



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

August 28, 2025

SLF Realty Group LLC
400 Spaulding Turnpike
Portsmouth, New Hampshire 03801

RE: Requesting amended Site Plan approval & after the fact WCUP for property located at 400 Spaulding Turnpike, Portsmouth, NH (LU-25-50)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 21, 2025**, considered your request to postpone your application for an amended Site Plan approval to change the temporary access path to a permanent access path, and 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 shown on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1). As a result of said consideration, the Board voted to **postpone** the requests to the September meeting.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, September 18, 2025**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning & Sustainability Department and uploaded to the online permit system no later than Friday, August 29, 2025.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc:

Jeremy Degler, Applicant, Tighe & Bond
Stefanie Tetreault, Applicant, Tighe & Bond



CITY OF PORTSMOUTH

Planning & Sustainability
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1 Junkins Avenue
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PLANNING BOARD

August 28, 2025

Ryan Leibundgut

137 Walker Bungalow Road
Portsmouth, New Hampshire 03801

RE: Request for after-the-fact Wetland Conditional Use Permit for property located at 137 Walker Bungalow Road, Portsmouth NH 03801 (LU-25-81)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 21, 2025**, considered your application for an after-the-fact Wetland Conditional Use Permit for work done within the 100' wetland buffer and 100' vernal pool buffer without a permit. The applicant had previously removed a 6 x 12' rear deck and footings and new concrete footings were poured and a new 6 x 12' deck was built. Crushed stone underneath the deck, a set of stairs and a 5 s.f. concrete landing, and new plantings within the buffer area are all proposed with this application. Said property is shown on Assessor Map 202 Lot 4 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 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; *and* 2) to **grant** the Conditional Use Permit with the following **condition**:

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.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All conditions of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with a large, sweeping initial "R" and a long, horizontal flourish extending to the right.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 137 Walker Bungalow

Application #: LU-25-81

Decision: Approve with Conditions

Findings of Fact:

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

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

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	The property previously had the same size deck in place. The impact from the new deck will be from the soil disturbance created to rebuild the deck and pour new footings.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets	The egress already existed within this location of the home and stairs or a deck were needed to access the doorway. This location is reasonable as there was a deck here and the new deck will be the same size.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The applicant is proposing to help offset impacts from the new build with crushed stone placed below the deck and plantings within the yard to increase the vegetation within the buffer.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	This project was rebuilt in an already disturbed area and the applicant is proposing the installation of new plantings to bolster the vegetative state of the buffer.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	This rebuild appears to be almost entirely within the existing impacted area where the previous deck was located. Impacts to the wetland resource were offset with the removal of the existing sump pump drainage and removal of the septic system as noted by the applicant. In addition, the introduction of new plantings will help to offset impacts and the crushed stone placement should slow stormwater that is entering the wetland buffer.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	This project proposes no impact to the 50' vegetated buffer strip. Applicant proposes new plantings within this area.
7	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New Hampshire
03801
(603) 610-7216

PLANNING BOARD

August 28, 2025

361 Hanover Steam Factory, LLC
361 Hanover Street
Portsmouth, New Hampshire 03801

RE: Requesting Site Plan Review approval and Preliminary and Final Subdivision approval for property located at 361 Hanover Street, Portsmouth, NH (LU-24-196)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 21, 2025**, considered your application for Site Plan Review approval and Preliminary and Final Subdivision approval for the addition of four new residential structures and the renovation of the existing commercial building at 361 Hanover Street with the associated and required site improvements. Said property is shown on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) and Downtown Overlay District. As a result of said consideration, the Board voted 1) to find that the Subdivision Application meets the requirements set forth in the Subdivision Regulation and adopt the findings of fact as presented; and 2) to **grant** Preliminary and Final Subdivision Approval with the following **conditions**:

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

2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;

2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

All conditions of subdivision approval, including recording of the plat as required by the Planning & Sustainability Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning & Sustainability Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

SITE PLAN APPROVALS

*1) The Board voted 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; and 2) to **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 as deemed appropriate by the Planning Department.*

2.2) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments unless City staff determines that such plan is not needed.*

2.3) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*

2.4) *Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

2.5) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit:*

<https://www.portsmouthnh.gov/publicworks/stormwater/ptap>

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

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

2.7) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning & Sustainability Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with the first name "Rick" written in a smaller, more legible script than the last name "Chellman", which is more stylized and elongated.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works
John Bosen, DTC Law
John Chagnon, Ambit Engineering, Inc.

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 361 Hanover Street

Application #: LU-24-196

Decision: Approve with Conditions

Findings of Fact:

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

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets	The submission requirements for the Preliminary Plat have been met.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	The submission requirements for the Final Plat have been met.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. <ul style="list-style-type: none">The Plan meets the general requirements. The application was recommended for approval on July 1, 2025, at the Technical Advisory Committee Meeting.
4	SECTION VII - DESIGN STANDARDS	Meets	The application has been

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
			<p>reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <ul style="list-style-type: none"> • The Plan meets the design standards requirements. <p>The application was recommended for approval on July 1, 2025, at the Technical Advisory Committee Meeting.</p>
5	<u>Other Board Findings:</u>		

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 361 Hanover Street

Application #: LU-24-196

Decision: Approve with Conditions

Findings of Fact:

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

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> In our opinion the Project complies with the intent and language of the Ordinance requirements; see the Sheet C3 Table for details. Items that vary from codes have received Variances from the ZBA.
2	Provision for the safe development, change or expansion of use of the site.	Meets	Safety plans and construction routes will be developed in the CMMP process.
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	The project proposes providing additional drainage structures interior to the project as well as directing run-off in the current directions. The site is becoming LESS impervious. The plans show the procedures that will be utilized to provide erosion control during construction.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
4	Adequate protection for the quality of groundwater.	Meets	Runoff is captured in city collection system. No groundwater withdrawal (water supply is city). No nearby production wells.
5	Adequate and reliable water supply sources.	Meets	Water supply is Public -City. Supply confirmed by TAC review. All plumbing fixtures will be water conserving.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Sewer connection is Public - City. Connection(s) reviewed by TAC.
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	The residential use will not contribute the types of pollutants listed. Stormwater collection reviewed and approved by TAC.
8	Adequate provision for fire safety, prevention and control.	Meets	Project will use sprinkler systems. Building access reviewed by Portsmouth FD at TAC and plans revised to meet expectations.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	Urban site, no wetlands or buffers. Excavation materials will be reviewed as needed prior to removal from site.
10	Adequate protection of historical features on the site.	Meets	The existing building will be preserved.
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	See the Traffic Impact Analysis submission indicating no significant impact. The team has worked with TAC to address the concerns expressed.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	TAC review required changes to address comments from the public and from the City's Traffic Engineer.
13	Adequate insulation from external noise sources.	Meets	Construction to match the required building requirements for the location.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	Trash collection will be internal in the buildings. TAC Review included Fire and Police Departments; all concerns addressed in design.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	Site development utilizes ordinance allowable open space – calculations provided. Improvements include off-site landscape improvements to public spaces. Recreational facilities nearby.
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	Adequate access for the site development is provided from Hanover Street
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	Land is suitable for the intended purpose, currently used as an urban building site and attached parking lot. Plans follow ordinance and guidelines; see TAC approval.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	Significant Landscaping improvements proposed, meeting open space requirements and improving the property.
19	Compliance with applicable City approved design standards.	Meets	See ZBA and TAC approvals.
	Other Board Findings:		



CITY OF PORTSMOUTH

Planning & Sustainability
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PLANNING BOARD

August 28, 2025

Bromley Portsmouth, LLC
57 Dedham Avenue
Needham, Massachusetts 02492

RE: Requesting CUPs and Site Plan Review approval for property located at 1465 Woodbury Ave, Portsmouth, NH (LU-25-93)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 21, 2025**, considered your application for Conditional Use Permit from Section 10.5B41.10 for a Development Site, a Conditional Use Permit from Section 10.440, Use 19.40 for a drive-through facility, and Site Plan Review Approval for the construction of a ±2,847 square-foot, single-story banking facility with drive-through and associated site improvements including parking, pedestrian access, utility infrastructure, stormwater management systems, lighting and landscaping. Said property is shown on Assessor Map 216 Lot 3 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5B11 and 10.5B73 and to adopt the findings of fact as presented; and 2) to **grant** the Conditional Use Permit for the development site. 3) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243 and to adopt the findings of fact as presented; and 4) to **grant** the Conditional Use Permit for accessory drive through facility.

SITE PLAN APPROVALS

1) The Board voted 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; and 2) to **grant** Site Plan approval with the following **conditions**:

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

- 2.1) *The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.3) *Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

- 2.4) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit: <https://www.portsmouthnh.gov/publicworks/stormwater/ptap>*
- 2.5) *Move the end of the curved community space sidewalk south of Wendy's to curve more easterly into the development and away from the access drive to Woodbury.*
- 2.6) *Remove the proposed community space by the old schoolhouse if not needed to meet the requirement.*
- 2.7) *Add additional crosswalks where needed to be reviewed and approved by the Planning & Sustainability Department.*
- 2.8) *Applicant shall work with the Planning & Sustainability Department to enhance the landscaping in the proposed community space areas.*

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy.

- 2.9) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;*
- 2.10) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning & Sustainability Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

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Very truly yours,

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Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works
Neil Hansen, Tighe & Bond

Findings of Fact | Development Site Conditional Use Permit

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 1465 Woodbury Avenue

Application #: LU-25-93

Decision: Approve

Findings of Fact:

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

Development Site Conditional Use Permit

10.5B43.10 For a development that contains multiple buildings in the Gateway District, the Planning Board may grant a conditional use permit, if all of the following criteria are met:

	Development Site Conditional Use Permit 10.5B43.10 Findings	Finding (Meets Criteria/Requirement)	Supporting Information
1	The development project is consistent with the Portsmouth Master Plan.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none">TAC reviewed the proposed development's consistency with Goals 1.2, 2.1, & 3.1 of the City of Portsmouth Master Plan. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
2	The development project has been designed to allow uses that are appropriate for its context and consistent with City's planning goals and objectives for the area.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none">TAC reviewed the proposed development's use relative to the City's planning goals and objectives for the area. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Meeting.</p>

	Development Site Conditional Use Permit 10.5B43.10 Findings	Finding (Meets Criteria/Requirement)	Supporting Information
3	The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none"> TAC reviewed the proposed project's anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character. The Project will have a negligible impact on traffic due to the existing large traffic volumes on Woodbury Avenue. A traffic study has been prepared. The development site has been designed to mitigate stormwater runoff with the use of detention and filtration stormwater treatment practices. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
4	The project is consistent with the purpose and intent set forth in Section 10.5B11.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none"> TAC reviewed the proposed development's consistency with the purpose and intent set forth in Section 10.5B11. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
5	<u>Other Board Findings:</u>		

Findings of Fact | Drive Through Facility Conditional Use Permit

City of Portsmouth Planning Board

Date: August 21, 2025
Property Address: 1465 Woodbury Avenue
Application #: LU-25-93
Decision: Approve

Findings of Fact:

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

Drive Through Conditional Use Permit

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

	Drive Through Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Drive Through Facility CUP.</p> <ul style="list-style-type: none">TAC reviewed the proposed development's compatibility with adjacent and nearby properties, buildings & uses. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting</p>

	Drive Through Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Drive Through Facility CUP.</p> <ul style="list-style-type: none"> TAC reviewed the water & sewage service design for conformance with City design requirements. Eversource reviewed the electric service for conformance with electrical requirements. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting</p>
3	10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Drive Through Facility CUP.</p> <ul style="list-style-type: none"> TAC reviewed the proposed development's consistency with goals of the City of Portsmouth Master Plan to have adequate vehicular and pedestrian infrastructure. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting</p>
4	10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Drive Through Facility CUP.</p> <ul style="list-style-type: none"> TAC reviewed the erosion control, the management of the volume and flow of traffic on the site and other mitigative measures for conformance with City design requirements. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting</p>

	Drive Through Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
5	10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Drive Through Facility CUP.</p> <ul style="list-style-type: none"> TAC reviewed the proposed development's minimal impacts on natural or scenic resources surrounding the site <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting</p>
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Drive Through Facility CUP.</p> <ul style="list-style-type: none"> TAC reviewed the proposed development's potential contribution to significant decline in property/adjacent property values. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting</p>
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: August 21, 2025
Property Address: 1465 Woodbury Avenue
Application #: LU-25-93
Decision: Approve with Conditions

Findings of Fact:

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

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.
2	Provision for the safe development, change or expansion of use of the site.	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. • A full drainage analysis report was submitted that included analysis of the predevelopment and post development drainage conditions. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
4	Adequate protection for the quality of groundwater.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. • A full drainage analysis report was submitted that included analysis of the predevelopment and post development drainage conditions. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
5	Adequate and reliable water supply sources.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the water service design for conformance with City design requirements. • The site will be served by city water. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed sewage disposal facilities, lines, and connections for conformance with City design requirements. • The site will be served by municipal sewer. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	<p>Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
8	Adequate provision for fire safety, prevention and control.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
10	Adequate protection of historical features on the site.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> There are no on-site historical features that will be removed/disturbed. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. for conformance with City design requirements. A full traffic impact study was submitted that included analysis of the no-build and build conditions. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. for conformance with City design requirements. A full traffic impact study was submitted that included analysis of the no-build and build conditions. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
13	Adequate insulation from external noise sources.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed that police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project. • Project will not utilize municipal solid waste disposal. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the community space areas proposed as part of the design plan. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the quantities, type or arrangement of landscaping and open space. <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
19	Compliance with applicable City approved design standards.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on July 1, 2025 at the Technical Advisory Committee Meeting.</p>
	Other Board Findings:		



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

August 28, 2025

The City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

RE: Site Plan Review and CUP approval request for property located at 35 Sherburne Rd,
Portsmouth, NH (LU-25-94)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 21, 2025**, considered your application for Site Plan Review and a Conditional Use Permit within the Highway Noise Overlay District for a recommendation to the City Manager for the construction of 127-workforce housing units in three buildings including demolition of the rear gym of the school and converting the remaining structure into 8 units, construction of a 4-story 90-unit building, construction of a 3-story 29-unit building and associated site improvements including utilities, lighting, landscaping, stormwater, parking, and access. Said property is shown on Assessor Map 259 Lot 10 and lies within the Municipal (M) District. As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the requirements set forth in Section 10.674 of the Ordinance and recommend the City Manager adopt the findings of fact as presented for **Project 1** and **Project 2**; and 2) to recommend the City Manager approve Conditional Use Permit as presented for **Project 1** with the following **condition**:

2.1) Applicant shall review the sound analysis based on current conditions including the sound wall across I95, and update as necessary.

3) The Board voted to recommend the City Manager approve the Conditional Use Permit as presented for **Project 2**.

Site Plan Approvals

1) The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and recommend the City Manager adopt the findings of fact as presented for **Project 1 and Project 2**; and 2) to recommend the City Manager grant Site Plan approval for **Project 1** with the following **conditions**:

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

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

2.2) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.

2.3) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

2.4) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit: <https://www.portsmouthnh.gov/publicworks/stormwater/ptap>

2.5) Applicant shall look at sightlines coming in and out of the project and determine if a one way through the site would be a better solution.

2.6) Applicant shall revise plan to add raised pedestrian crossings at the back of the 90-unit building on each side.

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy:

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

2.8) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

Site Plan Approval - Project 2

The Board voted to recommend the City Manager grant Site Plan approval for **Project 2** 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:

1.) The applicant has 2 years from the issuance of the first building permit for Project 1 to obtain a building permit for Project 2.

2.) 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.

3.) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.

4.) Owner shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

5.) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form

through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit:

<https://www.portsmouthnh.gov/publicworks/stormwater/ptap>

Conditions to be satisfied subsequent to commencement of site work and construction activity but prior to release of surety bond or certificate of occupancy.

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

7.) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning & Sustainability Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with the first name "Rick" written in a smaller, more legible script than the last name "Chellman".

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

John McTigue, TFMoran

Craig Welch, PHA Housing Development, LTD

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 35 Sherburne Road

Application #: LU-25-94

Decision: Approve with Conditions

Findings of Fact:

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

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> Applicable standards: <ul style="list-style-type: none"> - Portsmouth Zoning Ordinance - Portsmouth Site Plan Review Reg.
2	Provision for the safe development, change or expansion of use of the site.	Meets	This project is to develop safe and affordable housing.
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	

4	Adequate protection for the quality of groundwater.	Meets	Separation from water table is observed. Stormwater is being treated. Ground Water Recharge volumes are being met and exceeded.
5	Adequate and reliable water supply sources.	Meets	Connects to City Water. Test were performed to show it provides adequate flow.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Connects to City sewer. Working with DPW on upgrades to existing infrastructure.
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	No undesirable elements are being released. Stormwater is being treated onsite.
8	Adequate provision for fire safety, prevention and control.	Meets	Plans have been reviewed by the City Fire Department to make sure they conform to City standards.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	No wetlands are being impinged on by the new development.
10	Adequate protection of historical features on the site.	Meets	Project 2 of this development looks to renovate a portion of the school into apartment, preserving the exterior architecture of the original school building.
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	A traffic study has been performed showing that there is little impact on the existing traffic flow.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	Traffic controls (stop signs, pedestrian crossing signs, crosswalks, traffic arrows have been proposed to aid in the traffic management.
13	Adequate insulation from external noise sources.	Meets	A noise study has been performed and additional sound insulation has been proposed to bring it within the reasonable

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			limits. City regulations in regard to parking aisles, parking spaces, and signage have been adhered to.
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	This project has been reviewed by TAC to show that it does not overtax municipal services. Solid waste disposal is being handled by a private contractor and won't tax city resources.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	Usable open space is being provided, including a community garden, playground and walking paths. Project 1 provides 46% open space. Project 2 provides 40% open space.
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	Yes. Layout for pedestrian sidewalks has been provided with bike racks for storing bikes. The rear recreational path connects with the sidewalks and the rear bike rack and bike repair area.
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	Plans were submitted, reviewed, and accepted by the Technical Advisory Committee (TAC).
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	Landscaping has been provided in accordance with the City of Portsmouth regulations (See Landscape Plans).
19	Compliance with applicable City approved design standards.	Meets	The site design meets City approved standards.
	Other Board Findings:		

Findings of Fact | Highway Noise Overlay Conditional Use Permit

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 35 Sherburne Road

Application #: LU-25-94

Decision: Approve with Conditions

Findings of Fact:

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

Highway Noise Overlay District Conditional Use Permit

10.674.10 Within the HNOD, noise sensitive land uses shall require a conditional use permit from the

	Highway Noise Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	Section 10.674.20 A noise analysis prepared in compliance with Section 10.675 must be submitted with any application for a conditional use permit under this section.	Meets	<ul style="list-style-type: none">A Noise Assessment was performed by SRW Environmental Consulting, LLC and supplied in this submissionMeets HUD requirements
2	Section 10.674.30 An application for a conditional use permit for a noise sensitive land use in the Highway Noise Overlay District may be approved only if a noise analysis prepared in compliance with Section 10.675 demonstrates that any applicable exterior and interior sound level standards established in Section 10.673 will be met through one or more of the following measures:	Meets	<ul style="list-style-type: none">The Noises Assessment was performed per city standards including the allowable decibel levels and qualified personnel to perform the assessment.

	<p>(a) Site design to ensure that noise sensitive land uses are placed outside of the applicable noise contour;</p> <p>(b) Site design that achieves noise mitigation through placement of accessory structures between the noise source and the noise receiver;</p> <p>(c) Installation of a noise barrier; or</p> <p>(d) Superinsulated building design and construction.</p>		<p>(a) The playground and open areas are enclosed in the apartment building, providing superinsulation from applicable noises. Apartments have noise reducing insulation and windows to provide adequate shelter from the applicable noises.</p> <p>(b) The buildings act as noise barriers between the open areas and the highway (noise source).</p> <p>(c) See response to (b) above.</p> <p>(d) See response to (a) above.</p>
3	<p>Section 10.675 A noise analysis must be prepared by a registered engineer or qualified professional transportation noise analyst who has been trained in the use of the Federal Highway Administration (FHWA) Transportation Noise Model or a replacement model that has been approved by the FHWA. A noise analysis must include the following:</p> <p>(1) A description of the proposed development.</p> <p>(2) A narrative description of the proposed site configuration and any proposed noise mitigation measures.</p> <p>(3) A diagram showing the proposed site configuration including the location of noise sensitive land uses and any proposed noise mitigation measures.</p> <p>(4) Unadjusted 60, 65 and 70 dBA noise contours for the loudest traffic hour sound levels shown as an overlay on the site diagram. Noise contours must be developed using the FHWA Transportation Noise Model (or a replacement model that has been approved by the FHWA).</p>	Meets	<ul style="list-style-type: none"> SRW Environmental Consulting, LLC performed the noise assessment. This HUD Noise Assessment is considered to be a qualified analysis by qualified personnel. <p>(1) See "Selection of Noise Assessment Locations (NALs)" on page 2 of the Noise Analysis.</p> <p>(2) See "Noise Sources" beginning on page 2 of the Noise Analysis</p> <p>(3) See page 14 of the Noise Analysis for map of proposed site configuration.</p> <p>(4) The plan on sheet 14 locates the Noise Abatement Locations and sheets 16 through 19 show the calculated Day Night Average Sound Level (DNL). See page 14 of the Noise Analysis Report for map of proposed site configuration.</p>

	<p>(5) If the noise analysis shows that projected noise levels will exceed the sound level standard for the applicable activity at the location specified, the noise analysis must include:</p> <p>(a) Any adjusted noise contours and site-specific analyses used to adjust the noise contours based on improved topography;</p> <p>(b) Calculations to support the noise level reduction of any proposed noise mitigation measure;</p> <p>(c) A description of the width, depth, height, length, and materials used in any proposed noise barrier; and</p> <p>(d) A description of construction methods and materials used in any proposed superinsulated building design. The sound transmission class must be provided for materials used.</p>		<ul style="list-style-type: none"> The noise analysis includes the items “a” through “d” listed below <p>(a) No approved topography for noise mitigation proposed. Only</p> <p>(b) The Sound Transmission Classification Assessment Tool (STratCAT) was used in the Noise Assessment report to analyze the anticipated construction of the new buildings</p> <p>(c) The Noise Assessment report shows the minimum thickness and material to be used in the exterior walls..</p> <p>(d) <i>Proposed exterior wall assembly is anticipated to exceed building code minimum requirements for STC of 50. This is an STC of 12 improvement over the Noise Assessment Report stated minimum (STC of 38). Construction is anticipated to be panelized and all dwelling units to be air sealed which further enhances the standard of care and sound attenuation properties of the exterior wall assembly. Basis of design window is intended to be energy star certified for thermal control. This added feature will result in an STC which exceeds the minimums noted in the Noise Assessment Report (STC of 27).</i></p>
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		



CITY OF PORTSMOUTH

Planning & Sustainability
Department
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Portsmouth, New
Hampshire 03801
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PLANNING BOARD

August 28, 2025

Mark McNabb
One Market Square, LLC
3 Pleasant Street, Ste 400
Portsmouth, New Hampshire 03801

RE: Request for CUP approval for property Located at 1 (15) Congress Street, Portsmouth, NH (LU-22-12)

Dear Mr. McNabb:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 21, 2025**, considered your application for a Conditional Use Permit from Section 10.440, Use 1.71 Coliving. Said property is shown on Assessor Map 117 Lots 12 & 14 and lies within the Character District 4 (CD-4), Character District 5 (CD-5), Historic, and Downtown Overlay Districts. As a result of said consideration, the Board voted to **continue** the application to the September meeting.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, September 18, 2025**.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc:

Tracy Kozak, JSA Design
Francis Bruton, Bruton & Berube, PLLC
John Chagnon, Ambit Engineering