

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

6:00 PM Master Plan Update

7:00 Public Hearings begin

August 21, 2025

ACTION SHEET

REGULAR MEETING 7:00pm

I. MASTER PLAN UPDATE

A. Presentation by Utile

No action taken

II. PRESENTATIONS

A. Staff presentation on Capital Improvement Plan Process

No action taken

III. APPROVAL OF MINUTES

A. Approval of the July 17, 2025 meeting minutes.

The July 17, 2025 meeting minutes were approved as presented.

Motion: P. Giuliano ***Second:*** B. Moreau

Motion passed with all in favor.

IV. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A.** The request of **361 Hanover Steam Factory LLC (Owner)**, for property located at **361 Hanover Street** requesting 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.

The Board voted to determine that Item A is complete according to the Subdivision Review Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the application for consideration.

Motion: P. Giuliano **Second:** J. Almeida

Motion passed with all in favor (7-0) with B. Moreau and A. Samonas recused

SITE PLAN REVIEW

The Board voted to determine that Items A-C are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section VI of the agenda) and to accept the applications for consideration.

- A.** The request of **361 Hanover Steam Factory LLC (Owner)**, for property located at **361 Hanover Street** requesting 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.

Motion: P. Giuliano **Second:** J. Almeida

Motion passed with all in favor (7-0) with B. Moreau and A. Samonas recused

- B.** The request of **Bromley Portsmouth, LLC (Owner)**, for property located at **1465 Woodbury Avenue** requesting a 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.

Motion: B. Moreau **Second:** A. Samonas

Motion passed with all in favor

- C.** The request of **The City of Portsmouth (Owner)**, for property located at **35 Sherburne Road** requesting review of Site Plan Review and Conditional Use Permit applications 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.

Motion: B. Moreau **Second:** A. Samonas

Motion passed with all in favor

V. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

*If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- 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)

*The Board voted to **postpone** the September meeting with a new legal notice of the application.*

Motion: B. Moreau **Second:** P. Giuliano

Motion passed with all in favor

- 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)

VI. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

*If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A.** The request of **Ryan Leibundgut (Owner)**, for property located at **137 Walker Bungalow Road** requesting 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 located on Assessor Map 202 Lot 4 and lies within the Single Residence B (SRB) District. (LU-25-81)

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.

Motion: B. Moreau **Second:** J. Almeida

Motion passed with all in favor

- 2) *The Board voted 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.

Motion: B. Moreau **Second:** J. Almeida

Motion passed with all in favor

B. The request of **361 Hanover Steam Factory LLC (Owner)**, for property located at **361 Hanover Street** requesting 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 located on Assessor Map 138 Lot 63 and lies within Character District 5 (CD5) and Downtown Overlay District. (LU-24-196)

1) The Board voted to find that the Subdivision application meets the requirements set forth in the Subdivision Regulations and adopt the findings of fact as presented.

Motion: P. Giuliano **Second:** J. Almeida

Motion passed with all in favor with B. Moreau and A. Samonas recused

*2) The Board voted 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;

Motion: P. Giuliano **Second:** J. Almeida

Motion passed with all in favor with B. Moreau and A. Samonas recused

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.

Motion: P. Giuliano **Second:** L. Roy

Motion passed with all in favor with B. Moreau and A. Samonas recused

*2) The Board voted 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 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.*

Motion: P. Giuliano **Second:** J. Almeida

Motion passed with all in favor with B. Moreau and A. Samonas recused

- C. The request of **Bromley Portsmouth, LLC (Owner)**, for property located at **1465 Woodbury Avenue** requesting a 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 located on Assessor Map 216 Lot 3 and lies within the Gateway Corridor (G1) District. (LU-25-93)

- 1) *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.*

Motion: B. Moreau **Second:** A. Samonas

Motion passed with all in favor

- 2) *The Board voted to **grant** the Conditional Use Permit for the development site.*

Motion: B. Moreau **Second:** F. Perrier

Motion passed with all in favor

- 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.*

Motion: B. Moreau **Second:** A. Samonas

Motion passed with all in favor

- 4) *The Board voted to **grant** the Conditional Use Permit for accessory drive through facility.*

Motion: B. Moreau **Second:** A. Samonas

Motion passed with all in favor

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.*

Motion: B. Moreau **Second:** R. Wolf

Motion passed with all in favor

- 2) *The Board voted 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.*

Motion: B. Moreau **Second:** A. Samonas

Motion passed with all in favor

- D.** The request of **The City of Portsmouth (Owner)**, for property located at **35 Sherburne Road** requesting review of Site Plan Review and Conditional Use Permit applications 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 located on Assessor Map 259 Lot 10 and lies within the Municipal (M) District. (LU-25-94)

Highway Noise Overlay District - Conditional Use Permit Project 1

1) The Board voted 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.

Motion: B. Moreau **Second:** R. Wolf
Motion passed with all in favor

2.) The Board voted 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.

Motion: B. Moreau **Second:** B. Bowen
Motion passed with all in favor

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

Motion: B. Moreau **Second:** A. Samonas
Motion passed with all in favor

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.

Motion: B. Moreau **Second:** A. Samonas
Motion passed with all in favor

2.) The Board voted 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 if one way through the site would be 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.*

Motion: B. Moreau ***Second:*** L. Roy *Motion passed with all in favor*

Site Plan Approval - Project 2

*1) 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:

- 1.1) *The applicant has 2 years from the issuance of the first building permit for Project 1 to obtain a building permit for Project 2.*
- 1.2) *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.*

- 1.3) *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.*
- 1.4) *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.*
- 1.5) *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:

- 1.6) *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;*
- 1.7) *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.*

Motion: B. Moreau **Second:** A. Samonas
Motion passed with all in favor

Motion to continue all other items to the next meeting
Motion: B. Moreau **Second:** A. Samonas
Motion passed with all in favor

- E.** The request of **Market Square LLC (Owner)**, for property located at **1 and 15 (21) Congress Street** requesting a Conditional Use Permit from Section 10.440, Use 1.71 Coliving. Said property is located 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. (LU-22-12)

Continued to the September meeting.

VII. PRELIMINARY CONCEPTUAL CONSULTATION

- A. WITHDRAWN** The request of **St. Nicholas Greek Orthodox Church (Owner)**, for property located at **0 Lafayette Road** requesting Preliminary Conceptual Consultation. Said property is located on Assessor 229 Map Lot 6A and lies within the Gateway Corridor (G1) District. **WITHDRAWN** (LUPD-25-8)

- B.** The request of **Double MC LLC (Owner)**, for property located at **134 Pleasant Street** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic Districts. (LUPD-25-9)

Continued to the September meeting.

VIII. OTHER BUSINESS

- A.** Zoning Amendments

Continued to the September meeting.

- B.** Chairman updates and discussion items
- C.** Board discussion of Regulatory Amendments & other matters

X. ADJOURNMENT

The meeting was adjourned at 10:57 p.m.