



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: October 10, 2025

Re: Recommendations for the October 16, 2025 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the September 18, 2025 meeting minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the September 18, 2025 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval to subdivide one lot into 5 new residential lots with associates site improvements.
- B. **REQUEST TO POSTPONE** The request of **Martin Husslage (Owner)**, for property located at **48-50 Langdon Street**, requesting preliminary and final Subdivision 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 located on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. (LU-25-124)
- REQUEST TO POSTPONE**
-

Planning Department Recommendation

Vote 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 applications for consideration.

SITE PLAN REVIEW

- A.** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** Site Plan Review approval to subdivide one lot into 5 new residential lots with associates site improvements.
- B.** The request of **PWED2 LLC (Owner)**, for property located at **921 Islington Street** requesting 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 located on Assessor Map 172 Lot 10 and lies within the Character District 4 (CD4-W). (LU-25-96)
- C. REQUEST TO POSTPONE** The request of **Martin Husslage (Owner)**, for property located at **48-50 Langdon Street**, requesting 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 located on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. (LU-25-124) **REQUEST TO POSTPONE**

Planning Department Recommendation

Vote to determine that Items A & B 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.

III. PUBLIC HEARINGS – OLD BUSINESS

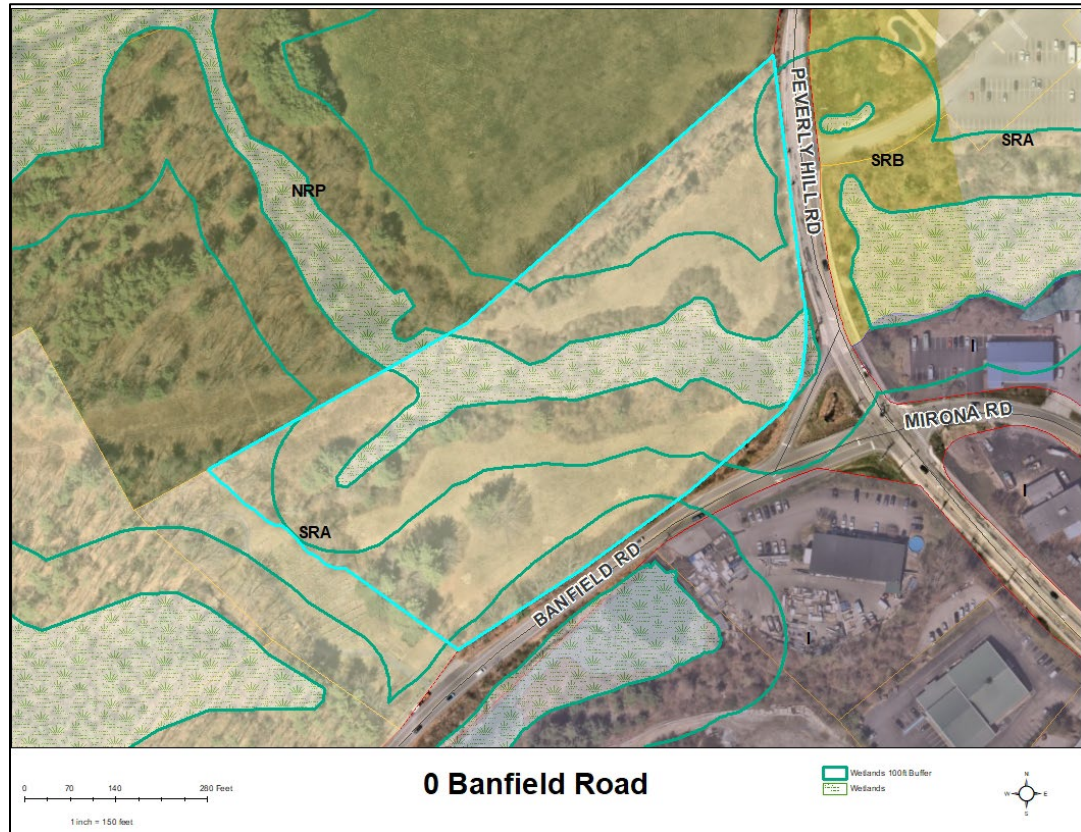
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

It is recommended that Old Business Item A and B be discussed together and voted on separately. A motion is required to consider these matters together.

- A. The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road requesting** Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associated site improvements. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. (LU-25-22)

Project Background

The applicant is to subdivide the existing 8.5-acre vacant lot into a five-lot subdivision with associated site improvements. The site is at the corner of Peverly Hill Road and Banfield Road and is in the Single Residence A (SRA) district, which has a required lot area of 1 acre and frontage requirement of 150 feet. The lot is bisected by wetlands which results in a large portion of the property with wetland buffer area, leaving two upland areas, one to the northwest and one to the south. The proposal also includes the installation of a shared residential driveway, underground utility piping, grading work, and at-grade stormwater management BMPs. This project proposes 3,393 s.f. of permanent disturbance to the 100' wetland buffer according to the applicant. The applicant is requesting a waiver from the subdivision regulations to allow overhead power and communications to eliminate the buffer impacts that would be associated with installation of underground services.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. The land is reasonably suited to the use activity or alteration.

This land within the wetland buffer is previously undeveloped land and is adjacent to a major road. The applicant has minimized over 3,000 s.f. of impact nearest to the wetland resource by creating one driveway compared to their previous submission showing multiple driveways. This project proposes the need for significant re-grading within the 100' wetland buffer.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

According to the applicant, significant traffic safety concerns prevent the driveway location from being placed outside of the wetland buffer. Applicant has looked into an alternative that is less impactful than what was previously submitted.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

Impacts to the buffer include new impervious surfaces, re-grading within the buffer and construction of new utility and stormwater services. Applicant has provided an erosion control plan outlining placement of a silt fence to reduce adverse impacts to the resource. Applicant should clarify if silt fence, Silt Soxx or berm is to be used as the E&S Plan (Erosion and Sedimentation Control Plan) mentions the use of Silt Soxx, the Erosion Control Plan outlines a silt fence and the detail sheet offers options for either a berm or a silt fence.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The construction of the new services and driveway will have impact to the existing tree line along Banfield Road and the applicant has noted the removal of two trees, but it is difficult to determine the limits of clearing and what trees/vegetation may be impacted. Applicant should show exact vegetation to be removed within the wetland buffer, not a limit of clearing delineation and should be inspected by staff prior to commencing site work.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

This project proposes impacts to a previously undeveloped area. It is not the proposal with the least adverse impacts, but it has significantly reduced previously proposed impacts.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The vegetated buffer strip is not being impacted as it falls within the limits of Banfield Road.

Project Review, Decisions, and Recommendations

The applicant was before the Technical Advisory Committee and Conservation Commission. See below for details.

Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, June 3, 2025 and the Committee voted unanimously to recommend approval with the following condition:

The Committee voted to recommend approval of this application unanimously to the

Planning Board with the following conditions to be satisfied prior to submission to the Planning Board:

1. All changes discussed go through DPW for final review and approval prior to submission to the Planning Board. If major changes occur as a result of Conservation Commission review, the applicant will need to come back before TAC prior to continuing on to the Planning Board.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, August 13, 2025 the Commission voted unanimously (7-0) to recommend approval to the Planning Board with the following conditions:

1. Applicant shall provide an updated maintenance plan for care of the permeable driveway and the proposed rain gardens. This maintenance plan shall be provided to the new property owners upon the sale of the newly subdivided lots.

2. Prior to submission to the Planning Board, permanent wetland boundary markers shall be shown on the updated plan set. The permanent wetland boundary markers shall be placed on the 100 ft wetland buffers on each new lot (for wetlands on the property and across the street) every 50 feet prior to the start of construction.

3. Prior to submission to the Planning Board, applicant shall provide calculations proving that 95% of on-site impervious surface for Lots 3, 4 and 5, respectively, will be treated by the proposed rain garden for each lot.

4. 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.

5. Prior to submission to the Planning Board, the wetland delineation shall be certified and stamped by a NH Certified Wetland Scientist (CWS). CWS Sam Hayden needs to provide a stamp for delineation of both the prime wetland to the north and the wetland to the south, a note on the plan set does not suffice.

6. Prior to submission to the Planning Board, the applicant shall include a separate planting plan in the plan set. This should also show exact vegetation to remain and to be removed, not just clearing lines as well as plantings behind the homes as appropriate to delineate vegetated barriers along the 100' prime wetland buffer.

The conditions have been satisfied with the Planning Board application or added as conditions of approval below.

The site plan layout for the driveways was revised after going to the Conservation

Commission. In compliance with the TAC condition, the applicant sought input from Fire Department and Public Works on the change. The driveway was widened to 20 feet from 15 feet and utility changes were made, as well as adding sprinklers to all dwellings. The applicant has represented that the new driveway width is still within the limits presented to the Conservation Commission and states the buffer impacts do not change.

Planning Department Recommendation

Wetland Conditional Use Permit

1) Vote 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.

(Alt.) Vote 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 amended.

2) Vote 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.

Planning Department Recommendation

Subdivision Waiver

*1) Vote to grant the requested waiver from Section VI General Requirements, Subsection 9.A to allow overhead electrical services to each lot. **[NOTE: Motion maker must select one of the following options]:***

a) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

[OR]

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.

Subdivision

- 1) *Vote to find that the Subdivision Application meets the requirements set forth in the Subdivision Regulations and adopt the findings of fact as presented.*
- 2) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
 - 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;*

Planning Department Recommendation

Site Plan Approval

- 1) *Vote 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.*

- 2) *Vote to grant Site Plan approval with the following conditions:*
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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.cityofportsmouth.com/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.*

III. 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.

- B. The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting 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 located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. (LU-25-22)

<i>It is recommended that Old Business Item A and B be discussed together and voted on separately. A motion is required to consider these matters together.</i>

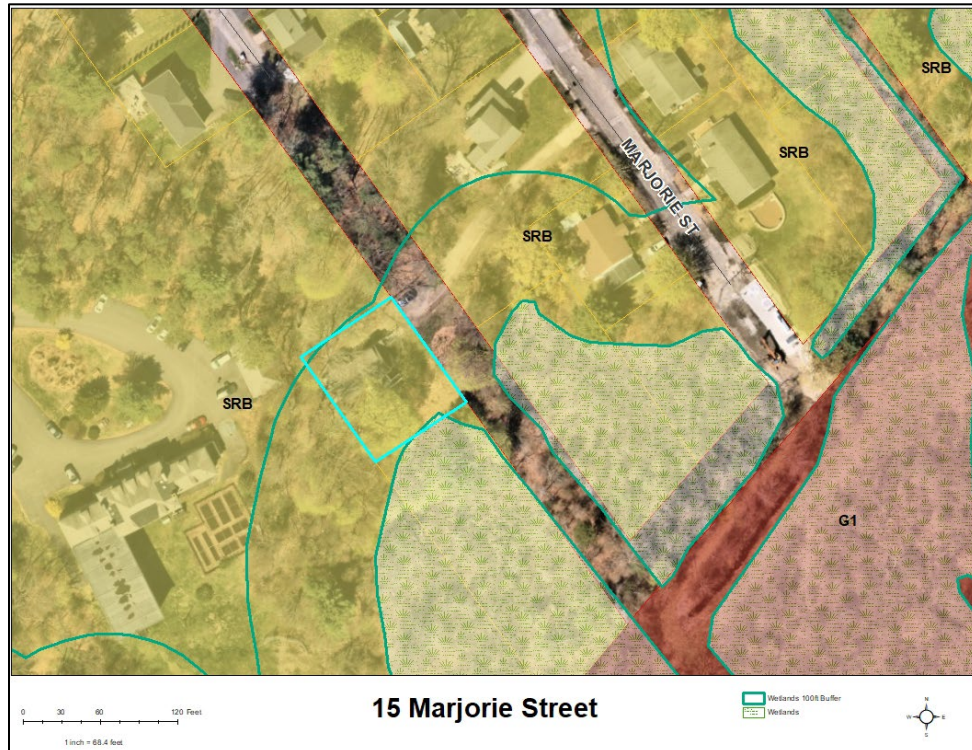
IV. PUBLIC HEARINGS – NEW BUSINESS

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 **Reichl Family Revocable Trust (Owner)**, for property located at **15 Marjorie Street** requesting a 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 located on Assessor Map 232 Lot 41 and lies within the Single Residence B (SRB) District. (LU-25-115)

Project Background

This application is for the home improvements including the construction of a sunroom and covered porch area, 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 according to the applicant is 964 s.f. with an increased building footprint of 1,020 s.f. on the lot.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. The land is reasonably suited to the use activity or alteration.

This 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. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

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.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

Impacts to the buffer include new impervious surfaces, re-grading within the buffer and construction of new utility and stormwater services. Applicant has provided an erosion control plan outlining placement of a silt fence to reduce adverse impacts to the resource. Applicant should clarify if silt fence, Silt Soxx or berm is to be used as the E&S Plan (Erosion and Sedimentation Control Plan) mentions the use of Silt Soxx, the Erosion Control Plan outlines a silt fence and the detail sheet offers options for either a berm or a silt fence.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

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. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

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

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

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.

Project Review, Decisions, and Recommendations

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, August 13, 2025 the Commission voted unanimously (7-0) to recommend approval to the Planning Board with the following conditions:

- 1. Prior to submission to the Planning Board, applicant shall provide information on the plan set of drywell location and outlet. This drywell shall be concrete and the maintenance needs for it shall be provided within the existing maintenance notes for the property owner.*
- 2. Prior to submission to the Planning Board, permanent wetland boundary markers shall be shown on the updated plan set. At least two permanent wetland boundary markers shall be placed on the 25 ft wetland buffer, evenly spaced.*
- 3. Prior to submission to the Planning Board, the landscape plan needs to be updated to include:*
 - a. Exact area of proposed seed mix*
 - b. The proposed seed mix to be used (must be native wetland buffer mix)*
 - c. A note to be added to the plan stating that no mowing is to occur at or beyond the 25' vegetated buffer (including wetland and 0-25' buffer).*

The conditions have been satisfied with the Planning Board application or added as

conditions of approval below.

Planning Department Recommendation

Wetland Conditional Use Permit

1) Vote 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.

(Alt.) Vote 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 amended.

2) Vote 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.

IV. 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.

- B.** The request of **PWED2 LLC (Owner)**, for property located at **921 Islington Street** requesting 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 located on Assessor Map 172 Lot 10 and lies within the Character District 4 (CD4-W). (LU-25-96)

Background

The application proposes redevelopment of the site for a restaurant use with an accessory outdoor dining area, which requires a Conditional Use Permit. The former use of the site was a service station, of which the fuel tanks have been removed from the site. The proposed restaurant will have an occupancy load less than 50 people. The parcel is located in the CD4-W district, which permits a restaurant up to 50 people by right. The outdoor dining area is considered an accessory use and does not count towards occupancy and there is no parking requirement for this use.



Project Review, Decisions, and Recommendations

Zoning Board of Adjustment

The applicant was before the Board of Adjustment at its regularly scheduled meeting of Tuesday, July 22, 2025 and the Board voted unanimously to grant the following variances for 1) Variance from Section 10.575 to allow a dumpster to be located within 20 feet of a Residential or Mixed Residential zoned lot or within 10 feet of any lot line; and 2) Variance from Section 10.1113.20 to allow off-street parking to be located between the principal building and the street with the following conditions:

- 1) The Board recognizes that the advertisement misstated that there was to be a demolition of the existing structure, which was not the applicant's intent. The current structure will not be completely demolished and the exterior walls will remain at the minimum as a definition of not being fully demolished;*
- 2) The location and orientation of the dumpster may change as a result of site review but shall not be located closer to the lot line than what was presented.*

Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, September 2, 2025 and the Committee voted unanimously to recommend approval to the Planning Board with the following conditions:

- 1. A new directional sign be proposed, reviewed, approved and installed prior to the removal of any existing signage.*
- 2. The proposed handicap parking space must run the whole length of the adjacent striped zone.*
- 3. The tree well detail needs to be updated to a raised tree planter, not a well.*
- 4. All improvements within the City's right-of-way will require final review, approval and inspection by DPW.*
- 5. A third-party oversight review is required.*

The TAC comments have been addressed in the Planning Board application or added as conditions of approval.

Planning Department Recommendation
Outdoor Dining Conditional Use Permit

1) *Vote 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.*

(Alt.) Vote 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 amended and read into the record.

2) *Vote to approve the conditional use permit as presented.*

Planning Department Recommendation
Site Plan Approval

1) *Vote 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.*

2) *Vote 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.*

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

- 2.4) *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;*
- 2.5) *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.*

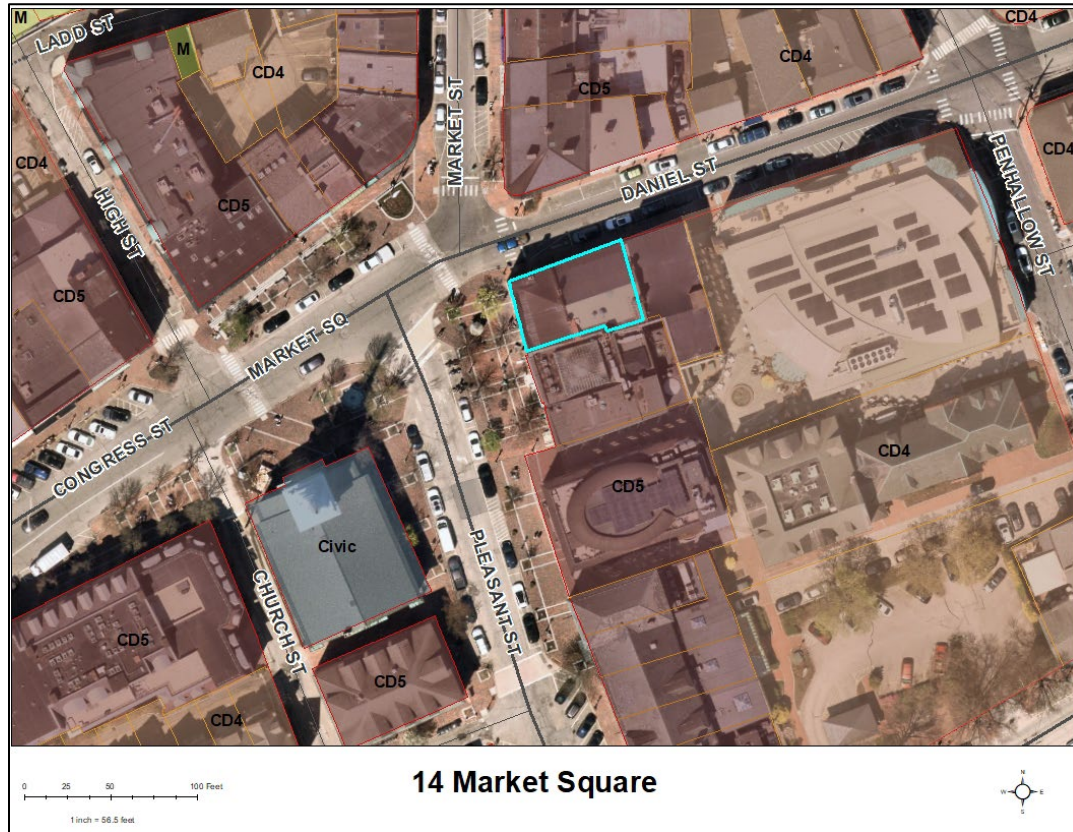
IV. PUBLIC HEARINGS – NEW BUSINESS

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.

- C. The request of **John Galt, LLC (Owner)**, for property located at **14 Market Square** requesting a Conditional Use Permit from Section 10.0440, Use #1.71, Coliving. Said property is shown on Assessor Map 107 as Lot 29 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. LU-23-142)

Project Background

This applicant is proposing to convert the third floor of the existing building into 8 double occupancy coliving units. Section 10.815 outlines the standards for coliving, which can be modified by the Planning Board upon request by the applicant per section 10.815.41. The applicant complies with the standards for coliving with the exception of Section 10.815.29 which states that coliving common areas shall be at least 1,200 square feet and an additional 20 square feet per coliving unit. The proposal includes 8 sleeping units for a potential of 16 occupants, which would require the common area to be at least 1,360 square feet. The proposed common area is 792 square feet and the applicant is requesting a modification from Section 10.815.29. The applicant states the unit sizes will all have private bathrooms and range from 170 square feet to 362 square feet, where the minimum is 120 square feet for double occupancy. In addition to the larger units, the occupants will have access to additional common space on the rooftop deck.



Planning Department Recommendation
Coliving Conditional Use Permit

1) *Vote 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.*

(Alt.) Vote 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 amended and read into the record.

2) *Vote to grant the modification from Section 10.815.29 to allow 792 square feet of common area where 1,360 is required.*

3) *Vote 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.

IV. 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.*

D. REQUEST TO POSTPONE

The request of **Martin Husslage (Owner)**, for property located at **48-50 Langdon Street**, requesting 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 located on Assessor Map 138 Lot 47 and lies within the General Residence C (GRC) District. (LU-25-124)

V. CITY COUNCIL REFERRALS

A. 109 Dennett Street -Request to be removed from Historic District

Background

The City Council voted on September 24, 2025 to refer the letter (included in packet) from the Lynn Raeburn, owner of 109 Dennett Street requesting her property be removed from the Historic District (HD).

20. Letter from Lynn Raeburn of 109 Dennett Street Requesting to have her property removed from the Historic District – Voted to refer the removal of 109 Dennett Street from the Historic District to the Planning Board and the Historic District Commission for recommendation back to the City Council.

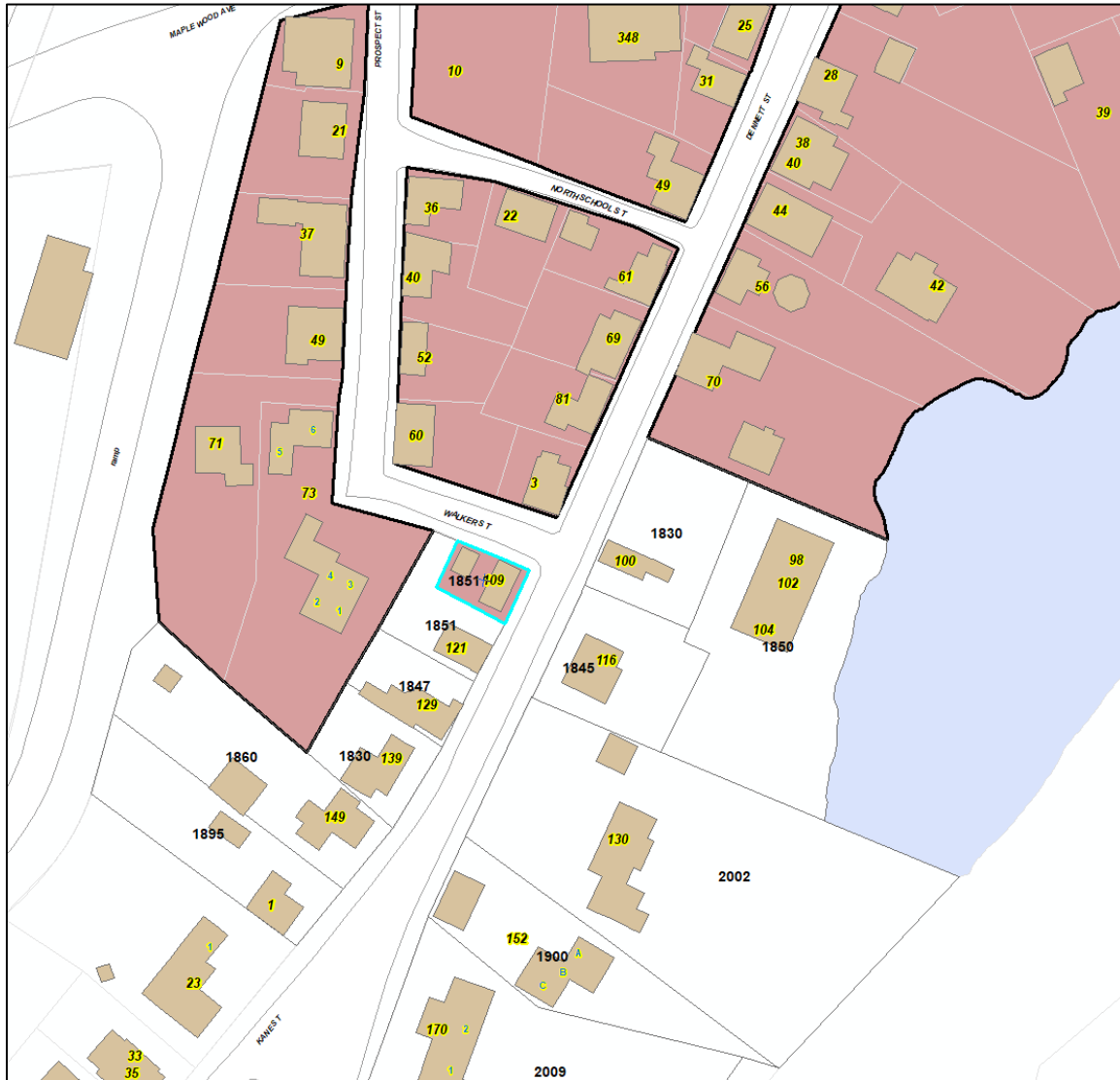
The property owner received misinformation regarding the designation of the property and proceeded forward with purchasing vinyl replacement siding for the home. The contracting company, believing they did not need a permit for siding in Portsmouth, proceeded and removed two sides of wood clapboard siding. A resident called the Planning Department to question the permitting status of the job. At that time, neither a Historic District Approval nor a Building Permit were issued. Jason Page, the Legal Enforcement Officer, stopped work on the job and the property owner went before the Historic District Commission and was denied the vinyl siding at the August 06, 2025, Historic District Commission meeting. Following the Historic District Commission denial, the owner a letter to City Council requesting removal from the Historic District. The City Council requested a recommendation of the request from the Planning Board and the Historic District Commission.

The HDC considered this request at their October 6, 2025 meeting and voted unanimously (6-0) that the property remain in the Historic District for the following reasons:

- 1) *Setting a precedent was concerning.*
- 2) *There was no demonstration that the building should not be in the Historic District.*
- 3) *Excluding that one house on the Dennett Street Corridor which could be extended in the future would result in a fractured district.*
- 4) *There are other more appropriate solutions and/or materials than vinyl that are less costly than wood*

The map below shows the Historic District along Dennett Street and Walker Street. The subject parcel is highlighted in blue, and is the last parcel along Dennett Street in the HD. The ages of the buildings around 109 Dennett that are outside of the district are shown for comparison, many of which are older. This property has been in the Historic

District since the early 1980's, where it was initially in the Historic District B on the 1982 map and in the consolidated Historic District since the 1990s.



Planning Department Recommendation

- 1) Vote to recommend the City Council remove 109 Dennett Street from the Historic District. Or
- 2) Vote to recommend the City Council not remove 109 Dennett Street from the Historic District.

B. Historic District Boundary

The City Council, at their September 24, 2025 meeting, voted to refer map changes to the Historic District Boundary, recommended by the Historic District Commission, to the Planning Board for a recommendation.

Memorandum from Reagan Ruedig, Historic District Commission Chair, regarding Historic District Boundary Revision – **Voted** to refer this request for a Zoning Map change to the Planning Board for a report back to the City Council.

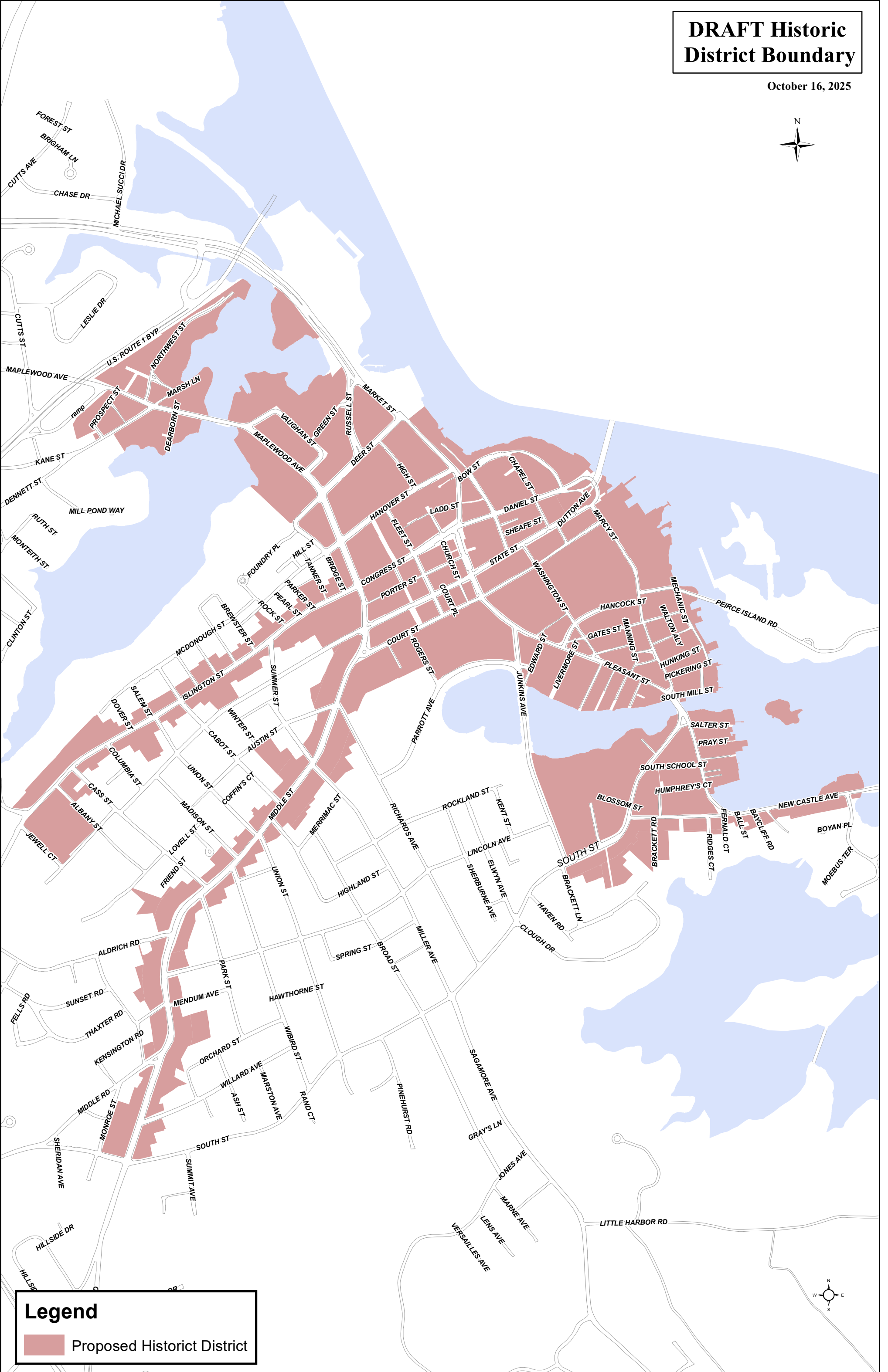
Included in the packet is a memo from Izak Gilbo, Planner 1, documenting the Historic District Commission's work on modifying the boundary of the Historic District. The current boundary extending out of downtown along New Castle Avenue and Middle Street is a distance of 150 feet on either side, which bisects parcels and, in some cases, buildings. It also includes parcels that do not front on Middle Street. The revised proposal removes the 150-foot boundary and instead includes the entire parcel that fronts the street or corner and removes or includes parcels that are currently bisected by the district. The attached maps outline the two areas of the HD with proposed changes and parcels that will be removed (red), parcels to include in their entirety (yellow) and one parcel is proposed to be added (green) and one parcel remains split (purple). Maps included show the areas along Middle Street and South Street/New Castle Ave. zoomed in with existing and proposed boundary and a full map of the proposed Historic District boundary.

Planning Department Recommendation

Vote to recommend the City Council schedule first reading on the proposed Historic District map amendments as presented/as amended.

DRAFT Historic District Boundary

October 16, 2025



Legend

Proposed Historic District



DRAFT Historic District Boundary

October 16, 2025



Legend

-  Existing Historic District Boundary
-  Proposed Historic District



**DRAFT Historic
District Boundary**

October 16, 2025



Legend



Existing Historic District Boundary

HD_Status



Add to District



Remove from District



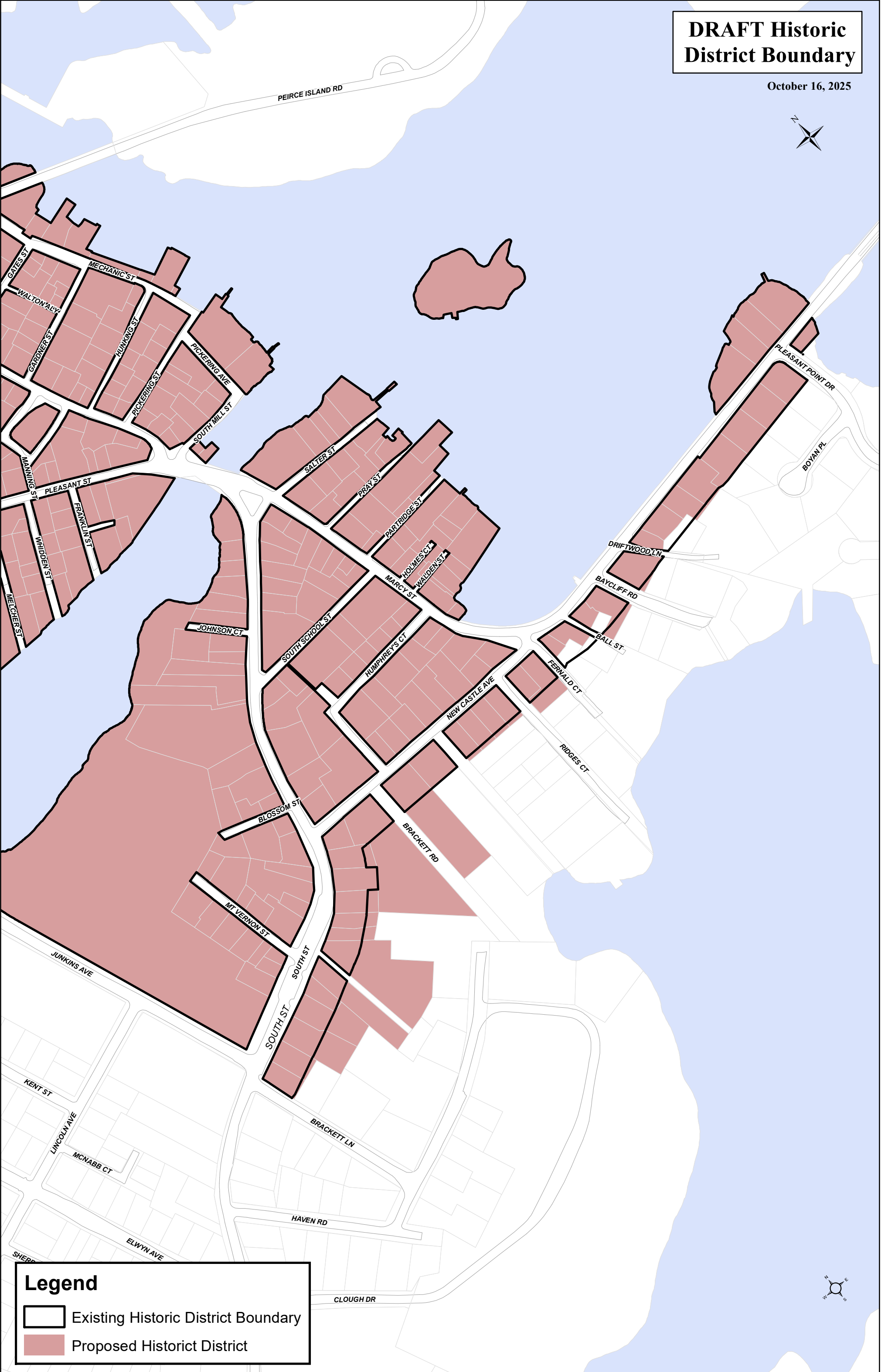
Include in Entirety



Split

DRAFT Historic District Boundary

October 16, 2025



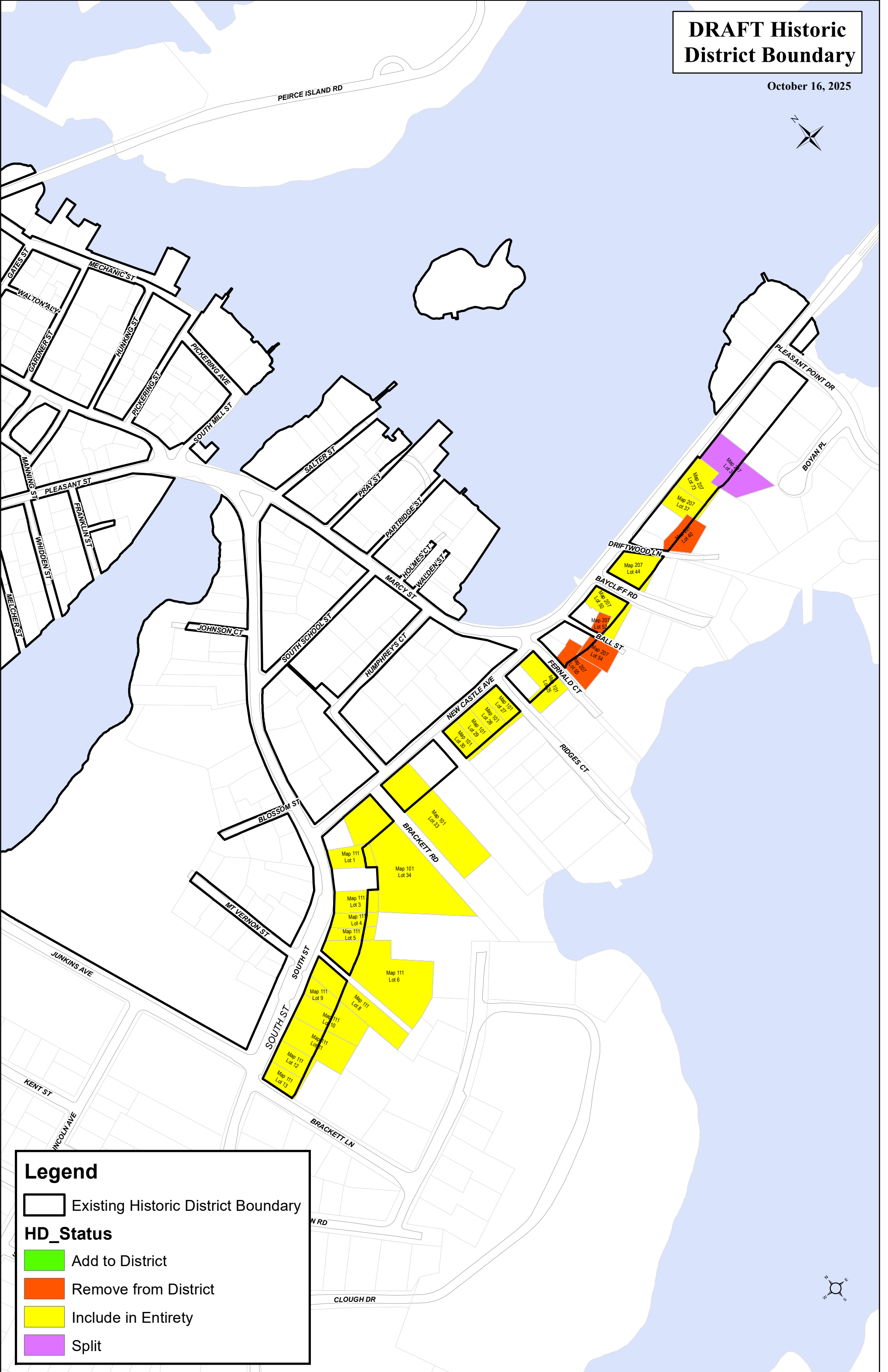
Legend

-  Existing Historic District Boundary
-  Proposed Historic District



DRAFT Historic District Boundary

October 16, 2025



Legend

Existing Historic District Boundary

HD_Status

- Add to District
- Remove from District
- Include in Entirety
- Split

C. Request Parking moved to Site Plan Regulations

The City Council, at their September 24, 2025 meeting, took the action below to refer parking changes to the Planning Board.

Housing Recommendations – **Voted** to refer to the Planning Board a Council request to put parking review for residential projects with three or more units into the site review process, and draft appropriate ordinance changes for City Council action.

The Planning Board has consensus on moving parking regulations for projects that require site plan review from the Zoning Ordinance into the Site Plan Regulations. This would remove the Conditional Use Permit process for allowing less than the minimum or more than the maximum required parking for a site and instead would allow an applicant to request a waiver from the site plan regulations. Staff have been working on a draft revision to both the Site Plan Regs and Zoning Ordinance and will continue to prepare a draft of each for the Board's review.

D. Request to rezone certain parcels to Gateway

Voted to refer to the Planning Board a Council request to rezone certain streets and parcels as shown in the packet from industrial and commercial to Gateway, requesting the necessary ordinance deletions and additions to present back for City Council action.

Background

In late 2023 the Committee looked at potential parcels to rezone to Gateway to create more opportunities for housing development. The LUC reviewed the current Gateway district and identified parcels adjacent to existing Gateway parcels that could extend or connect the district. There was a broader discussion about eliminating some of the outdated districts such as OR and GB. The LUC identified close to 60 parcels for consideration and split the list into short-term and long-term, with the short-term list consisting of parcels the LUC came to a consensus on rezoning. The current list consists of the remaining parcels from the original list generated by the LUC.

The list of consensus parcels was presented to City Council on January 16, 2024 and referred to Planning Board for a recommendation back. The Planning Board voted to recommend map changes to the City Council and on April 15, 2024 the City Council adopted map changes for the initial list of parcels. Since the map changes that were adopted in 2024, the Council adopted the Gateway Neighborhood Overlay District (GNOD) which includes the parcels on the Land Use Committee's list of parcels on Commerce Way and that is why they are shown as strike through on the list. The LUC was dissolved and the Housing Committee was created in its place and by consensus, forwarded this list of parcels for review to be rezoned to Gateway to the City Council.

Additional Background

The information in this section was provided to the Planning Board in 2024 for the initial batch of map amendments but still holds true for the parcels before the Planning Board for consideration and provides supporting information from the Master Plan.

Below are some excerpts from the results of the public outreach process for the current Master Plan that are relevant to the map amendment discussion:

Page 24 states the following:

"The Study Circles described the need for diversity in the form of mixed-use neighborhood zoning, housing that meets the needs of all ages and incomes, and less reliance on tourism as an economic driver. Specific priorities included:

- Equity throughout the community, with as much focus on the neighborhoods as downtown.*
- A diverse supply of housing for all economic levels and types from*

young to old; single or families; abled or disabled;

- *A diverse built environment, not just replicating the past, but authentic to Portsmouth, new and old;*
- *Diverse modes of transportation that is affordable, intermodal and regional; and*
- *A balanced local economy that includes opportunities for small businesses and entrepreneurship as well as tourism.*

Page 26 states the following:

Participants responded to three potential strategies to increase the availability of housing in Portsmouth and marked on maps where each strategy should be used:

Redevelopment of gateway commercial areas;

Densification with second units or parcel splits;

Greenfield development on unbuilt parcels.

Residents overwhelmingly supported redevelopment of existing commercial areas over greenfield development or increasing density in existing neighborhoods. Some residents spoke in favor of in-law or accessory dwelling units as a strategy for both providing affordable housing and increasing income for residents with larger homes and fixed incomes.

During the corridor development meeting, participants consistently gave higher ratings to more activated streetscapes, with multistory buildings close to the streets, landscaping, and bicycle and pedestrian amenities (Page 27).

Every group chose to include a mix of residential and commercial uses on their site, and most designs were at least two stories tall and placed buildings closer to the street than existing development (Page 28).

The Master Plan contains a section on Corridors on pages 121 – 133 which speaks to promoting more mixed-use development along the corridors. See link below to the Master Plan to review this section.

<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

Among the goals in the Corridor section, Goal 1.2 below supports mixed-use development along the commercial corridors.

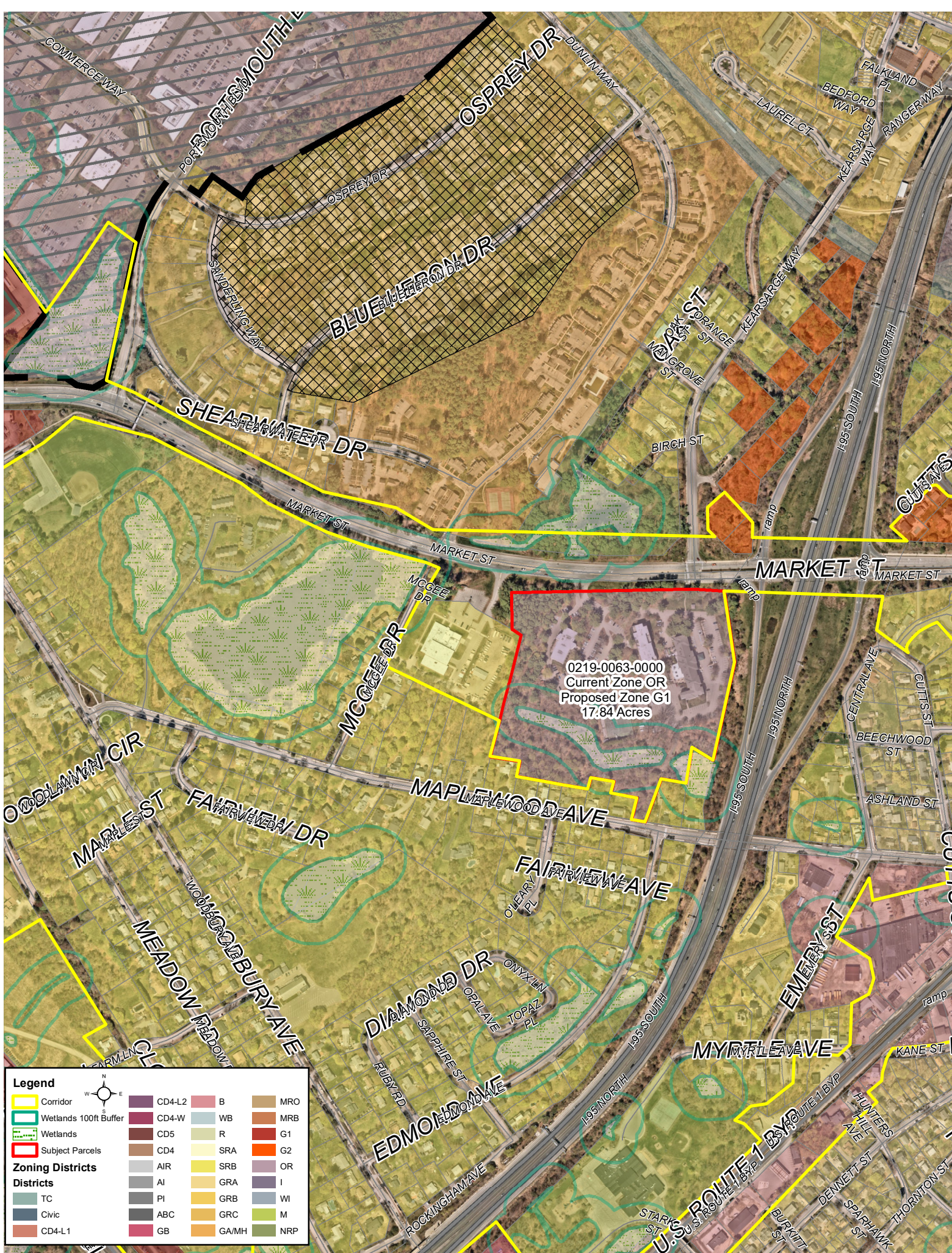
- *Goal 1.2 – Encourage walkable Mixed-use development along existing commercial corridors.*
 - *1.2.1 Encourage mixed-use development in existing commercial areas by adopting new and enhancing existing flexible zoning techniques such as Gateway Planned Development option.*
 - *1.2.2 Promote redevelopment along the Route 1 Bypass north of*

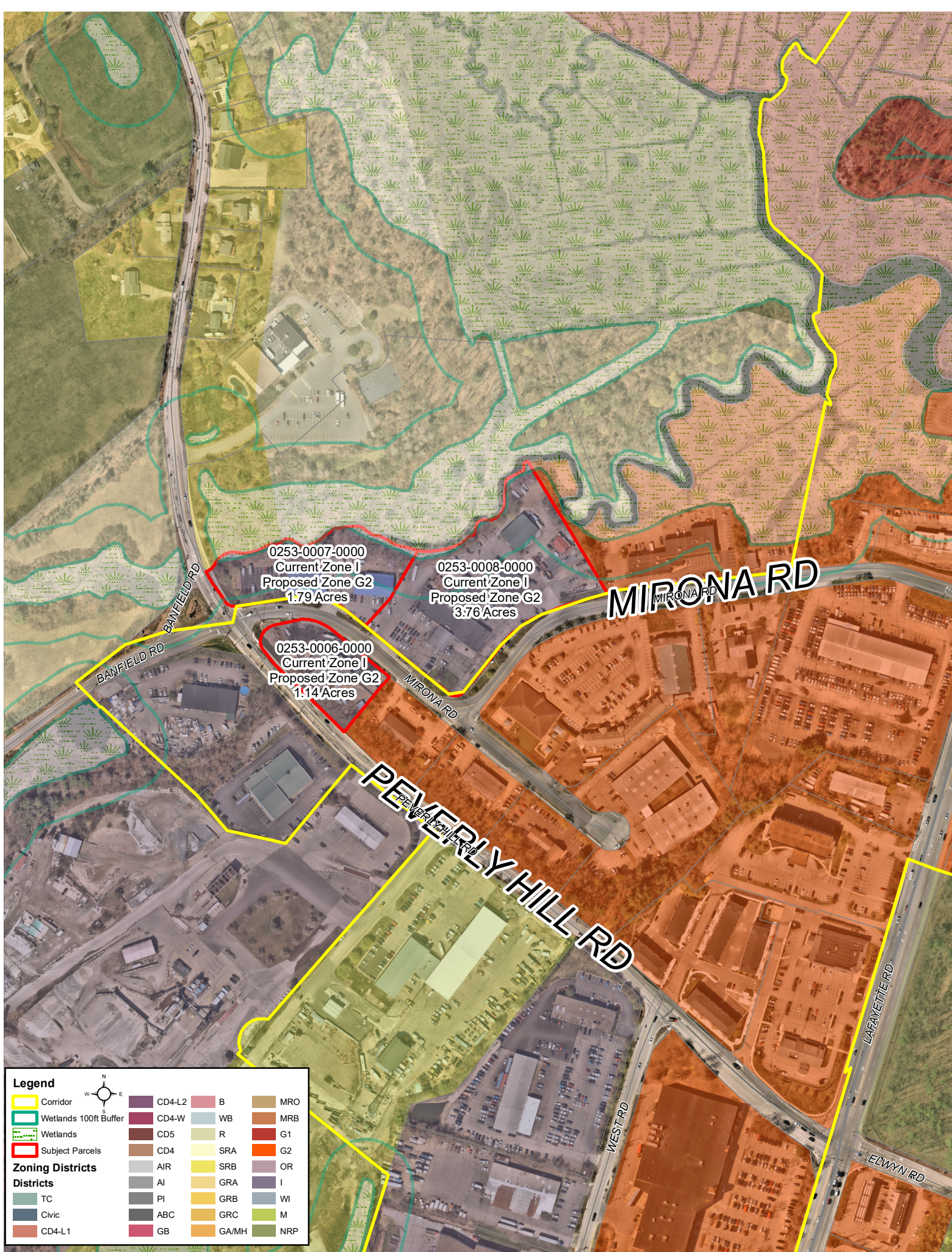
the traffic circle that is compatible with adjoining neighborhoods.

The series of maps below show the remaining 10 parcels on the list with their current zoning, acreage and proposed zoning. map below shows the subject parcels in relation to the corridors outlined in the Master Plan. The corridor boundary in the Master Plan is broad and not parcel specific. Most of the parcels fall entirely within the corridor areas, and several are located adjacent to the corridor areas. These proposed amendments are a continuation of the rezoning efforts the Housing Committee, Planning Board and Council have been engaged in which implement recommendations of the 2025 Master Plan.

Planning Department Recommendation

Vote to recommend the City Council schedule first reading on the proposed map amendments as presented/as amended.







0268-0012-0000
Current Zone MRB
Proposed Zone G1/G2
0.33 Acres

0268-0013-0000
Current Zone MRB
Proposed Zone G1/G2
0.31 Acres

Corridor

Wetlands 100ft Buffer

Wetlands

Subject Parcels

CD4-L2

CD4-W

CD5

CD4

AIR

AI

PI

ABC

GB

CD4-L1

B

WB

R

SRA

SRB

GRA

GRB

GRC

GA/MH

MRO

MRB

G1

G2

OR

I

WI

M

NRP

TC

Civic

CD4-L1

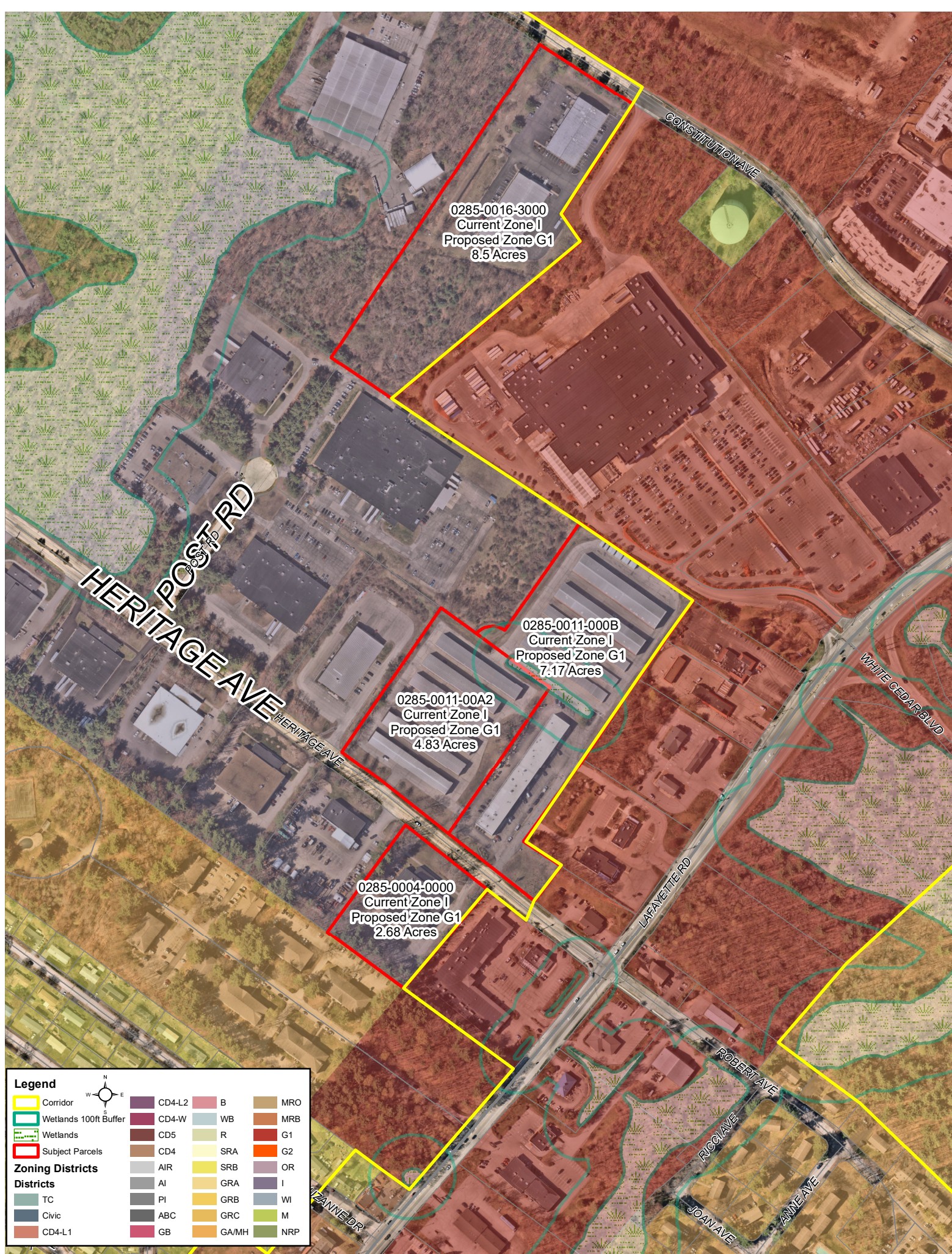
Zoning Districts

Districts

TC

Civic

CD4-L1



E. Section 10.812 – Conversion of Existing Dwelling to Multifamily Dwelling

The City Council took the below action on September 24, 2025 in reference to Section 10.812 of the zoning ordinance.

Voted to ask the Planning Board to modify zoning section 10.812 to eliminate the requirement that it apply only to houses built before 1980, and look at including Rural, SRA and SRB as permitted zones, and changing General Residence districts from Special Exception to Permitted in order to create more affordable housing.

Section 10.812 of the ordinance allows the conversion of an existing dwelling into a multifamily dwelling that exists on or before January 1, 1980 either by right or by special exception. A conversion can occur if it meets the criteria below, which requires compliance with off-street parking, building coverage and open space and the conversion cannot include any exterior changes other than what is required for egress per the building code. Using this provision allows the lot area per dwelling to be lowered per the table below.

The Housing Committee identified this section for review as an opportunity to create more housing in existing dwellings, because the appearance of the structure would remain and would not change the character of the neighborhood. The Committee discussed expanding the use to the Rural, SRA and SRB districts and adding a reduced lot area per dwelling requirement accordingly and removing the prerequisite date of January 1, 1980.

10.812 Conversion of Existing Dwelling to Multifamily Dwelling

The conversion of a **dwelling** existing on January 1, 1980, to additional **dwelling** units as a permitted **use** or by special exception with less than the minimum required **lot area** per **dwelling unit** (per Section 10.440, use 1.50) shall comply with all the following requirements:

- 10.812.11 The conversion shall not include any change to the exterior of the **building** except for minimum egress components required for **Building Code** compliance.
- 10.812.12 The **lot** shall comply with the applicable minimum **open space** and maximum **building coverage** requirements in Article 5 and the **off-street parking** requirements in Article 11.
- 10.812.13 The **lot** shall comply with the following standards:

District	Minimum lot area per dwelling unit
GRA	3,000 sq. ft.
GRB	3,000 sq. ft.
GRC	1,000 sq. ft.
MRO	1,500 sq. ft.
MRB	1,500 sq. ft.

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
1.30 Two-family dwelling	N	N	P	P	P	P	P	P	P	N	P	P	N	N	N	N	N	10.640 (Downtown Overlay district)
1.40 Townhouse	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.50 Multifamily dwelling																		10.5A32 (Character district permitted uses)
1.51 3 or 4 dwelling units	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.52 5 to 8 dwelling units	N	N	N	S	P	P	P	P	P	N	P	P	P	N	N	N	N	10.813 (Multifamily Dwellings in the Business District)
1.53 More than 8 dwelling units	N	N	N	N	P	N	N	N	P	N	P	P	P	N	N	N	N	
1.60 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5																		10.640 (Downtown Overlay District)
1.61 To 2 dwelling units	N	N	S	S	N	P	P	P	S	N	N	N	N	N	N	N	N	10.812 (Conversion of Existing Dwelling to Multifamily Dwelling)
1.62 To 3 or 4 dwelling units	N	N	S	S	N	P	P	P	S	N	N	N	N	N	N	N	N	
1.63 To 5 to 8 dwelling units	N	N	N	S	N	S	S	S	S	N	N	N	N	N	N	N	N	
1.64 To more than 8 dwelling units	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
1.70 Live/work unit	N	N	N	N	N	P	P	P	P	N	P	P	P	N	N	N	N	

F. Maplewood Avenue Drain Line Project

Background

Included in the packet is a memo from Deputy City Attorney Trevor McCourt regarding the ongoing sewer separation project from Fleet Street to the North Mill Pond. The drainage infrastructure crosses private property before reaching the outfall and requires authorization from those owners to complete the work. The legal department has been working with the owners to draft a license and temporary and permanent easements. Per Chapter 11 Article 11.602 below, approval of these types of easements and licenses requires referral and recommendation from the Planning Board.

ARTICLE VI: REFERRALS TO PLANNING BOARD (Added 12/21/2009)

Section 11.601: INTENT

The intent of this Article is to ensure that proposed municipal actions relating to land acquisition, disposition or use, and to the laying out, construction or discontinuance of public streets, are considered in the context of the City's comprehensive planning.

Section 11.602: REFERRAL AND REPORT

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
 - (1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
 - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.
- C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

Planning Department Recommendation

Vote to recommend the City Council accept a license from CSX, Inc. and an easement from 90 Maplewood LLC in support of the North Mill Pond stormwater outfall improvements.

VI. OTHER BUSINESS

A. Zoning Amendments

Mechanical Units

Earlier this year, the Planning Board considered zoning amendments referred by the City Council regarding accessory structures, fences and mechanical units. The Planning Board recommended removal of Section 10.515.14, which related to setbacks for mechanical units. The section below was previously in the Ordinance and was struck as part of the amendments the City Council adopted in March. After the July Planning Board meeting, staff met with the Inspections Department to discuss standard sizes of mechanical equipment.

Article 5 Dimensional and Intensity Standards

Section 10.510 General Requirements

10.515 Measurement Rules

10.515.13 Fences not over 4 feet in height shall be exempt from front yard requirements, and fences not over ~~8~~ 6 feet in height shall be exempt from side and rear yard requirements.

~~10.515.14 A mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and shall not be located closer to the street than the front of the principal structure.~~

To further clarify the intent of the amendment above, staff suggests the following revisions to the definition of building coverage and structure to clarify that these types of mechanical systems are exempt from setbacks and coverage.

Building coverage

The aggregate horizontal area or percentage (depending on context) of a **lot** or **development site** covered by all **buildings** and **structures** on the **lot**, excluding

- (a) gutters, **cornices** and eaves projecting not more than 30 inches from a vertical wall, and
- (b) **structures** less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the **building face**;
- (d) fences; and
- (e) mechanical systems (i.e. HVAC, power generator, etc.) ~~that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.~~

Structure (including **roof structure**)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. **Structures** include, but are not limited to, **buildings**, fences over 4 feet in height, **signs**, and swimming pools. (See also: **temporary structure**.) ~~For the purposes of this Ordinance, mechanical systems (i.e. HVAC, power generator, etc.) shall not be considered structures, but any power generator must be setback a minimum of 5 feet from any lot line.~~

Planning Department Recommendation

1) Vote to recommend the City Council hold first reading on the proposed zoning amendments as presented.

Solar

The City Council voted to refer solar zoning amendments to the Planning Board at their December 16, 2024 meeting:

15. Report Back on Solar Overlay District – **Voted** to refer the zoning review and drafting of Solar Zoning Amendments to the Planning Board for its recommendation in a report back to the City Council.

The Planning Board initially reviewed draft solar amendments at the February 27, 2025 work session. Since the July meeting, Chair Chellman and Member Roy have provided edits and comments for the Board's discussion and consideration of zoning amendments related to solar that are included in the packet.

Planning Department Recommendation

1) Vote to recommend the City Council hold first reading on the proposed zoning amendments as presented (or amended).

State Law Changes

Recent legislative changes have been passed that require zoning ordinance amendments. Two memos from New Hampshire Municipal Association (NHMA) are included in the packet and provide guidance on changes to zoning. Planning and Legal staff have reviewed the RSAs and for this meeting have provided proposed changes to the minimum parking standards and the Accessory Dwelling Unit section in the Ordinance. Senate Bill 284, effective 9/13/25, prohibits

municipalities from requiring more than 1 parking space per dwelling unit. House Bill 577, effective 7/1/25, significantly changes the regulations on ADUs and staff has prepared a markup of the existing ordinance for the Planning Board. Related to the size of an ADU, there is flexibility in the law that allows a maximum square footage of 950 square feet and it can be larger but must be authorized in the code. A municipality cannot limit the size of an ADU to less than 750 square feet. This is the maximum currently, and the Board could opt to keep it at 750 or designate a larger size for the maximum limit.

Planning Department Recommendation

1) Vote to recommend the City Council hold first reading on the proposed zoning amendments as presented (or amended).

B. Chairman's Updates and Discussion Items

C. Board Discussion of Regulatory Amendments and Other Matters

VII. ADJOURNMENT