

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

July 17, 2025

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello, Vice-Chair; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas, William Bowen, Ryann Wolf; and Alternates Frank Perier and Logan Roy

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ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS EXCUSED: Karen Conard, City Manager

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Chair Chellman called the meeting to order at 7:00 pm. He appointed Alternate Mr. Logan to take a voting seat for City Manager Conard and Alternate Mr. Perrier to take a voting seat until Vice-Chair Coviello arrived.

I. APPROVAL OF MINUTES

A. Approval of the **June 18, 2025** meeting minutes.

*Mr. Almeida moved to **approve** the June 18 minutes as presented, seconded by Councilor Moreau. The motion **passed** with all in favor, with Mr. Giuliano abstaining.*

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

A. The request of **Gary B. Dodds Revocable Trust (Owner)**, for property located at **294 Lincoln Avenue** requesting Site Plan Review approval for the demolition of an existing garage and construction of a new attached 4-bay garage with associated site improvements. Said property is located on Assessor Map 130 Lot 24 and lies within the General Residence A (GRA) District. (LU-24-225)

*Mr. Giuliano 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** with all in favor.*

III. PUBLIC HEARINGS -- OLD BUSINESS

*Councilor Moreau moved that the Board **consolidate** Items III.A and III.B below. Mr. Samonas seconded. The motion **passed** with all in favor.*

A. REQUEST TO POSTPONE The request of SLF Realty Group LLC (Owner), for property located at **400 Spaulding Turnpike** requesting an amended Site Plan approval to change the temporary access path to a permanent access path. Said property is located on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE (LU-25-50)**

B. REQUEST TO POSTPONE The request of SLF Realty Group LLC (Owner), for property located at 400 Spaulding Turnpike requesting an after-the-fact Wetland Conditional Use Permit for permanent wetland buffer impacts that were not included in the original wetland conditional use permit for this project. The new request is an increase in wetland buffer impacts from 1,644 square feet to 3,685 square feet. Said property is located on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1) District. **REQUEST TO POSTPONE (LU-25-50)**

*Councilor Moreau moved to **postpone** the two petitions to the August meeting, seconded by Mr. Samonas. The motion **passed** with all in favor.*

*Councilor Moreau moved that the Board **consolidate** Items III.C and III.D below. Mr. Samonas seconded. The motion to consolidate **passed** with all in favor.*

C. The request of **GIRI Portsmouth 505 Inc. (Owner)**, for property located at **505 US Route 1 Bypass** requesting an amended Site Plan approval, and a Conditional Use Permit for Electric Vehicle fueling space B to install 4 EV fueling stations for 8 charging spaces. Said property is located on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. (LU-25-66)

SPEAKING TO THE PETITION

[Timestamp 12:17] Project engineer Rebecca Mauser-Hoye was present on behalf of the applicant. She reviewed the amended Site Plan and the EV fueling station. She said the Conservation Commission requested that the chargers be moved farther away, so they were moved to the right, resulting in increasing the conversion of the existing asphalt to a seeded area, from 959 sf to 2,135 sf. She said based on the revised design, the new net impervious area would be 1,962 sf within the Hodgson Brook buffer. She reviewed the Conservation Commission's six conditions and the findings of fact for the amended site plan review and said the project met the applicable ordinances and codes, apart from the few that got approval for from the BOA.

[Timestamp 20:04] Councilor Moreau asked if the City's project in that area would be taken into consideration. Ms. Mauser-Hoye said they talked to the City engineer about the location of the utility pole and said the project would not be affected. Chair Chellman asked if the project's schedule was about the same as the Coakley Rd schedule, and Ms. Mauser-Hoye agreed.

[Timestamp 21:47] Ms. Mauser-Hoye then reviewed the Conditional Use Permit criteria for the EV charging units and the wetlands Conditional Use Permit criteria.

[Timestamp 26:36] Mr. Bowen said the first plan was a greater intrusion on the wetland buffer but the final pass was still not the ultimate intrusion. Ms. Mauser-Hoye said in the first pass they took 950 sf of concrete and converted it to grass, so they increased the buffer by almost 1,000 sf. She said the Conservation Commission asked if it could be moved over to protect the brook even more, so they moved it as far as they could to maintain the eight parking spaces and existing parking. Mr. Bowen asked what the implications of moving it even farther to the right would be. Ms. Mauser-Hoye said it would be in the access road to the hotel and that they wanted to maintain the turning radius for the cars and enough width for the access to the hotel.

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 that the Board find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*
- 2) *Mr. Giuliano moved that the Board **grant** Amended Site Plan approval, seconded by Mr. Almeida. The motion **passed** with all in favor.*
- 3) *Mr. Giuliano moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.243 of the Ordinance and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*
- 4) *Mr. Giuliano moved that the Board **grant** the Conditional Use Permit as presented. Mr. Almeida seconded. The motion **passed** with all in favor.*

D. The request of GIRI Portsmouth 505 Inc. (Owner), for property located at 505 US Route 1 Bypass requesting a Wetland Conditional Use Permit in accordance with Section 10.1017.50. The project includes 1,434 square feet of impacts within the wetland buffer including 303 square feet of temporary impacts, 173 square feet of permanent impacts in the wetland buffer and 958 square feet conversion from pavement into grassed areas within the wetland buffer area. Said property is located on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. (LU-25-66)

DECISION OF THE BOARD

- 1) *Mr. Giuliano moved that the Board 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 that the Board **grant** the Conditional Use Permit with the following **conditions**:*
 - 2.1) *In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be permanently installed.*
 - 2.2) *The planting plan shall be reviewed and approved by the Planning and Sustainability Department Staff.*
 - 2.3) *Yard waste and existing brush pile shall be cleaned up from the Hodgson Brook bank to the west of and in the existing bio-retention area as part of this project.*
 - 2.4) *A sign shall be installed that instructs pet owners to clean up after their pets.*
 - 2.5) *A sign shall be installed that states "No Dumping".*
 - 2.6) *The applicant shall create a maintenance plan for the newly restored area and the Hodgson Brook buffer for internal use on this site to be reviewed and approved by Planning Staff.*

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

Note: At this point, Vice-Chair Coviello arrived, and Mr. Perier returned to alternate status.

IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The request of **Gary B. Dodds Revocable Trust (Owner)**, for property located at **294 Lincoln Avenue** requesting Site Plan Review approval for the demolition of an existing garage and construction of a new attached 4-bay garage with associated site improvements. Said property is located on Assessor Map 130 Lot 24 and lies within the General Residence A (GRA) District. (LU-24-225)

SPEAKING TO THE PETITION

[Timestamp 32:15] The owner/applicant Gary Dodds and project engineer Eric Weinrieb were present. Mr. Dodds said he wanted to build a 4-bay garage with office space and storage on the second floor and demolish the existing garage. He said the Board of Adjustment granted building coverage and density variances. He said the new garage would be attached to the primary

dwelling and that three bays would face Lincoln Avenue and one bay would face Miller Avenue. He said they would address TAC's concerns but had already addressed the test pits and were working with the City on the sidewalk easement.

[Timestamp 37:12] Councilor Moreau asked how the flow of water would be maintained on the property. Mr. Weinrieb said when the property was developed, everything sheet flowed across the site, so they provided stone drip edges on the south side of the garage expansion area and redirected the runoff on the north side of the garage and to the west side of the house into the lowest point for a catch basin and then created a primary directional flow into a tiny leach field. He further explained it and said it would all be in accordance with the City's criteria. Mr. Samonas asked if the flat roof would be eliminated on the addition. Mr. Dodds said it was a 3-sided hip roof coming off the main house and that the ridge would be reframed so that water did not run into the new building. Mr. Samonas confirmed that Mr. Dobbs had two addresses. Mr. Bowen asked if the proposed office would be a living space. Mr. Dodds said that was not his intention at this time because he needed drafting space for his work. Chair Chellman asked Mr. Weinrieb to verify that there would be no net increase of surface flow off the property due to all the improvements taking place. Mr. Weinrieb said a two-year storm would have a .14 CFF, a 10-year storm would have .01 CFF, a 25-year storm would have a .05 CFF, and a 50-year storm would have a .11 CFF. He also noted that the findings of fact stated that there would be an increase in noise but that it should read that there would **not** be an increase in noise.

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) *Councilor Moreau moved that the Board 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 by changing number 13 to say it will not create additional noise. Vice-Chair Coviello seconded. The motion **passed** with all in favor.*
- 2) *Councilor Moreau moved that the Board find that the requested waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the regulations as requested. Mr. Coviello seconded. The motion **passed** with all in favor.*
- 3) *Councilor Moreau moved to **grant** Site Plan approval with the following **condition**:*
 - 3.1) *An easement shall be provided to the City for the sidewalk on Lincoln Avenue prior to the issuance of a Certificate of Completion.*

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

*Mr. Giuliano moved to **consolidate** Items IV.B and IV.C below. Mr. Almeida seconded. The motion **passed** with all in favor.*

- B.** The request of **The City of Portsmouth Department of Public Works (Applicant)**, and **Pease Development Authority Wastewater Treatment Plant (Owner)**, for property located at **135 Corporate Drive** requesting Site Plan Review Approval from the Pease Development Authority (PDA) for the construction of four new buildings and demolition of the existing Control Operations Building and associated site improvements including utilities, parking, electrical, and stormwater infrastructure. Said property is located on Assessor Map 303 Lot 6 and lies within the Airport Business Commercial (ABC) and Natural Resources Protection (NRP) Districts. (LU-25-90)

SPEAKING TO THE PETITION

[Timestamp 48:10] City engineer Erich Fiedler was present, with project engineer Eric Weinrieb. Mr. Fiedler said the project was primarily driven by a need for additional aeration capacity at the PDA wastewater treatment plan, and they had to provide additional blower capacity and membranes for aeration, which meant new electrical service, a new electrical building, a new generator and conduits, and so on and that a primary sludge pump station was required. He said the site was built in the late 1950s and was upgraded various times until 1997, so there were no stormwater treatment devices. He said a large portion of the site was in the wetland buffer, so they proposed to do two bioretention cells to mitigate some of the new impervious impacts.

[Timestamp 50:50] Mr. Weinrieb said it was a 12.7 acre parcel and they were only working in the buffer and not disturbing wetlands or natural areas. He reviewed the stormwater management treatments that they proposed. He said the runoff from the site would be decreased in all storm events and that they would provide 2,000 sf of extra stormwater runoff treatment than proposed. He said they would provide a culvert for the runoff and rebuild that portion of the driveway to prevent the water from running across. He said the existing impervious on the site would be a change of 4,006 sf and that they would make the site better by 2,800 square feet.

[Timestamp 54:57] Mr. Bowen asked if the facility and upgrade would have the capacity and technology to handle 100-200 housing units if it was decided in the future to have housing at Pease. Mr. Fiedler said the project would only maintain capacity and not expand it and did not account for future housing. It was further discussed.

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) Vice-Chair Coviello moved that the Board **recommend Site Plan Approval** to the PDA Board. Councilor Moreau seconded. The motion **passed** with all in favor.*

C. The request of **The City of Portsmouth Department of Public Works (Applicant)**, and **Pease Development Authority Wastewater Treatment Plant (Owner)**, for property located at **135 Corporate Drive** requesting a Wetland Conditional Use permit from the Pease Development Authority (PDA) for upgrades to the Treatment Facility which include construction of a building, stormwater infrastructure, utilities and grading totaling 23,600 square feet of buffer impacts including 2,950 square feet of permanent impacts, 18,550 square feet of temporary impacts onsite and 2,100 square feet off-site temporary impacts. Said property is located on Assessor Map 303 Lot 6 and lies within the Airport Business Commercial (ABC) and Natural Resources Protection (NRP) Districts. (LU-25-90)

1) *Vice-Chair Coviello moved that the Board **recommend approval** of the Wetland Conditional Use permit to the PDA with the following **condition**:*

1.1) Wetland delineation shall be certified and stamped by an NH Certified Wetland Scientist (CWS).

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

D) The request of **The City of Portsmouth Department of Public Works (Applicant)**, and **Reichl Family Revocable Trust (Owner)**, for property located at **15 Marjorie Street** requesting a Wetland Conditional Use Permit for the installation of a new 6" sewer service for the property to redirect flow to a new pump station's collection area and abandoning the existing service. The property's existing driveway will be demolished and re-vegetated and a new driveway will be constructed above the proposed sewer service with a 12" culvert under the proposed driveway. Said property is located on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) District. (LU-25-82)

SPEAKING TO THE PETITION

[Timestamp 1:03:37] City engineer Erich Fiedler was present. He said the project was driven by the need to remove a discharge to a cross-country easement. He said it was part of the Marjorie Street pump station portfolio of work and that they completed the pump station and disconnected the Chase Home from the cross-country sewer line. He said the City was under a legal obligation to remove it and was working with the property owner. He said most of the home and all of the lot were in the wetland buffer, so they proposed redirecting the existing sewer line through the City's paper street and doing a new alignment for the driveway. He said the culvert would accommodate the drainage feature to be bridged as part of the driveway.

[Timestamp 1:05:08] Mr. Bowen noted that the driveway at the back was close to the abutting property and that there was a vegetated swale to the left. He asked if the applicant proposed to put a culvert where the swale was and then put a driveway on top of it. Mr. Fiedler said they would move the existing driveway to the other side of the swale. He noted that both property owners asked that the driveway be realigned, and he said it was better to put the driveway on top of the new sewer line. Mr. Bowen asked if there would be any diminution of the wetland due to the swale. Mr. Fiedler said there would be no impact to the wetland because the work would be done in the wetland buffer and it was a topographical feature that they would bridge with a pipe.

Chair Chellman asked if the cross-country pipe would be left in place, and Mr. Fiedler said it would depend. Mr. Samonas asked if the two developments would coincide. Mr. Fiedler said the City would get their work done first.

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) *Vice-Chair Coviello moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.650 of the Ordinance and adopt the findings of fact as presented. Ms. Wolff seconded. The motion **passed** with all in favor.*
- 2.) *Vice-Chair Coviello moved that the Board **grant** the Conditional Use Permit as presented. Ms. Wolff seconded. The motion **passed** with all in favor.*

V. CITY COUNCIL REFERRALS

A. Frenchman's Lane

[Timestamp 1:11:16] Chair Chellman said both the gray and orange sections of Frenchman's Lane as depicted on the map were maintained by the City but there was a question as to whether DOT owned the orange section and might own the gray section. City Deputy Attorney Trevor McCourt was present and said there was a distinction between the gray and orange areas because the Button Factory and surrounding lot was owned by the State of NH at one time, but then the State conveyed land at various times to various people but did not do so in a clean manner, so a lot of the deeds did not describe what was conveyed out. He said it seemed that the orange portion was never conveyed out, and the gray portion was less clear. He said it resulted in the title being complicated, which made things difficult to get Federal or State grants or to convey land in exchange for consideration. After further discussion, he recommended that the road get conditioned by an easement so that the right-of-way and maintenance were clear.

[Timestamp 1:16:38] Councilor Moreau asked what the benefit was to the neighboring property owner that brought the issue forward. Attorney McCourt said they wanted access in the rear of the parcel for underground parking but would lose a lot of the existing parking spaces and would have to encroach into the lane. Councilor Moreau said she did not think that the City wanted the liability or upkeep of ownership and asked what the City should do if they did end up with the property. Attorney McCourt said the City could either maintain it as a public right-of-way or offer it to the three abutting property owners. Chair Chellman suggested a two-step recommendation, 1) that the City Council seek a quick claim deed from the State for both sections of Frenchman's Lane and 2) the landowners work with the Legal Department to find a way to cover the joint liability for the use and maintenance of the road. It was further discussed.

DECISION OF THE BOARD

*Councilor Moreau moved that the Board recommend that the City Council obtain the rights to both sections of Frenchman's Lane by whatever means. Ms. Wolff seconded. The motion **passed** with all in favor.*

VI. OTHER BUSINESS

A. Zoning Amendments [Timestamp 1:35:46]

Mr. Stith discussed three zoning amendments. Regarding the first one, he said the Board previously recommended removing a section on mechanical units because applicants were often requesting and receiving variances. Councilor Moreau said the Board did not consider mechanicals as part of building coverage, and the section that was removed indicated mechanical systems that were less than 36 inches above ground level with mounting pads not exceeded 10 sf. She said even though it was struck from the ordinance, it showed up in other places in the ordinance. She said the intent was to have mechanical systems be exempt. The Board agreed that 36 inches might be too small and suggested that the requirements for mounting pad square footage over a certain size could be removed. It was noted that the term 'Etc.' in a certain part of the documentation was not necessary. Residential mechanical systems were discussed, and it was decided that the Board did not have the technical knowledge to write the language that would address the concerns and that a mechanical engineer was needed. Mr. Stith agreed and said City Staff could help. He said the topic would be brought back at a future meeting.

The second zoning amendment was the building footprint. Mr. Stith explained that most city blocks downtown had buildings that were connected, which was the definition of a building footprint in the ordinance. He said if an addition were put on one end of the block, the building footprint would be nonconforming and would trigger a Conditional Use Permit, and that whole block should be counted as the footprint. He said it would only be for existing buildings in the Downtown Overlay, CD4 and CD5 districts and that the buildings could be redeveloped as long as they did not cover privately-owned public places. He said an addition up to 10,000 sf could be added and that it would still have to meet the modulations and entrance spacing but would be exempt from the building footprint. It was further discussed. Chair Chellman noted that Portwalk was a private street between the buildings and that sometimes those buildings got connected, which covered the street and made a tunnel. He said amending the zoning would preclude that unless a variance was received.

Mr. Stith then discussed solar panels. He said Solar Smart reviewed the solar ordinance and developed language for ground-mounted solar as a principle use. He said the term "roof mounted" was added as a definition for existing roofs and that sections were added that pertained to inside and outside of the Historic District for roof-mounted solar. He said the ordinance had a provision that it would only be 33 percent of the roof's edge in the Historic District and that it would not apply outside of the Historic District. He said they also added a category in the Use Tables for ground mounted solar energy systems in certain districts using a Conditional Use Permit because those districts had larger lots. Councilor Moreau said she was concerned about someone having a ground mounted solar array bigger than their house. Mr. Stith said the

definition of the setback for a ground mounted system with a height less than or equal to 100 percent of the footprint of the principle structure needed to be changed because the height would be the highest point of the ground mounted system. Mr. Almeida asked if the language in the section about roof appurtenances and other rooftop features applied to the Historic District. Mr. Stith said it should say “inside the HDC, roof mounted shall be subject to”. He said Staff level exemption for roof mounted solar could be exempt if it was not located on a roof surface that faces or is visible from a public way, does not exceed 27 cubic feet, and does not extend more than three feet above the roof plane. He said there was also a section on roof mounted energy systems and associated conduits. Vice-Chair Coviello said the City was trying to find language related to a street address and the view, and the issue of a solar system changing a view was not being approved, so he thought it should be further addressed. Mr. Stith said another change was the definition of ground mounted solar stating that “the setback requirement shall be the highest point of the ground mounted solar system”. The Board discussed what the highest point should be. Mr. Logan said it should be clarified that a carport solar array was ground mounted and was not a structure with solar on it or a roof mounted array. Mr. Almeida said the term “shall” or “shall not” should also be applied to a section where it said “identical language”. Chair Chellman said the solar panels could be further addressed at the August meeting.

DECISION OF THE BOARD

*Mr. Giuliano moved that the Board recommend that the City Council hold first reading on the proposed zoning amendments for building footprint as presented. Ms. Wolff seconded. The motion **passed** with all in favor.*

B. Chairman Updates and Discussion Items

Chair Chellman said he wanted a consultant to do a presentation about the Master Plan in front of the Board. Mr. Stith suggested that the Board meet an hour earlier at the August 21 meeting to hear the presentation. After further discussion, it was tentatively decided that the August 21 meeting would begin at 6 PM so that the consultant could do the presentation.

C. Board Discussion of Regulatory Amendments and Other Matters

There was no discussion.

VII. ADJOURNMENT

The meeting adjourned at 9:24 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker