



CITY OF PORTSMOUTH

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

PLANNING BOARD

October 22, 2025

Walter D. Hett Trustee
Walter D. Hett Trust
4 Fort Hill Avenue
York, Maine 03909

RE: Request for Preliminary and Final Subdivision approval & Site Plan Review approval to for property located at 0 Banfield Rd, Portsmouth, NH (LU-25-22)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, October 16, 2025**, considered your application for Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associates site improvements. Said property is shown on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. As a result of said consideration, the Board voted
1) to grant the requested waiver from Section VI General Requirements, Subsection 9.A to allow overhead electrical services to each lot.

b) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations;

*and 2) 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; and 3) to **grant** Preliminary and Final Subdivision approval with the following **conditions**:*

3.1) 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.

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

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

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:

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>

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

2.5) 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;

2.6) 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.

2.6) 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.

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 Chagnon, Ambit Engineering
Shawna Sammis, Owner Representative, Chinburg Properties
Jon Whitten, Project Manager, Ambit Engineering

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: October 16, 2025

Property Address: 0 Banfield

Application #: LU-25-22

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	
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. The Plan meets the general requirements. The application was recommended for approval on June 3, 2025 at the TAC Meeting.
4	SECTION VII - DESIGN STANDARDS		The application has been

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements) Meets	Supporting Information
			reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements. The Plan meets the design standards requirements. The application was recommended for approval on June 3, 2025 at the Technical Advisory Committee Meeting.
5	<u>Other Board Findings:</u>		

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: October 16, 2025

Property Address: 0 Banfield

Application #: LU-25-22

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
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	Adequate erosion control and stormwater management practices are included within the design plans and reports for this project. Runoff will flow through existing undeveloped areas to existing drainage features to ensure no significant negative impacts to downstream areas.

	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 treated and directed to the existing, on-site wetland system with City cross culverts under Peverly Hill Road. Lots to be serviced by City water and sewer. No groundwater withdrawal. No nearby production wells.
5	Adequate and reliable water supply sources.	Meets	Water supply is Public -City. Supply confirmed by TAC review.
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	Access to the lots is adequate for emergency vehicle access. Residential buildings will be required to meet fire safety provisions as part of the Building Permit process for each lot.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	No wetland impacts proposed. The limited wetland buffer impacts proposed was recommended for approval at the August 13, 2025 Conservation Commission Meeting
10	Adequate protection of historical features on the site.	Meets	The project site is currently undeveloped, therefore no historical features are on the site.
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	The residential traffic associated with the proposed 5 lots is minimal and two shared driveways to access all 5 lots minimizes curb cuts, therefore it is our opinion that we have provided adequate management of traffic for this project.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	No traffic controls on Peverly Hill Road, nor Banfield Road have been required.
13	Adequate insulation from external noise sources.	Meets	Construction to match the required building requirements for the location.
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	TAC Review included Fire and Police Departments. Solid waste collection for each residential lot will be administered by the City, as with other residential lots.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	The residential development area on each lot is limited by existing wetlands and associated wetland buffers. This provides adequate open space for the development.
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 by Peverly Hill Road and Banfield Road. Plans for the City's desire to construct a multi-use trail along Peverly Hill Road were taken into account during the design process.
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 undeveloped. 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	The preservation of existing vegetation and protection of wetland buffer areas provide natural noise and air pollution buffers, based on the proposed residential use.
19	Compliance with applicable City approved design standards.	Meets	See TAC approval.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	Other Board Findings:		



CITY OF PORTSMOUTH

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

PLANNING BOARD

October 22, 2025

Walter D. Hett Trustee
Walter D. Hett Trust
4 Fort Hill Avenue
York, Maine 03909

RE: Request for Wetland Conditional Use Permit for property located at 0 Banfield Rd,
Portsmouth, NH (LU-25-22)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, October 16, 2025**, considered your application for a Wetland Conditional Use Permit in accordance with Section 10.1017.50 for the installation of a shared residential driveway, underground utility piping, grading work, and at-grade stormwater management BMPs for the proposed five-lot subdivision including 3,393 s.f. of permanent disturbance in the 100' wetland buffer. Said property is shown on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) 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 10.1017.50 of the Ordinance and adopt the findings of fact as presented; *and* 2) to **grant** the Conditional Use Permit with the following **conditions**:

2.1) The maintenance plan shall be provided to the new property owners upon the sale of the newly subdivided lots.

2.2) Applicant shall provide information in the deed and to the new property owners upon sale of the newly subdivided lots. This educational information shall include the City of Portsmouth's pamphlet on caring for wetlands and wetland buffers and information explaining the regulations and permitted activities within a wetland and wetland buffer.

2.3) Prior to commencement of site work, limits of clearing and driveway locations shall be flagged by the applicant and inspected by City staff

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 fluid and cursive, with a long horizontal stroke extending to the right.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
John Chagnon, Ambit Engineering
Shawna Sammis, Owner Representative, Chinburg Properties
Jon Whitten, Project Manager, Ambit Engineering

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: October 16, 2025

Property Address: 0 Banfield

Application #: LU-25-22

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 applicant removed multiple large trees from the buffer, many of which appear to have been within the vegetated buffer strip according to citywide wetland maps, which is not allowed according to the City of Portsmouth Zoning Ordinance Article 10 Section 10.1018.23 where any cutting of vegetation within the first 25 feet of the buffer is prohibited.
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	According to the City's wetland delineation (and confirmed by the applicant's wetland scientist), all trees that were removed appear to be within the 100-ft wetland buffer. The restoration plan contains plantings in the wetland and wetland buffer area to resolve the violation.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The removal of mature trees from the wetland buffer will likely have an impact on the wetland resource as a critical group of buffer plantings was removed, leaving mostly grass and bare soil in their place. The restoration plan restores the buffer with plantings and ensures all bare soil is adequately covered with groundcover. This will help control and filter stormwater runoff as it enters the wetland and will help to increase soil health and bring back cover for wildlife.
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	The natural vegetative state was altered with the removal of these trees. Although the applicant will be unable to replace the trees with ones of equal maturity and environmental benefit, planting of native species will offset the negative impacts of tree removal and vegetation removal within the wetland 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	Removal of vegetation within the vegetated buffer strip is prohibited. Additionally, the applicant should have consulted with staff about the removal of trees within the limited cut area to ensure compliance with Article 10 Section 10.1018.23. This removal resulted in adverse impacts to the wetland buffer and will require an extensive restoration plan to attempt to offset negative environmental impacts.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	The vegetated buffer strip was altered with the removal of these trees. Although the applicant will be unable to replace the trees with ones of equal maturity and environmental benefit, extensive planting of native species will offset the negative impacts of tree removal and vegetation removal within the wetland buffer.
7	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

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

PLANNING BOARD

October 22, 2025

Mathew & Beth Reichl, Trustees
Reichl Family Revocable Trust
15 Marjorie Street
Portsmouth, New Hampshire 03801

RE: Request for a WCUP property located at 15 Marjorie Street, Portsmouth NH 03801 (LU-25-115)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, October 16, 2025**, considered your application for Wetland Conditional Use Permit from Section 10.1017.50 of the Zoning Ordinance for construction of a sunroom and covered porch, a home addition, a new driveway, landscaping areas, the installation of a retaining wall to support native landscaping and improve site grading with the addition of fill to level out the existing elevation in the rear yard. The total proposed new impervious surface is 964 s.f. with an increased building footprint of 1,020 s.f. on the lot. Said property is shown on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) 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 10.1017.50 of the Ordinance and adopt the findings of fact as presented; *and* 2) The Board voted to **grant** the Wetland Conditional Use Permit with the following **condition**:

2.1) Prior to commencement of site work, silt sock shall be extended to the driveway behind the proposed landscaping.

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, looping "R" and a long, sweeping underline.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
Timothy Hron, Contractor, Hron Brothers Construction

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: October 16, 2025

Property Address: 15 Marjorie Street

Application #: LU-25-115

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 application requests expanding impervious surface areas within the wetland buffer in an area directly upslope of the wetland resource as well as adding fill to regrade a slope within the wetland buffer. Site design has been carefully planned to avoid disturbance to critical wetland areas.
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	This property is almost entirely within the wetland buffer. There is no feasible location outside the buffer. The plan shows the proposed driveway further from the resource than the existing driveway. Given the size and configuration of the lot, as well as existing constraints such as setbacks and lot coverage limitations, there is no feasible or reasonable alternative location for the proposed structure that would avoid the wetland buffer entirely. The design minimizes encroachment to the greatest extent possible while preserving the integrity and usability of the lot.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The encroachment of the home, driveway and retaining wall closer to the wetland than the existing structure may have an adverse impact on the health of the wetland. The project has been designed to preserve wetland function by maintaining natural drainage patterns, incorporating erosion control measures, and avoiding direct alteration of the wetland itself. Buffer impacts are minor and temporary, and the development will not impair flood storage, water quality, wildlife habitat, or other wetland functions on the site or surrounding properties.
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	The project proposes removing some vegetation within the buffer in order to build the new addition, porch, driveway, garden/patio area and retaining wall. Disturbance to the natural vegetative state within the buffer will be limited strictly to what is necessary for construction access and structural footprint. Mature vegetation and existing tree canopy will be preserved wherever feasible, and selective clearing will be done with minimal ground disturbance to avoid long-term ecological disruption.
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	Several layout alternatives were evaluated, and the current proposal represents the least impactful configuration. The development has been compactly designed to limit encroachment, with utility placement and access routes chosen to avoid sensitive areas wherever possible.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	Following construction, disturbed areas within the buffer will be restored to a natural vegetative state to the greatest extent feasible. This will include replanting with native species and implementing measures to prevent invasive plant growth. A buffer restoration and landscaping plan will be submitted as part of the permit application. Additionally, permanent wetland boundary markers will be placed during and after construction.
7	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

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

PLANNING BOARD

October 22, 2025

PWED2 LLC
3 Penstock Way
Newmarket , New Hampshire 38040

RE: Request for Site Plan & CUP approvals for property located at 921 Islington Street,
Portsmouth NH 03801 (LU-25-96)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, October 16, 2025**, considered your application for Site Plan Review approval for the reconstruction of the existing building for a restaurant use with associated site improvements and a Conditional Use Permit from Section 10.0440, Use #19.50 for an accessory outdoor dining and drinking area. Said property is shown on Assessor Map 172 Lot 10 and lies within the Character District 4-W (CD4-W). As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented; *and* 2) to **grant** the conditional use permit as presented; *and* 3) 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* 4) 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:

- 4.1) *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.*
- 4.2) *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.*
- 4.3) *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.*

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

- 4.4) *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;*
- 4.5) *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', with 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

Peter H. Rice, Director of Public Works
John Chagnon, P.E., Haley Ward
Meghan Boland, Chinburg Builders

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 10-16-2025

Property Address: 921 Islington Street

Application #: LU – 25-96

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 Sheet C3 for details. Items that vary from codes have received Variances from the ZBA, also noted.
2	Provision for the safe development, change or expansion of use of the site.	Meets	The site change has been vetted as safe. Construction safety 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 proposed as the 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. 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 proposed restaurant is similar to other adjacent restaurant uses and will not contribute in a significant manner to the types of impacts associated with the items listed. Stormwater collection has been reviewed and approved by TAC.
8	Adequate provision for fire safety, prevention and control.	Meets	Building access reviewed by Portsmouth Fire Department 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 footprint will be preserved, and the building façade re-imagined to an earlier time.
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	The conversion to a restaurant does not create a traffic impact. The team has worked with TAC to address concerns regarding the closing of the wide-open curb cut and the location of the new access.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	TAC review comments from the City's Traffic Engineer were all addressed.
13	Adequate insulation from external noise sources.	Meets	Construction will match the required building code requirements.

	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 will be collected in the proposed dumpster; ZBA granted location variance. 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 increases and makes useable the open space – calculations provided. Improvements include off-site sidewalk and landscape improvements to public spaces.
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 Islington Street and the adjacent driveway. Improvements include off-site sidewalk improvements.
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 gas station. The site is an urban building site, and 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
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

October 22, 2025

John Galt, LLC
10 Pleasant St, STE 300
Portsmouth, New Hampshire 03801

RE: Request for CUP for property located at 14 Market Square, Portsmouth, NH (LU-25-142)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, October 16, 2025, considered your application for a Conditional Use Permit from Section 10.0440, Use #1.71, Coliving. Said property is shown on Assessor Map 107 Lot 29 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts. As a result of said consideration, the Board voted 1) 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* 2) to grant the modification from Section 10.815.29 to allow 792 square feet of common area where 1,360 is required; *and* 3) to **grant** the Conditional Use Permit for coliving with the following **conditions**:

3.1) The applicant shall obtain a permit through the City Clerk's office in accordance with Section 10.815.50 prior to a Certificate of Occupancy for any Coliving Facility.

3.2) One on-site full-time manager shall be provided.

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

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

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
Tracy Kozak, Arcove, LLC

Findings of Fact | Coliving Conditional Use Permit

City of Portsmouth Planning Board

Date: October 16, 2025

Property Address: 14 Market Square

Application #: LU-25-142

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.

Coliving 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.

	Coliving Conditional Use Permit 10.243 Requirements	Finding (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	The project site is a previously developed site with a current structure. This proposal requests a change of use for the second and third floors from office space to coliving on the third floor, and four apartments on the second floor. The plans involve interior remodeling with a rooftop addition so there is only a minor change to the height and scale with a use compatible to the surrounding properties.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.	Meets	The changes to infrastructure needs are minimal with the conversion when compared to the existing available infrastructure.

	Coliving Conditional Use Permit 10.243 Requirements	Finding (Requirement)	Supporting Information
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	The parking demand for office space requires 15.4 parking spaces and the change requires 4.0 parking spaces resulting in a decrease of 11.4 parking spaces. After deducting the 4-parking space credit for being located in the Downtown Overlay District the project requires 0 parking spaces. The adjacent and surrounding streets and sidewalks have the capacity to handle the change.
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	The proposed coliving residential use will not contribute the types of impacts associated with the items listed.
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	Urban site, no wetlands or buffers. The property is not in a flood zone.
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets	Building is suitable for the intended purpose, currently used as an urban building site. The use will match adjacent property uses and not impact values.
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		



CITY OF PORTSMOUTH

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

PLANNING BOARD

October 22, 2025

Martin Husslage
446 Central Road
Rye, New Hampshire 03870

RE: Request for Preliminary & Final Subdivision & Site Plan Review approval for property located at 48-50 Langdon Street, Portsmouth, NH (LU-25-124)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday October 16, 2025**, considered your request to postpone your application for Preliminary and Final Subdivision and Site Plan Review approval for the subdivision of one lot into two lots with a single-family dwelling and accessory dwelling proposed on each lot with associated site improvements. Said property is shown on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted **postpone** the request to the November meeting.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, November 20, 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 October 31, 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:

Corey Colwell, TF Moran