



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

Memorandum

To: Planning Board

From: Peter Stith, AICP  
Planning Manager

Date: November 6, 2025

Re: Memo for November 10, 2025 Planning Board Work Session

---

### **I. Historic District Commission recommendation of boundary revision to the Historic District**

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.

Only 1 parcel (Map 152 Lot47) is proposed to be added that was not currently in the district at all. A letter from the property owner was submitted to the Board in October requesting they not be added to the district. This lot is shown as green below. One parcel is proposed to remain split, Map 207 Lot 36 which is located on New Castle Avenue and shown as purple on the map below.

## II. CITY COUNCIL REFERRALS

### A. 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.

## B. 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.

### C. 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. In addition, reviewing the other permissions for this use in all districts for possible change. Staff would also recommend the Planning Board include CD4-L1 and L2 in the table, as the use is permitted in these districts, but not in the table below. Staff added the existing lot area per dwelling for each district to the table and the new districts in red with suggested changes for discussion.

This use could be expanded to incentivize workforce housing if an additional unit above what the lot area per dwelling allows is permitted if that unit is a workforce housing unit. For example, if a lot in the GRA has 6,000 square feet, it would be allowed to convert a dwelling into a two family. A third unit could be permitted if it is a workforce housing unit, without having an additional 3,000 square feet of lot area, but assuming all other requirements are met (parking, open space, building coverage).

### 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 <b>lot area</b> per <b>dwelling unit</b>	
	Required	Reduced
GRA	7,500 sq. ft.	3,000 sq. ft.
GRB	5,000 sq. ft.	3,000 sq. ft.
GRC	3,500 sq. ft.	1,000 sq. ft.
MRO/CD4-L1	7,500/3,000 sq. ft.	1,500 sq. ft.
MRB	7,500 sq. ft.	1,500 sq. ft.
CD4-L2	3,000	1,000
SRA	1 acre	15,000
SRB	15,000	7,000
R	5 Acres	1 Acre

10.812.14 An additional unit can be added without meeting the lot area per dwelling requirement if it is designated as **workforce housing** under the requirements of this Ordinance.

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 <b>Two-family dwelling</b>	N	N	P	P	P	P	P	P	P	N	P	P	N	N	N	N	N	10.640 (Downtown Overlay district)
1.40 <b>Townhouse</b>	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.50 <b>Multifamily dwelling</b>																		10.5A32 (Character district permitted uses)
1.51 3 or 4 <b>dwelling units</b>	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 <b>dwelling units</b>	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 <b>dwelling units</b>	N	N	N	N	P	N	N	N	P	N	P	P	P	N	N	N	N	
1.60 <b>Conversion of a building existing on</b> January 1, 1980, with less than the required minimum <b>lot area</b> per <b>dwelling unit</b> specified in Article 5																		10.640 (Downtown Overlay District) 10.812 (Conversion of Existing Dwelling to Multifamily Dwelling)
1.61 To 2 <b>dwelling units</b>	N	N	S	S	N	P	P	P	S	N	N	N	N	N	N	N	N	
1.62 To 3 or 4 <b>dwelling units</b>	N	N	S	S	N	P	P	P	S	N	N	N	N	N	N	N	N	
1.63 To 5 to 8 <b>dwelling units</b>	N	N	N	S	N	S	S	S	S	N	N	N	N	N	N	N	N	
1.64 To more than 8 <b>dwelling units</b>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
1.70 <b>Live/work unit</b>	N	N	N	N	N	P	P	P	P	N	P	P	P	N	N	N	N	



### III. Zoning Amendments

#### a. 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. The fire code requires a 5 foot off set from openings for generators, therefore the amended definition includes a 5 foot setback requirement from lot lines for generators to be consistent with the fire code.

#### **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.~~

**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.

**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.