tech Consultants, Inc." and recorded in the Rockingham County Registry of Deeds as Plan #D-24827.

CITY OF PORTSMOUTH

By: Sharon Cuddy Somers

Assistant City Attorney



CITY OF PORTSMOUTH

Municipal Complex, P.O. Box 628 Portsmouth, New Hampshire 03802-0628 (603) 431-2000 Fax (603) 427-1526

PLANNING BOARD

March 26, 1997

Mr. Peter J. Loughlin, Esquire PO Box 1111 Portsmouth NH 03802-1111

Re:

Application of Tuckers Cove, LLC for Conditional Use Permits for property located at 33, 34, 92, 101, 119 and 120 Gosport Rd. and for property located at 253, 260 and 330 Odione Point Road

Dear Attorney Loughlin:

The Planning Board at its March 20, 1997 meeting, and after due Public Hearings, voted to grant the Conditional Use Permits for the above mentioned properties subject to Tucker's Cove Protective Covenant which was submitted to the Board at its meeting on March 20th. It is understood that each lot mentioned above above had been by this protective covenant.

Very truly yours,

if and to

David M. Holden, Planning Director

for Arthur Parrott, Chairman of the Planning Board

bd/ca

cc:

Richard P. Millette

Robert A. Shaines, Esquire

Richard Hopley, Building Inspector

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CITY OF PORTSMOUTH

Municipal Complex, P.O. Box 628 Portsmouth, New Hampshire 03802-0628 (603) 431-2000 Fax (603) 427-1526

PLANNING BOARD

August 5, 1997

Richard P. Millette, PE, LLS Millette, Sprague & Colwell, Inc. PO Box 4006 Portsmouth NH 03802-4006

Re:

Conditional Use Permit Applications for 154 Gosport Road, 175,193, and

205 Odiorne Road

Dear Mr. Millette:

The Planning Board at its July 10, 1997 meeting and after due Public Hearings considered the applications for Conditional Use Permits to allow the construction of single family dwellings with attached garages within an Inland Wetlands Protection District. As a result of such consideration, the Planning Board voted to grant the Conditional Use Permits subject to Tucker's Cove Protective Covenant dated 3/20/97 and the recommendation of the Conservation Commission that the clearing of trees and/or other vegetation in the buffer zone is permitted only to the extent required for the initial siting of the residence(s). Thereafter no trees are to be removed; tree pruning and removal of other vegetation is permitted only to the extent necessary to, for instance, provide a view of the water.

Very truly yours,

David M. Holden, Planning Director

David Por. Haldens

for Arthur Parrott, Chairman of the Planning Board

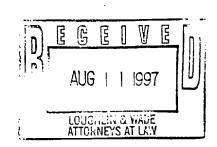
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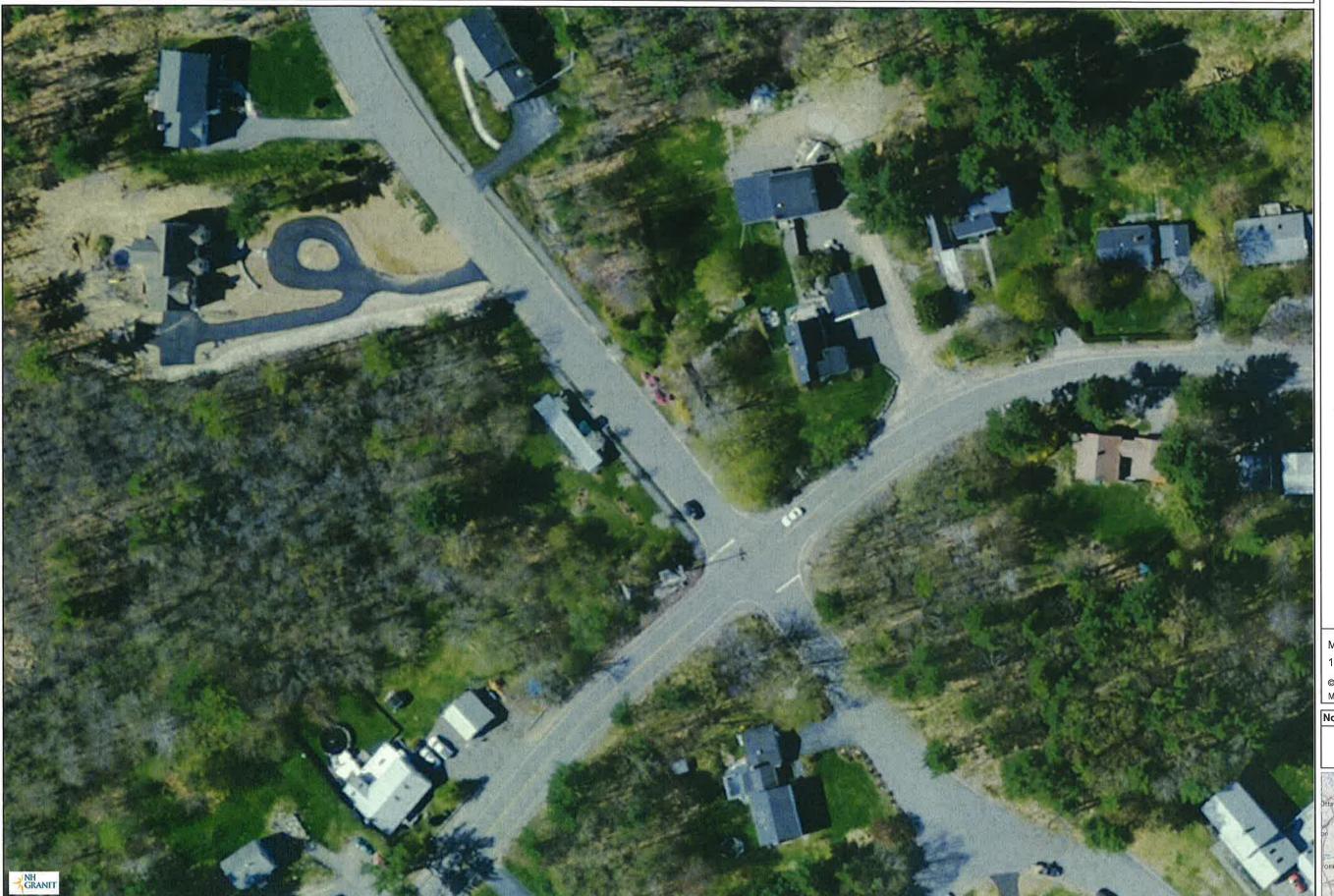
Peter Loughlin, Esquire Tucker's Cove, LLC Robert Shaines, Esquire

Richard Hopley, Building Inspector

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Map by NH GRANIT



Legend

- State
- County
 City/Town

Map Scale 1: 751



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Notes



33 Gosport Road Site Photos











PROPOSED SUBDIVISION

33 GOSPORT ROAD, PORTSMOUTH, NEW HAMPSHIRE

VARIANCE PLANS

OWNER: FRANCES A. FRANGOS REVOCABLE TRUST FRANCES A. FRANGOS, TRUSTEE

33 GOSPORT ROAD PORTSMOUTH, N.H. 03801 TEL: (617) 877-6711

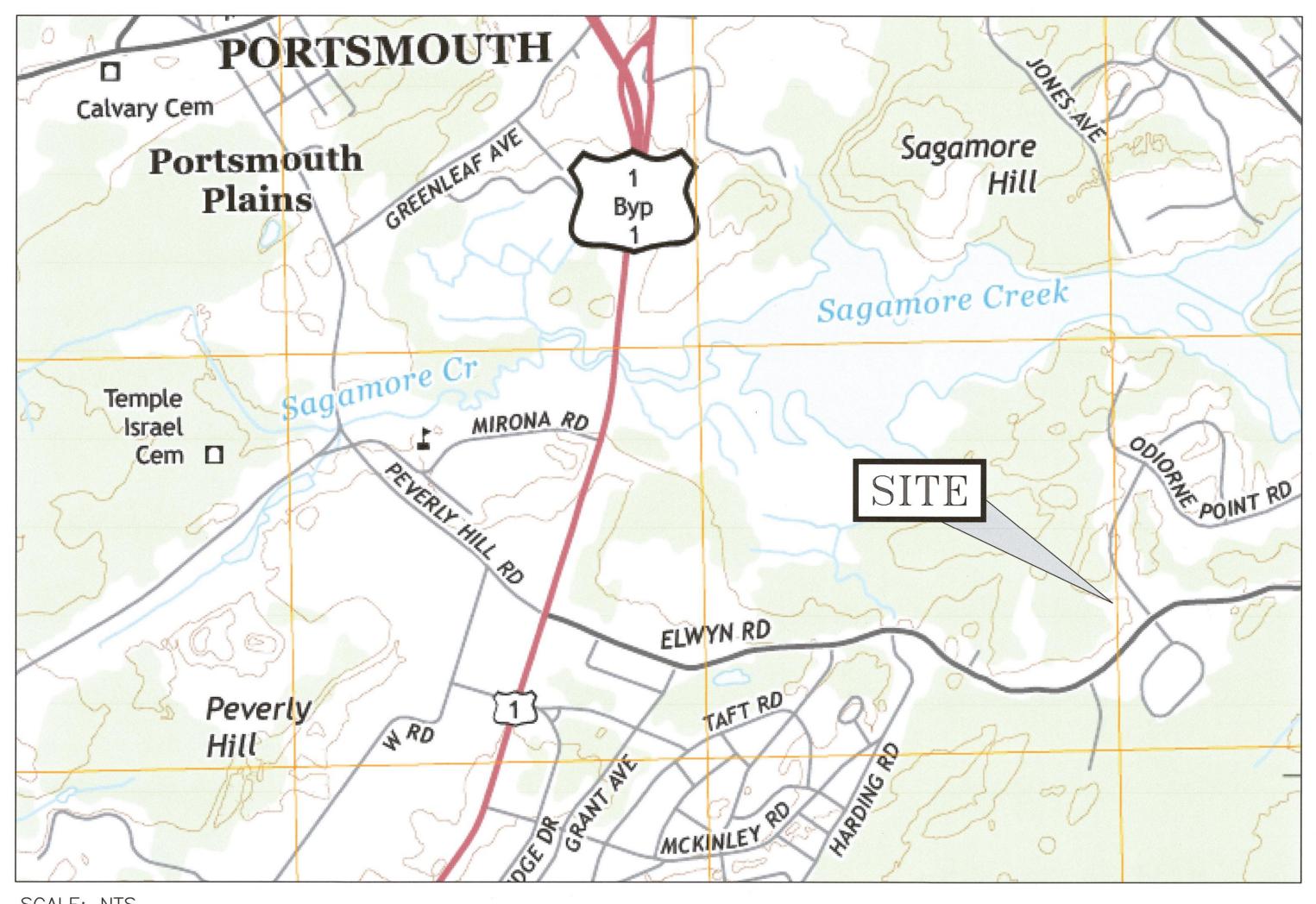
APPLICANT: THOMAS A. FRANGOS

33 GOSPORT ROAD PORTSMOUTH, N.H. 03801 TEL: (617) 877-6711

CIVIL ENGINEER & LAND SURVEYOR: HALEY WARD, INC.

200 GRIFFIN ROAD, UNIT 14 PORTSMOUTH, N.H. 03801 TEL. (603) 430-9282





SCALE: NTS

INDEX OF SHEETS

C - 101V - 101C - 201

SUBDIVISION PLAN EXISTING CONDITIONS PLAN DETAILED SITE PLAN

UTILITY CONTACTS

ELECTRIC: EVERSOURCE 1700 LAFAYETTE ROAD PORTSMOUTH, N.H. 03801 Tel. (603) 436-7708 ATTN: NICHOLAS KOSKO X3327565

SEWER & WATER:

680 PEVERLY HILL ROAD

PORTSMOUTH, N.H. 03801

TEL. (603) 427-1530

ATTN: DOUG SPARKS

COMMUNICATIONS: PORTSMOUTH DEPARTMENT OF PUBLIC WORKS 1575 GREENLAND ROAD GREENLAND, N.H. 03840 Tel. (603) 427-5525 ATTN: BENJAMIN WILLS

NATURAL GAS: UNITIL 325 WEST ROAD PORTSMOUTH, N.H. 03801 TEL. (603) 294-5144

ATTN: DAVE BEAULIEU

CONSOLIDATED COMMUNICATIONS

CABLE:

XFINITY BY COMCAST

180 GREENLEAF AVE.

Tel. (603) 266-2278

ATTN: MIKE COLLINS

PORTSMOUTH, N.H. 03801

LEGEND:

N/F RP RCRD	NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11/LOT 21
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FM	FM	FORCE MAIN
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— w ——	—— w ——	WATER LINE
FS	FS	FIRE SERVICE LINE
UE	——UGE ——	UNDERGROUND ELECTRIC SUPP
		UNDERGROUND ELECTRIC SERVI
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(b)	DMH	DRAIN MANHOLE
(M)	WMH	WATER METER MANHOLE
#5		TEST BORING
TP 1		TEST PIT
LA	\(\frac{\psi}{\psi}\)\(\psi\)\	LANDSCAPED AREA
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
CMP	CMP	CORRUGATED METAL PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP HYD	RCP HYD	REINFORCED CONCRETE PIPE
Q e	Ę	HYDRANT CENTERLINE
EP EP	EP EP	EDGE OF PAVEMENT
EL.	EL.	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL TO DE DEMOVED
TBR	TBR	TO BE REMOVED

PROPOSED SUBDIVISION 33 GOSPORT ROAD PORTSMOUTH, N.H. VARIANCE PLANS



WWW.HALEYWARD.COM

HALEYWARD

ENGINEERING | ENVIRONMENTAL | SURVEYING 200 Griffin Rd. Unit 14 Portsmouth, New Hampshire 03801 603.430.9282

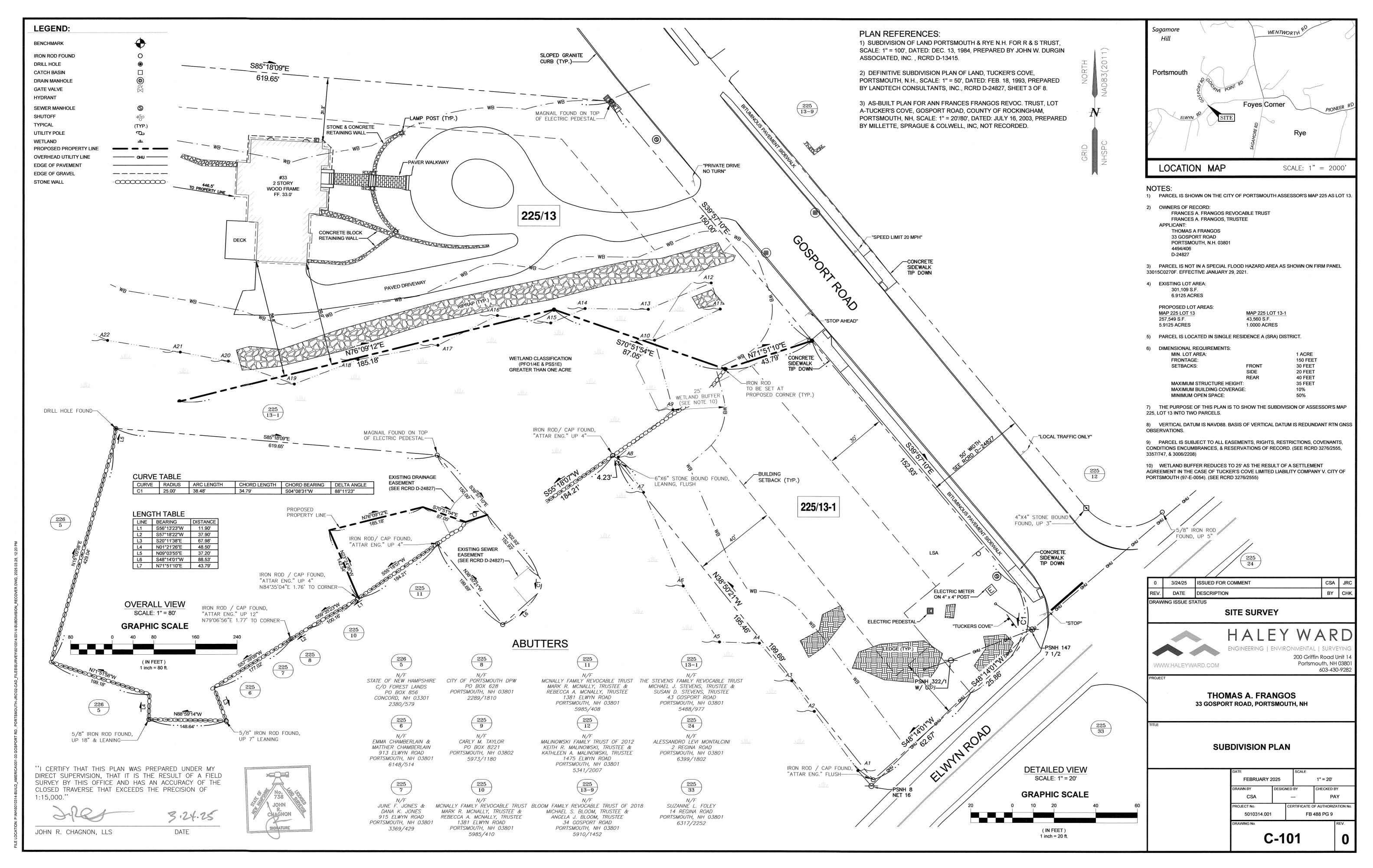
PLAN SET SUBMITTAL DATE: 25 JUNE 2025

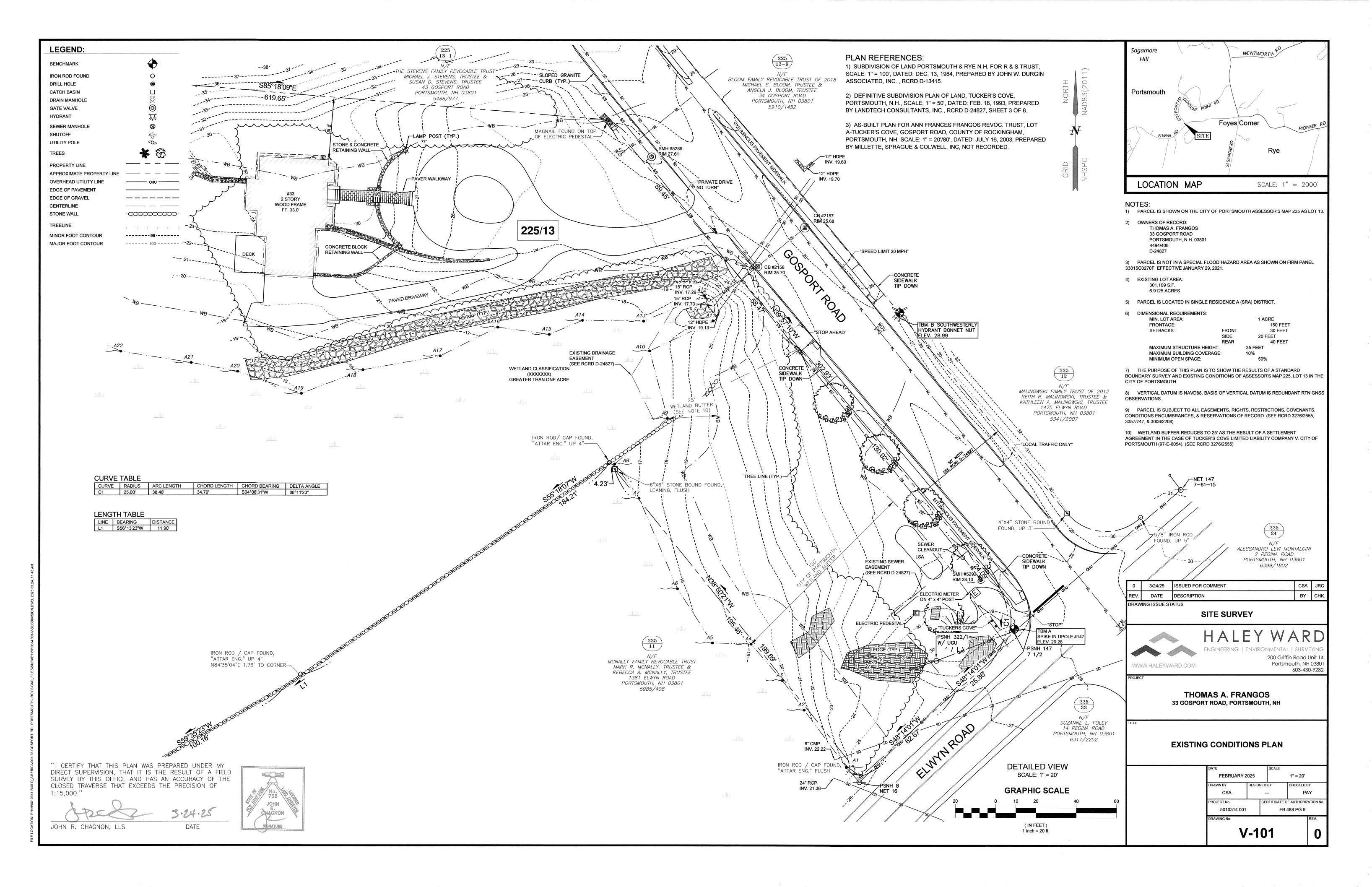
APPROVED BY THE PORTSMOUTH ZONING BOARD

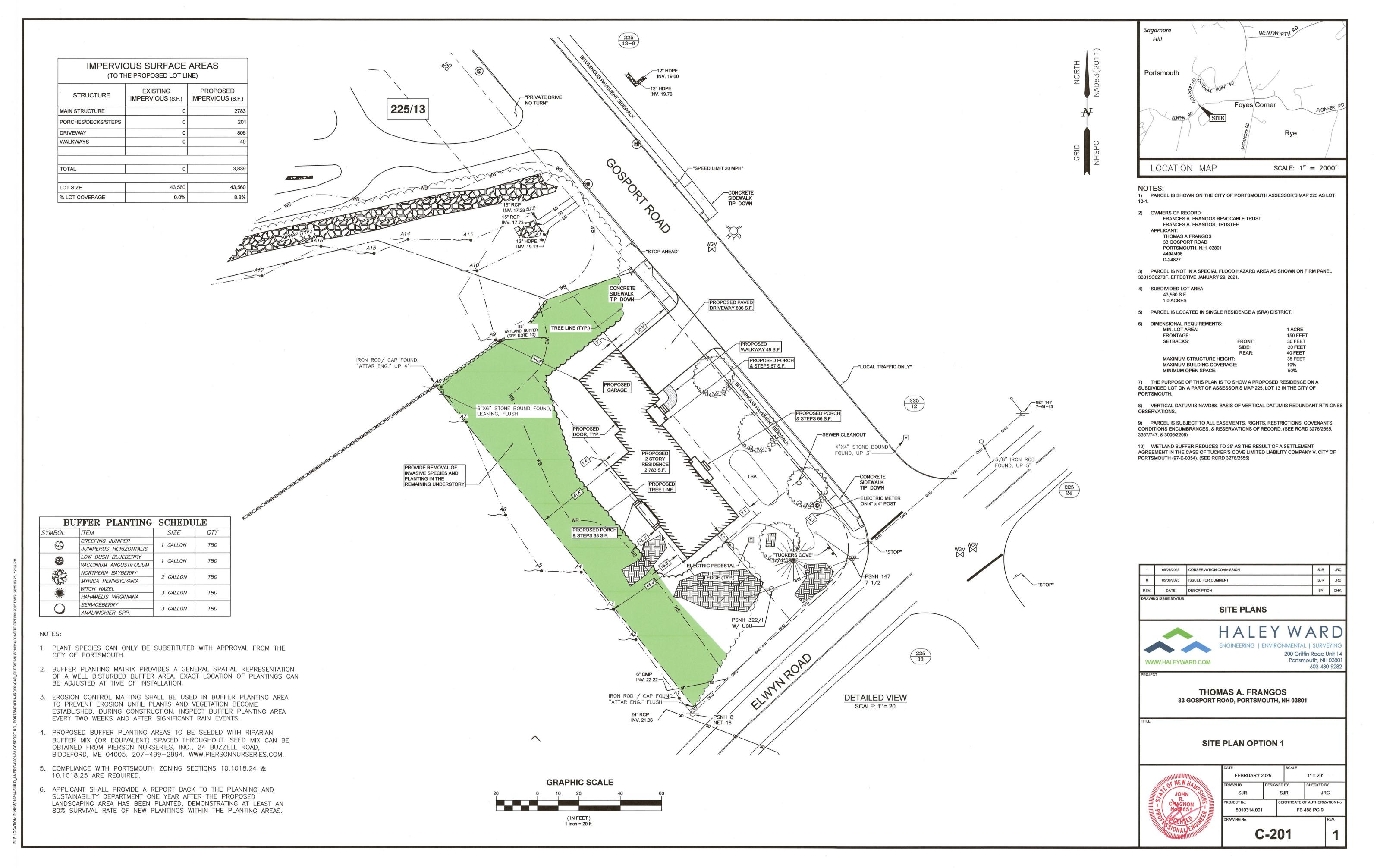
CHAIRMAN

DATE

5010314.001







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