



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: November 14, 2025

Re: Recommendations for the November 20, 2025 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the October 16, 2025 meeting minutes and November 10, 2025 work session.

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 October 16, 2025 meeting and the November 10, 2025 work session and vote to approve meeting minutes with edits if needed.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

A. 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)

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 application for consideration.

SITE PLAN REVIEW

- A.** 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)

Planning Department Recommendation

Vote to determine that Item A is 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 application for consideration.



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Re: Recommendations for the November 20, 2025 Planning Board Meeting

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.*

- A.** 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)

Project Background

The applicant is proposing to subdivide the existing lot into two conforming lots each with a single-family dwelling and an accessory dwelling unit. The property is zoned GRC, General Residence C, with a lot area requirement of 3,500 square feet and 70 feet of frontage. The applicant sought variances in 2024 for lot area per dwelling unit for a two-family on one of the lots, which was subsequently denied. The application has been revised to have an ADU on both lots accessory to the single-family dwelling.



Project Review, Decisions, and Recommendations

The applicant was before the Technical Advisory Committee and Zoning Board of Adjustment. See below for details.

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 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:

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1. . Please coordinate with assessing for proposed map/lot numbers.
 2. Please coordinate with Jamie McCarty for ADU addressing.
 3. Before a CO is issued, the ADU affidavit must be filed and the ownership must be verified.
 4. Structure will be required to be demolished prior to subdivision recording. This shall be added as a note on the plan set as well.

- 5. Maximum allowed driveway opening width is 24 feet. Confirm driveway width.*
- 6. Parking and Traffic Safety Committee will need to review driveway location for Lot B due to proximity to McDonough Street.*
- 7. Extend drainage connections to the City drainage system for both lots. Current plan sheet flows stormwater over City sidewalks and can result in hazardous winter conditions.*
- 8. Add a cleanout on sewer service to Lot B where it connects to existing sewer service.*
- 9. Mill and pave Langdon Street curb to curb for entire length of disturbed areas.*
- 10. Update sidewalk detail to City Standard 5.5' wide sidewalks.*
- 11. Applicant shall change the proposed red maple trees to be planted with a species more suitable to the site constraints.*
- 12. City requires a sidewalk easement for the extra foot of encroachment into the City right-of-way.*
- 13. The final utility plan shall overlay the proposed landscaping on top of the existing and proposed utilities.*
- 14. A stormwater connection permit will be required from DPW.*
- 15. A surety bond will be required as part of this project for the sidewalk and milling and paving of the road.*

The TAC conditions have been satisfied in the Planning Board application.

Planning Department Recommendation

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:*

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.*

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 **Perkins Kwoka Joint Revocable Trust (Owner)**, for property located at **224 Broad Street, Unit 3** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction for a 384 s.f. addition to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site including a retaining wall, stone drip edge and underdrain for stormwater control, replacement of the existing lawn with a micro-clover seed mix, and a planting plan. Said property is located on Assessor Map 131 Lot 13-3 and lies within the General Residence A (GRA) District. (LU-23-179)

Background

The applicant was granted Conditional Use Permit on August 15, 2024 for this project; however, a building permit was not granted within the year timeframe nor did they receive an extension, therefore the approval expired. The applicant is requesting the same project through a new Wetland Conditional Use Permit as outlined in the description above.



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.

The existing site has a steep slope which has been directing stormwater into and around the existing home, instead of towards the adjacent wetland. The proposed stormwater controls will involve some regrading of the lawn and the redirection of stormwater away from the home and through an underdrain to outlet underneath the expanded deck. This proposed deck will have ¾" spaced decking and will have crushed stone underneath for infiltration.

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

The majority of this property is within the 100 ft. buffer. The existing home is within the buffer and experiencing impacts of stormwater and ponding on the property. The applicant is proposing to address these issues with new stormwater controls and the addition of plantings, while working to reduce the impervious surface where possible.

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

The applicant is proposing to redirect stormwater directly through an underdrain and into a crushed stone area to slow infiltration. This should improve the flooding conditions for the home while directing the flow closer to the wetland with an option for infiltration into the soil.

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

The applicant is proposing to maintain all existing trees and vegetation. In addition, the applicant will be improving the vegetation on site by planting a native micro-clover lawn in addition to planting beds and multiple trees and shrubs.

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

While the applicant is proposing an expansion of the home within the buffer, the expansion is occurring in the direction opposite of the wetland and will be compensated with a reduction in existing impervious. There are plans for overall improvements to the buffer including landscaping and reseeding the lawn with a micro-clover seed mix.

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

The applicant is proposing to stay completely outside of the 25' vegetated buffer.

Project Review, Decisions, and Recommendations

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, October 8, 2025 and the Commission voted unanimously (7-0) to recommend approval with the following condition:

1. *Applicant shall provide details of the proposed paver entry and their permeability. This should include a cross-section of the pavers, the proposed depth of materials and the materials to be used.*
-

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 condition:*

2.1) *Applicant shall provide details of the proposed paver entry and their permeability. This should include a cross-section of the pavers, the proposed depth of materials and the materials to be used.*

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 **0-120 Wild Rose Lane LLC (Owner)**, for property located at **60 Pleasant Point Drive** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for an after-the-fact permit for the installation of a riprap shoreline in a tidal wetland and the vegetated wetland buffer of a tidal wetland. This application comes after a previously approved vegetated shoreline was not installed and the current armoring approach was used and resulted in approximately 1,588 s.f. of disturbance for re-grading of the slope, installation of boulders and new plantings. Said property is located on Assessor Map 207 Lot 13 and lies within the Single Residence B (SRB) District.

Background

This application is for an after-the-fact permit for the installation of a riprap shoreline in a tidal wetland and the vegetated wetland buffer of a tidal wetland. This application comes after a previously approved vegetated shoreline was not installed and the current armoring approach was used. This approach resulted in approximately 1,588 s.f. of disturbance according to the applicant for re-grading of the slope, the installation of boulders and new plantings. The project was originally approved on December 21, 2023 and granted a one-year extension. The original application can be found [here](#).

In addition to a local permit, this project required a NHDES permit. The project changed during the state process to include the rip rap; however this change was not approved by the City. Upon discovery of the work done, the applicant was issued a cease-and-desist order and instructed to come back before the Conservation Commission and Planning Board for a new Wetland CUP.

The images below show the state of the property in September of 2024 prior to the installation of the riprap and a picture from April 2025, with the riprap installed.



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 is an unpermitted use within the vegetated buffer strip but was deemed necessary by the applicant and third-party engineer as the best alternative for dealing with increasing storms and rising sea levels. The proposed work to convert the as-built shoreline into a 'dirty riprap' shoreline with pockets of native vegetation will increase the functions and values of the shoreline, according to the third-party report (see executive summary).

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

This has already been installed and was built specifically for the shoreline area for site stabilization. There is no alternative location for installing protective shoreline measures.

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

This construction has had direct impacts to the wetland itself by placing fill below the HOTL. Staff did not have the option to review this application before it was installed. As part of this permit application, the applicant should either remove the impacts below the HOTL or file for an amended permit with NHDES. The removal of some boulders and the addition of more plantings within the riprap will help to regain some wetland functions and values to this area, according to the third-party report. The proposed changes to the living shoreline include greater vegetation above where the boulders are proposed to remain along with sand and vegetation in between the boulders.

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

This was an unpermitted project within the vegetated buffer and the vegetative state has been altered to achieve construction goals. With the current proposal, the vegetative state will be increased in the shoreline area with pocket plantings. The utilization of existing plant types in the area such as juniper should have a positive impact on the built site.

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

There is significant re-grading and fill (boulders) now within the tidal wetland and vegetated buffer strip and the proposal to remedy this is to remove some amount of boulders and increase the plantings. Applicant should identify the

volume of material that was excavated and the volume of material/fill that was used to construct the riprap shoreline. According to the applicant, other alternatives were explored but no engineered plans were made.

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

The vegetated buffer strip has been significantly impacted and the only way to return it to the natural state would be to fully remove the hardened shoreline and revegetate the slope. The applicant and third-party report have both stated that full removal of the as-built shoreline would create further harmful impacts to the resource and is not recommended. The alternative presented is to remove pockets of existing boulders and infill with soils/sand and native vegetation.

Project Review, Decisions, and Recommendations

Conservation Commission

The applicant was back before the Conservation Commission in August and the Commission requested a third-party review of the installation. DeRosa Environmental Consulting, Inc. was engaged to conduct the peer review and they had Summit Engineering provided an engineering evaluation of the structure. At its regularly scheduled meeting of Wednesday, October 8, 2025 the Commission voted unanimously (7-0) to recommend approval with the conditions below. Meeting minutes are found [here](#) and [video](#).

- 1. The plan for the restoration of the as-built site shall follow that shown on the plan titled "Hybrid Living Shoreline Plan" on Sheet C-01.*
- 2. If permitted, this application shall not replace the full permit granted on December 21, 2023 by the City of Portsmouth Planning Board but rather will only replace the previously permitted living shoreline plan taking place between the HOTL and 25' vegetated buffer strip.*
- 3. In addition to this application, the applicant must receive an approved amended permit from NHDES that reflects the 36 s.f. of as-built impacts below the HOTL and the extended shoreline footprint as noted in the third-party report (see executive summary) but not part of the NHDES approvals.*
- 4. Prior to Planning Board submission, the applicant must quantify the amount of fill that was brought in for the shoreline structure that exists today, how much is to be removed as part of this new proposal for dirty riprap, and the square footage of impact of the extended shoreline that was not originally permitted by the City nor NHDES.*
- 5. Applicant shall provide a report back to the Planning and Sustainability Department one year after the proposed hybrid living shore has been planted with pocket plantings,*

demonstrating at least an 80% survival rate of new plantings within the wetland buffer. If plantings have not achieved an 80% survival rate after one year, applicant shall replant areas of failure.

6. Applicant shall copy the Conservation Commission and Planning & Sustainability Department staff on all communications with NHDES regarding this project moving forward.

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 plan for the restoration of the as-built site shall follow that shown on the plan titled "Hybrid Living Shoreline Plan" on Sheet C-01.

2.2) This application shall not replace the full permit granted on December 21, 2023 by the City of Portsmouth Planning Board but rather will only replace the previously permitted living shoreline plan taking place between the HOTL and 25' vegetated buffer strip.

2.3) In addition to this application, the applicant must receive an approved amended permit from NHDES that reflects the 36 s.f. of as-built impacts below the HOTL and the extended shoreline footprint as noted in the third-party report (see executive summary) but not part of the NHDES approvals.

2.4) Applicant shall provide a report back to the Planning and Sustainability Department one year after the proposed hybrid living shore has been planted with pocket plantings, demonstrating at least an 80% survival rate of new plantings within the wetland buffer. If plantings have not achieved an 80% survival rate after one year, applicant shall replant areas of failure.

2.5) Applicant shall copy the Conservation Commission and Planning & Sustainability Department staff on all communications with NHDES regarding this project moving forward.

2.6) Third-party peer review fee shall be paid prior to release of any building permits for

this property.

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 **Christina C. Polizzotto Revocable Trust (Owner)**, and **The Coyle Family Revocable Trust (Owner)**, and **Back 40 Builders LLC (Owner)**, for properties located at **660 Middle Street** and **Chevrolet Avenue** requesting the approval of a Lot Line Revision plan to transfer approximately 6,391 square feet from Lot 19-1 to Lot 19 and 6,383 square feet from Lot 19-2 to Lot 19. Said properties are located on Assessor Map 147 Lots 19, 19-1 and 19-2 and lie within the General Residence A (GRA) and Historic Districts.

Project Background

This applicant is proposing a lot line revision to add area from two adjoining lots (Lot 19-1 and 19-2) to 660 Middle Street. All lots are currently conforming and will remain conforming lots with the proposed lot line revision. As no development is proposed with this lot line revision, the applicant has requested several waivers from the Subdivision Ordinance.



Project Review, Discussion, and Recommendations

Subdivisions are required to be reviewed by TAC if they contain any of the following:

- a. Creation of a new lot;
- b. Construction of a new public or private street;
- c. Widening or realignment of an existing public or private street;
- d. Construction of public or private water, sewer or stormwater facilities serving more than one lot;
- e. Establishment of an easement over one lot for water, sewer or stormwater facilities to serve a different lot; or
- f. Provision of a common driveway or access easement;

The proposed lot line relocation does not include any of the above, therefore no Technical Advisory Committee review was required.

Planning Department Recommendation
Subdivision Waiver

- 1) *Vote to grant the requested waivers to the Subdivision Standards from Section VI.5 Driveways, VI.6 Drainage Improvements, Section VI.7 Municipal water service, Section VI.8 Municipal sewer service, Section VI.9 Installation of utilities,***

Section VI.14 Erosion and Sedimentation Control, Section VIII Subdivision Review Agreement, and Section IX.1 Improvements and Installation Bonds, and Section IX.2 Maintenance Bonds. [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.

Planning Department Recommendation
Subdivision

- 1) Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.

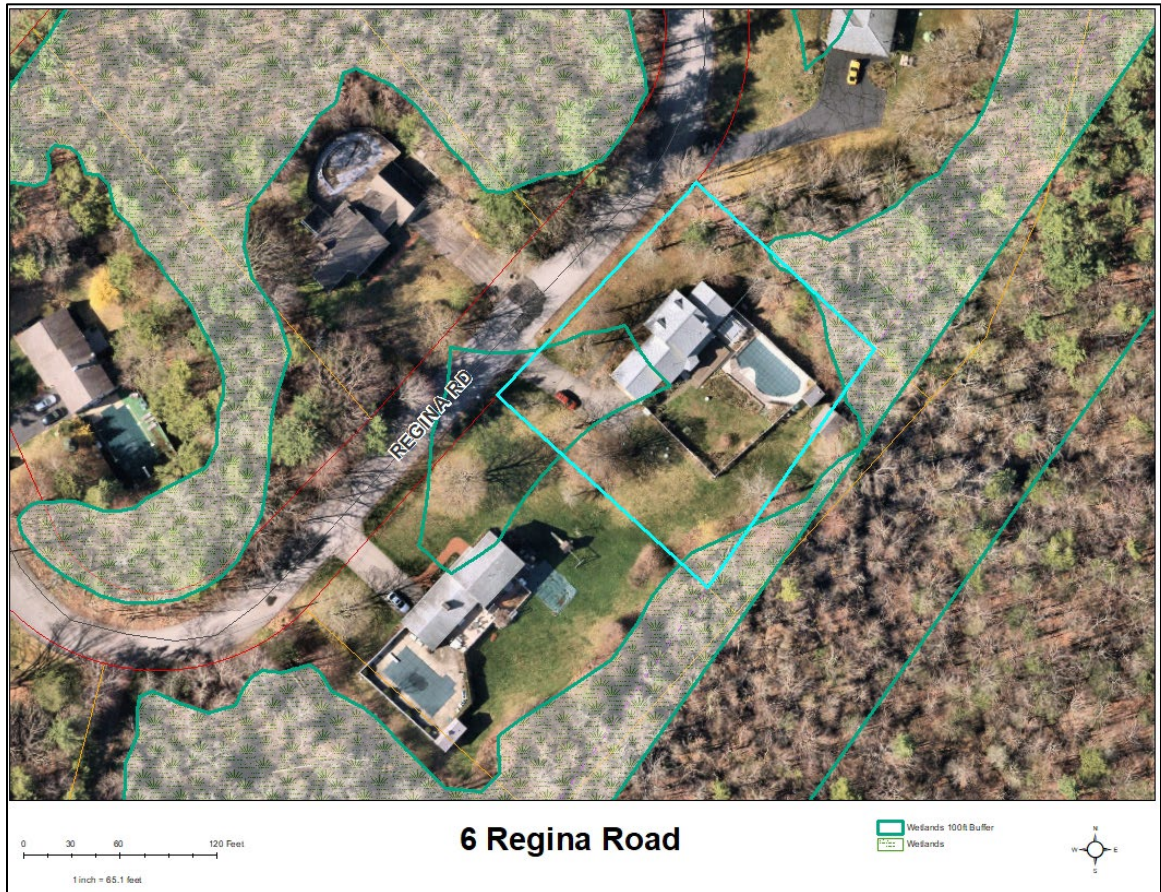
(Alt.) Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as amended and read into the record.

- 2) Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:
 - 2.4) *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.*
 - 2.5) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*
 - 2.6) *GIS data shall be provided to the Department of Public Works in the form as required by the City;*

- D.** The request of **The Carlson Family Trust (Owner)**, for property located at **6 Regina Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the removal of a 1,100 s.f. inground pool within the wetland buffer and associated fill and landscaping. The proposal includes approximately 15 tons of structural 1.5" stone to fill in the pool area for drainage and an additional layer of screened loam on top. Said property is located on Assessor Map 225 Lot 26 and lies within the Single Residence A (SRA) District. (LU-25-130)

Background

The applicant is proposing to remove the existing inground pool, which is located in the 100-foot buffer. The pool will be filled with stone to promote drainage and then fill and landscaping as represented in the application.



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 project is located in close proximity to the wetland on site. While the removal of the pool may create some temporary disturbance and sedimentation,

this will be mitigated by the silt fencing.

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

There is no alternative location as this is the removal of a pool from within the wetland buffer. Overall, the removal of the pool and associated chemicals required for its upkeep could have a positive impact on the buffer and wetland health.

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

The removal of the pool may create some temporary disturbances, but the proposed erosion controls should combat this. Overall, the removal of the pool and associated chemicals required for its upkeep could have a positive impact the functions and values of the wetland and buffer.

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

No alteration to the existing vegetation is proposed. The area to be filled should receive a wetland buffer appropriate seed mix or native wetland plantings to enhance the buffer vegetation.

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

This proposal is removing what could be viewed as an adverse impact, an inground pool. If chlorinated, this could have an impact to the soils and vegetation of the buffer around it. The removal of this pool is creating a positive impact for the wetland buffer.

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

The pool to be removed is outside of the 25' vegetated buffer strip.

Project Review, Decisions, and Recommendations

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, October 8, 2025 and the Commission voted unanimously (7-0) to recommend approval with the following condition:

1. *Disturbed area to be filled and loamed should receive either a wetland buffer-friendly seed mix, buffer plantings or a mix of both. In addition, any areas disturbed*

by equipment during construction shall be reseeded or replanted with a similar wetland buffer-friendly mix. Applicant shall include this as a note on the plan.

- 2. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.*
 - 3. Applicant shall update plans to reflect the silt fence being installed closer to the edge of the wetland to encompass the entire area to be disturbed by equipment and demo work.*
 - 4. Applicant shall include a note on the plans reaffirming that no fertilizer shall be used within the wetlands and wetland buffer. Applicant shall provide details of the proposed paver entry and their permeability. This should include a cross-section of the pavers, the proposed depth of materials and the materials to be used.*
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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 condition:

2.1) Disturbed area to be filled and loamed should receive either a wetland buffer-friendly seed mix, buffer plantings or a mix of both. In addition, any areas disturbed by equipment during construction shall be reseeded or replanted with a similar wetland buffer-friendly mix. Applicant shall include this as a note on the plan.

2.2) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.

2.3) Applicant shall update plans to reflect the silt fence being installed closer to the edge of the wetland to encompass the entire area to be disturbed by equipment and demo work.

2.4) Applicant shall include a note on the plans reaffirming that no fertilizer shall be used within the wetlands and wetland buffer

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Iron Horse Properties** for property located at **105 Bartlett Street** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 164 Lot 4-2 and lies within the Character District 4-L1 (CD4-L1) and Office Research Districts. (LUPD-25-15)

The applicant under Items **V A** has provided preliminary site plans for their project. As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows: *[Preliminary conceptual consultation] ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.*

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

VI. CITY COUNCIL REFERRALS

A. Recommendation on FY2027-FY2032 Capital Improvement Plan

Background

Prior to this meeting, the Planning Board will have held a joint public hearing with City Council on the FY27-FY32 CIP. The Planning Board may want to entertain additional public comment at the regular meeting. If so, it would be appropriate to do so prior to making a recommendation to the Council.

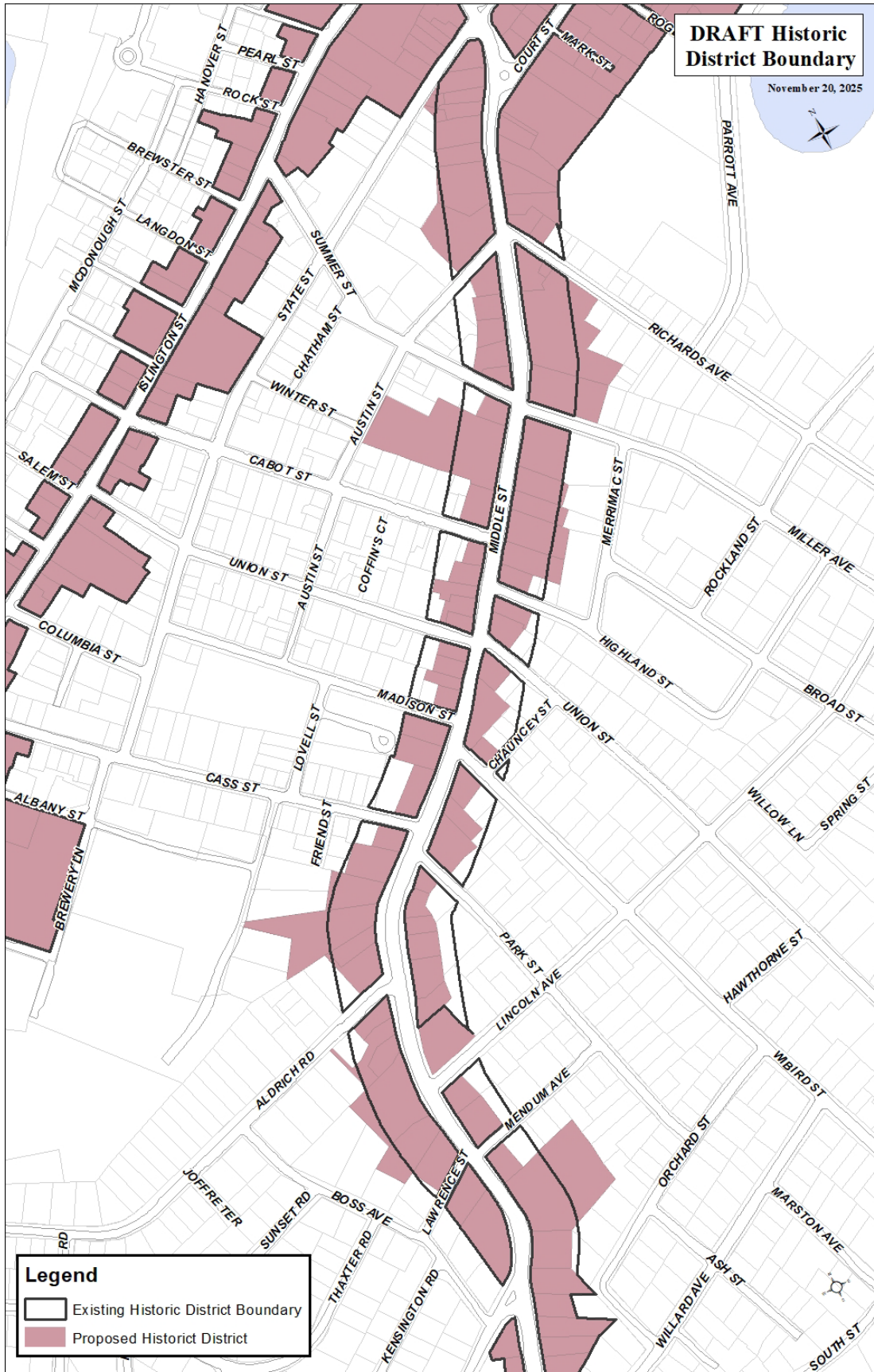
Planning Department Recommendation

Vote to recommend adoption of the Capital Improvement Plan to the City Council.

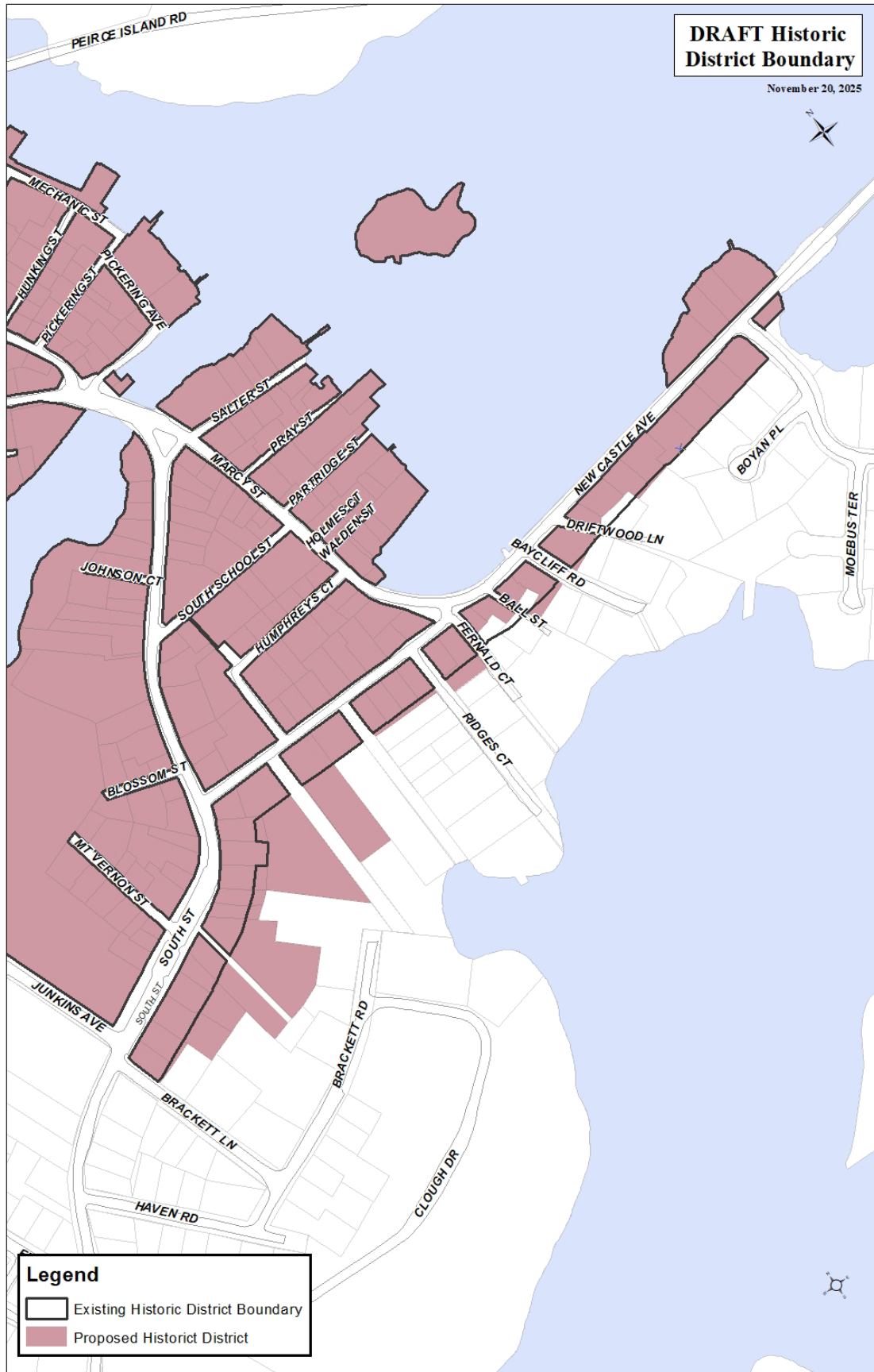
B. Historic District Boundary

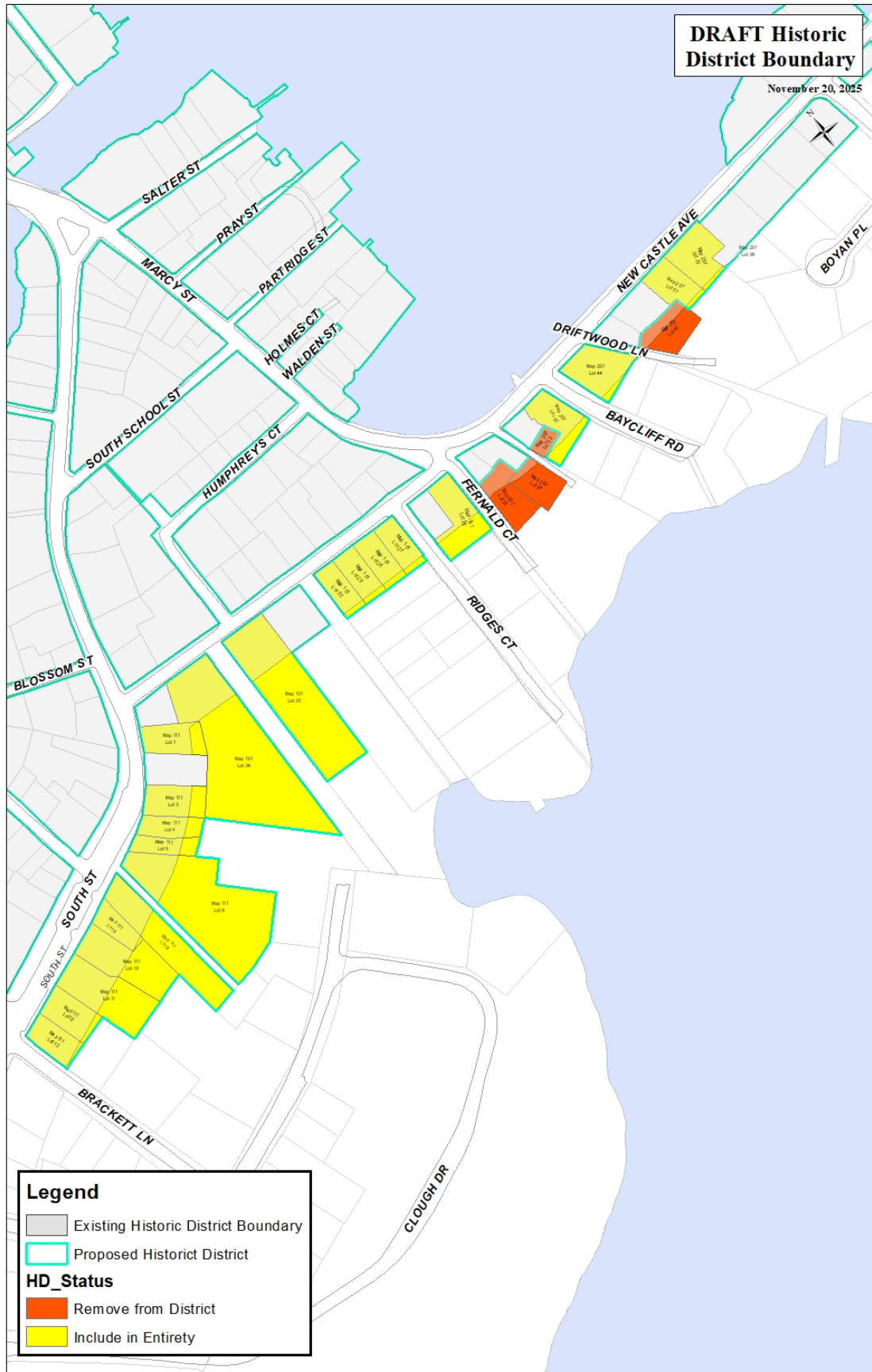
The current boundary extending out of downtown along New Castle Avenue and Middle Street is a distance of 150 feet on either side, which bisects parcels and, in some cases, buildings. It also includes parcels that do not front on Middle Street. The revised proposal removes the 150-foot boundary and instead includes the entire parcel that fronts the street or corner and removes or includes parcels that are currently bisected by the district.

The Board discussed the proposed map changes at the November 10, 2025 work session and had consensus on the overall changes with the exception of Map 152 Lot 47. This parcel was the only one proposed to be added to the district in its entirety and has since been removed, which is reflected in the draft ordinance and maps below.









Planning Department Recommendation

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

C. Request to rezone certain parcels to Gateway

At the September 24, 2025 meeting, the City Council took the action below:

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 Land Use 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. At the work session on November 10, 2025, the Planning Board reviewed these parcels and added Map 285 Lot 9 for consideration. This parcel is shown on Map 4 below and connects some of the parcels under consideration. Thermo Fisher Scientific currently operates at this location.

Planning Department Recommendation

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

B.

The Housing Committee recommends the following parcels be changed to Gateway zoning to allow housing. These are a second tranche of areas to rezone as identified by the Land Use Committee in 2024. These were held back until the first large tranche of conversions was done. The rezoning would create housing opportunity in 40.14 acres.

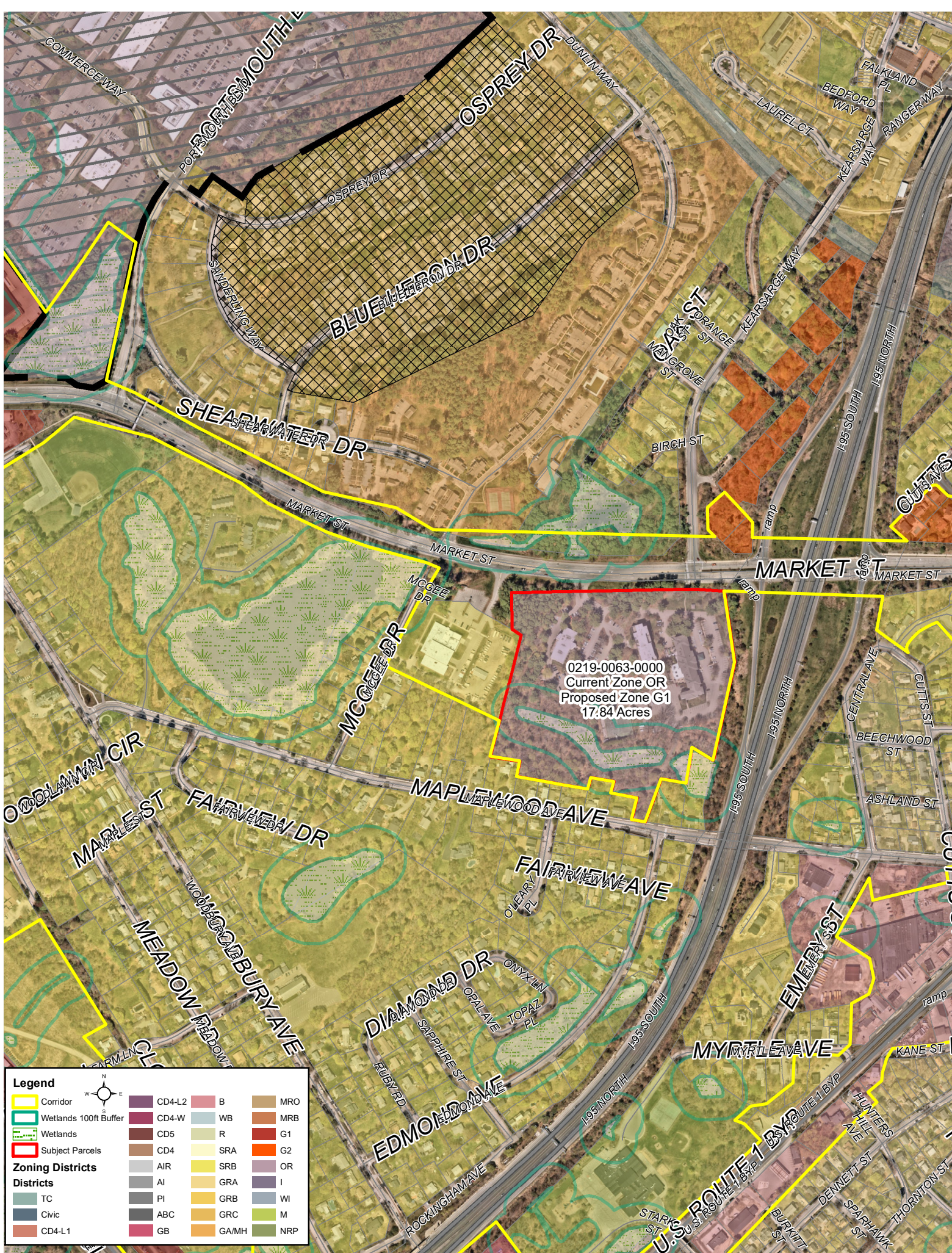
Map Changes

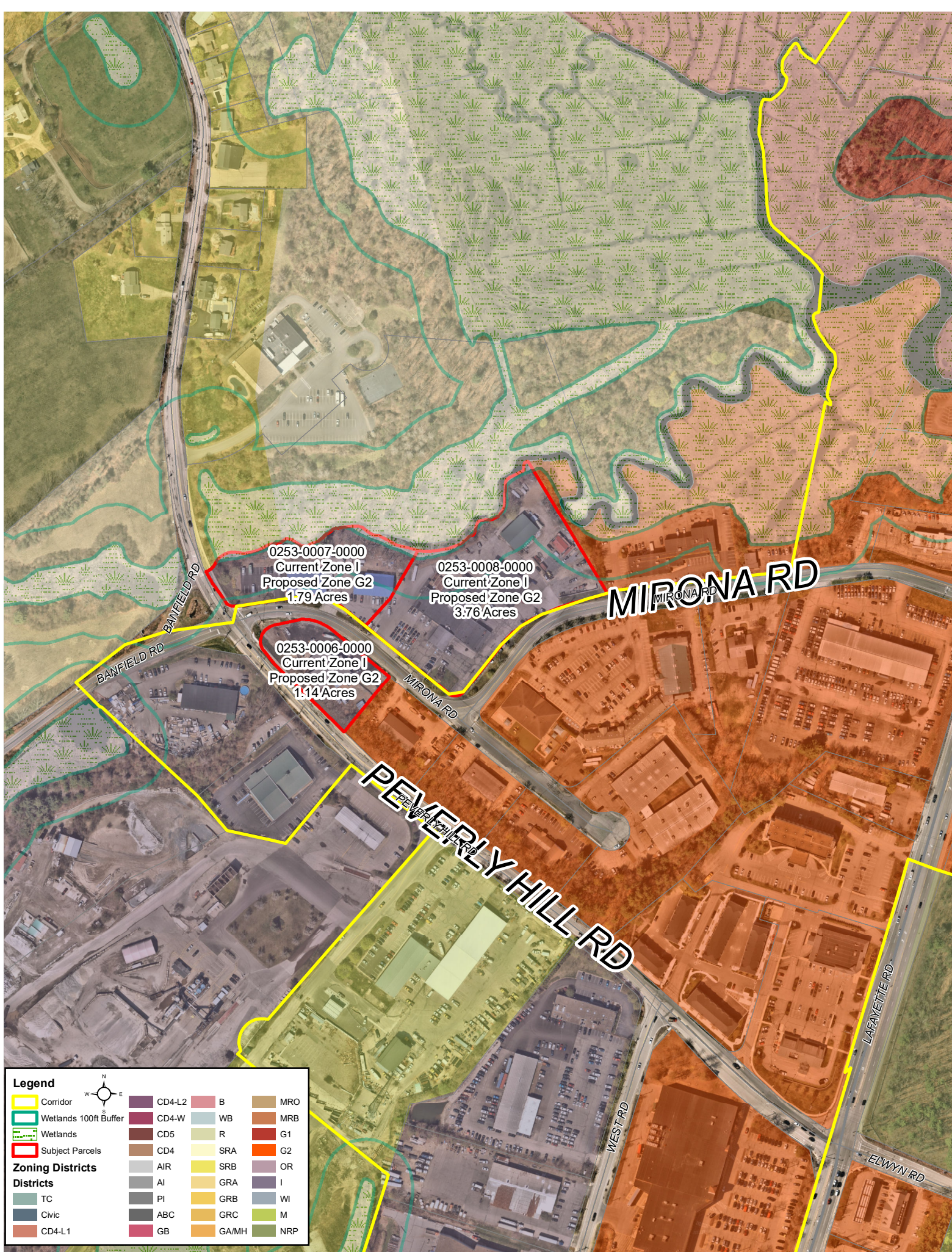
The Land Use Committee compiled a list of map changes that included changes that were agreed upon to move forward and other potential changes that warranted more discussion. The first group moved forward and the map was amended in 2024. The parcels that were not moved forward are included in the list below. Since this time, the Gateway Neighborhood Overlay District (GNOD) was adopted, thus the reason for some of the parcels crossed out below.

To Gateway? Key= GA/MH (garden apartment/mobile home park) I (Industrial) OR (office research) GB (general business)

	Property	Map-Lot	Size of Lot	Current Zone	Future Zone	Current Development
3	55 Heritage Ave	0285-0004-0000	2.85	I	G1	Warehouse building
4	70 Heritage Ave	0285-0011-000B	7.44	I	G1	Storage Units/Com
5	100 Heritage Ave	0285-0011-00A2	4.79	I	G1	Storage Units
6	Constitution Ave	0285-0016-3000	8.47	I	G1	Office type buildings
16	2059 Lafayette Rd	0268-0013-0000	.30	MRB	G1 or G2	Office building
17	0000 Lafayette Rd	0268-0012-0000	.62	MRB	G1 or G2	Vacant land
19	2 Mirona Rd	0253-0006-0000	1.13	I	G2	Auto Repair
20	11 Mirona Rd	0253-0008-0000	4.07	I	G2	Auto Repair
21	1 Mirona Rd	0253-0007-0000	1.83	I	G2	Glass Company
46	Commerce Way	0216-0001-0001	4.11	OR	G1	Vacant land
47	135 Commerce Way	0216-0001-0011	5.39	OR	G1	Office building
48	155 Commerce Way	0216-0001-0010	5.49	OR	G1	Office building
49	175 Commerce Way	0216-0001-0009	4.07	OR	G1	Office building
50	170 Commerce Way	0216-0001-0002	6.86	OR	G1	Office buildings
51	195 Commerce Way	0216-0001-0008	2.82	OR	G1	Office building
52	215 Commerce Way	0216-0001-008A	8.82	OR	G1	Office buildings
53	210 Commerce Way	0216-0001-0004	4.24	OR	G1	Office building
54	230 Commerce Way	0216-0001-0005	5.62	OR	G1	Office buildings
55	Shearwater Drive	0217-0002-1975	4.53	OR	G1	Vacant land
57	1000 Market St	0219-0063-0001 & 3	Unknown	OR	G2	Office bldg. hotel

Example: the Housing Committee discussed the property now housing the post office building at 345 Heritage Road, which went up for sale in 2016. Had it been zoned Gateway, some or all of this 33 acres could have been used for housing.







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

Legend

Corridor

Wetlands 100ft Buffer

Wetlands

Subject Parcels

Zoning Districts

Districts

TC

Civic

CD4-L1

CD4-L2

CD4-W

CD5

CD4

AIR

AI

PI

ABC

GB

B

WB

R

SRA

SRB

GRA

GRB

GRC

GA/MH

MRO

MRB

G1

G2

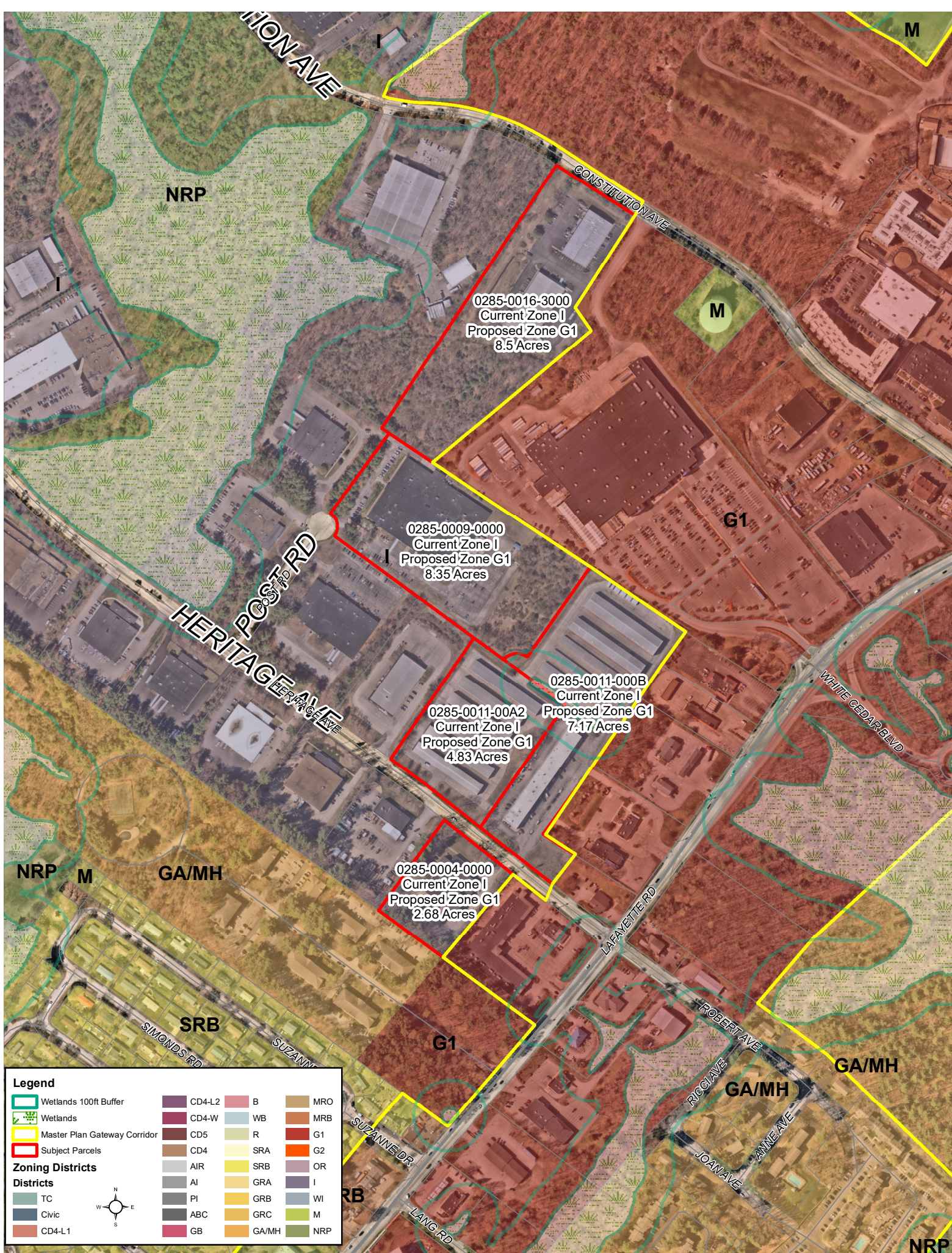
OR

I

WI

M

NRP



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.

The Planning Board discussed this at the November 10, 2025 meeting and there was consensus that a change like this would be significant and should be taken into consideration through the Master Plan process.

Planning Department Recommendation

Vote to recommend the City Council not consider amending the Ordinance at this time and this matter should be considered during the Master Plan process.

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. As a result of the discussion from the November 10th work session, the draft language is below for the Board's consideration.

10.515.10 Yards

10.515.11 For a **corner lot** or **through lot**, all requirements related to the **front yard** shall apply to the **principal front yard** and all **secondary front yards**.

10.515.12 Determinations of **yards** shall not include:

- (a) gutters, **cornices** or eaves projecting not more than 30 inches from a vertical wall; or
- (b) 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; or
- (c) **structures** (such as decks and patios) less than 18 inches above ground level.

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

10.515.14 **Power generators** shall be setback a minimum of 5 feet from any lot line in all Districts.

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 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.~~

Mechanical system

Equipment used to provide a **structure's** heating, cooling, ventilation or electrical services.

Power generator

A stationary or portable mechanical device using an internal combustion engine to generate electrical power to a **structure**.

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**.) **Structures shall not include mechanical systems or power generators.**

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. The Board reviewed the amendments at the work session on November 10, 2025 and the version in the packet reflects the changes made at the work session.

Planning Department Recommendation

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

10.122 Sustainability Objectives

This Ordinance is intended to promote **sustainable** and balanced **development** in support of the following **sustainability** objectives:

1. Reduce dependence upon fossil fuels, extracted underground metals and minerals **and promote the use of alternative energy sources such as solar and wind**;
2. Reduce dependence on chemicals and other manufactured substances that accumulate in nature;
3. Reduce dependence on activities that harm life-sustaining ecosystems; and
4. Meet the hierarchy of present and future human needs fairly and efficiently.

Section 10.810 Residential and Institutional Residence or Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **uses** are permitted as **accessory uses** to permitted residential **uses**, in addition to those **accessory uses** listed in Section 10.440:

- (a) The keeping of dogs and cats and other **household pets**, but not including **kennels**.
- (b) **Yard sale**.
- (c) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.
- (d) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:
 - (1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.
 - (2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.
 - (3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.
- (e) **EV fueling space A**.
- (f) **Roof-mounted Solar Energy Systems**, less than or equal in area to the roof area of the **structures on the lot**.
- (g) **Ground-mounted Solar Energy Systems**, provided: 1) Its solar panels are less than or equal in area to 25% of the footprint (SF) of the principal **structure on the lot**; and that the area for the structural portion attached directly to the ground, together with the other coverage for existing and any proposed buildings and structures, does not exceed the maximum lot coverage allowed in that zone.

Add to Article 15 - Definitions

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 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.~~

Roof appurtenance

A device or **structure** not designed for human occupancy, attached to the exterior of the roof of a **building**, such as a stair or elevator tower, cooling tower, mechanical equipment housing, storage tank, antenna, **roof-mounted solar energy system** or similar equipment.

Solar Energy Systems

Any device or structural design feature, including accessory equipment associated with the system, whose primary purpose is to provide for the collection, generation, storage, or distribution of solar energy. This includes **Roof-mounted Solar Energy Systems** and **Ground-mounted Solar Energy Systems**.

Roof-mounted Solar Energy System

A solar energy system that is structurally mounted to the roof of a building or structure.

Ground-mounted Solar Energy System

A solar energy system that is structurally mounted to the ground and is not roof-mounted. The horizontal setback requirement shall be to that part of the **Ground-Mounted Solar Energy System** nearest to a property line, but not less than the vertical height of the highest element of the **Ground-Mounted Solar Energy System**.

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**, swimming pools and **Ground-mounted Solar Energy Systems**. (See also: **temporary structure**.)

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MROCD4- CD4-L2 L1	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15. Transportation and Utilities																	
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building																	
15.11 Essential to service the area in which it is located	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
15.12 Providing community-wide or regional service	N	N	N	N	N	N	N	N	S	N	N	N	N	N	S	S	

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MROCD4- CD4-L2 L1	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	
15.20 Heliport or helipad																	
15.21 Helipad, as an accessory use to a permitted hospital use	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	
15.22 Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15.30 Ground-mounted Solar Energy System	CU	CU	N	N	N	N	N	CU	N	CU	CU	CU	N	N	CU	CU	CU
																	Installations that exceed the footprint area of the principal structure on a lot or those installed as a principal use.

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.

House Bill 577 – Accessory Dwelling Units

House Bill 577, effective 7/1/25, significantly changes the regulations on ADUs and staff has prepared a mark up 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).

Senate Bill 284 – Parking

Senate Bill 284, effective 9/13/25, prohibits municipalities from requiring more than 1 parking space per dwelling unit.

10.1112.30 Off-Street Parking Requirements

10.1112.31 Parking Requirements for Residential Uses

10.1112.311 The required minimum number of **off-street parking** spaces for **uses** 1.10 through 1.90, including **dwelling units** in mixed-use developments, shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft. or less	0.5 spaces per unit
More than 500-750 sq. ft.	1.0 space per unit
Over 750 sq. ft.	1.3 spaces per unit

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

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

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. Residential Uses																		
1.20 Accessory dwelling unit (Attached or Detached) up to 750 sq. ft. GLA	P	P	P	P	N	P	P	P	P	N	P	P	N	N	N	N	N	10.814 (Accessory Dwelling Units)
1.21 Attached accessory dwelling unit (AADU)																		
1.211 Up to 750 sq. ft. GLA and entirely within an existing single-family dwelling	AP	AP	AP	AP	N	AP	AP	AP	CU	N	CU	CU	N	N	N	N	N	
1.212 Up to 750 sq. ft. GLA and in an expansion of an existing single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	CU	CU	N	N	N	N	N	

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

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
1.22 Detached accessory dwelling unit (DADU)																		
1.221 Up to 600 sq. ft. GLA and entirely within an existing accessory building that conforms with the dimensional requirements of this Ordinance.	CU	CU	AP	AP	N	AP	AP	AP	N	N	N	N	N	N	N	N	N	
1.222 Up to 750 sq. ft. GLA and entirely within an existing accessory building that conforms with the dimensional requirements of this Ordinance.	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	
1.223 Up to 600 sq. ft. GLA in an existing accessory building that does not conform with the dimensional requirements of this Ordinance or includes the expansion of the existing accessory building.	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	
1.224 Up to 750 sq. ft. GLA on a lot and in a new building that complies with all lot and building dimensional standards of this Ordinance for a single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	

10.814 Accessory Dwelling Units

10.814.10 Purpose and Eligibility

10.814.11 The purpose of this section is to provide for additional **dwelling units** within single-family neighborhoods in order to: increase the supply of smaller, more affordable housing units with less need for more municipal infrastructure or further land development; contribute to local housing needs; and provide opportunities for adapted reuse of existing **accessory structures**. The standards in this section are intended to integrate more housing options into the community with minimal impact on the surrounding neighborhood.

10.814.12 Only one **accessory dwelling unit (ADU)** (either an **attached accessory dwelling unit (AADU)** or a **detached accessory dwelling unit (DADU)**) shall be allowed on any **lot** containing a **single-family dwelling**. An **accessory dwelling unit** shall not be allowed under this Section 10.814 on a **lot** that contains more than one **dwelling unit**, **multi-family dwellings** or on rented or leased land.

10.814.13 Except as provided elsewhere in this Section 10.814, in order for a **lot** to be eligible for an **accessory dwelling unit**, the **lot** and all proposed **structures** and additions to existing **structures** shall conform to all zoning regulations as follows:

10.814.131 Any municipal regulation applicable to **single-family dwellings** shall also apply to the combination of a **principal dwelling unit** and an **accessory dwelling unit**. However, an **accessory dwelling unit** shall be allowed without additional requirements for **lot area**, **lot area per dwelling unit**, or frontage beyond those required for a **single-family dwelling** without an ADU in the same zoning district.

10.814.132 An **attached accessory dwelling unit** is permitted on existing **nonconforming lots** and within an existing **nonconforming building** provided no increased or new nonconformity is created.

10.814.133 Newly constructed **detached accessory dwelling units** shall be governed by the provisions of this Ordinance and the **side** and **rear yard** requirements for the applicable zoning or Character District.

10.814.14 Notwithstanding all of the above provisions, an **accessory building** existing on the effective date of this ordinance may be converted to a **detached accessory dwelling unit** as provided in this Ordinance.

10.814.20 Standards for All Accessory Dwelling Units

All **accessory dwelling units** shall comply with the following standards:

- 10.814.21 The **principal dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).
- 10.814.22 Either the **principal dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner's principal place of residence. The owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City.
- 10.814.221 When the property is owned by an entity, one of the **dwelling units** shall be the principal place of residence of one or more principals of that entity, such as a member or beneficiary.
- 10.814.23 **Accessory dwelling units** shall not have more than two bedrooms.
- 10.814.24 Neither the **principal dwelling unit** nor the **accessory dwelling unit** shall be used for any business, except that the property owner may have a **home occupation** use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.
- 10.814.25 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- 10.814.26 1 **off-street parking** space shall be provided for an **ADU** in addition to the spaces that are required for the principal **single-family dwelling**.
- 10.814.27 **Accessory dwelling units** shall comply with the drainage requirements of this Ordinance.
- 10.814.28 **Accessory dwelling units** shall comply with the lighting requirements of this Ordinance.
- 10.814.29 **Accessory dwelling units** located in the Historic District are subject to review and approval by the Historic District Commission.

~~10.814.30 — Additional Standards for Attached Accessory Dwelling Units~~

~~The following standards are intended to ensure proportionality and aesthetic continuity between the **AADU** and the principal **dwelling unit**.~~

~~An **attached accessory dwelling unit (AADU)** shall comply with the following additional standards:~~

- 10.814.301 **An attached accessory dwelling unit** shall have either an independent means of ingress and egress or ingress and egress through a common

~~shared space with the principal dwelling. interior door shall be provided between the principal dwelling unit and the AADU.~~

10.814.312 All **accessory dwelling units** ~~The AADU~~ shall not be larger than 750 sq. ft. in **gross living area (GLA)**. For the purpose of this provision, the **gross living area** of the AADU shall not include storage space, shared entries, or other spaces not exclusive to the AADU.

10.814.32 — A newly constructed **DADU** shall be separated no less than 5 feet from the **principal structure** or as required by the Building Code, whichever is greater. ~~The AADU shall be subordinate to the principal dwelling unit in scale, height and appearance, as follows:~~

10.814.331 — ~~If there are two or more doors in the front of the principal dwelling unit, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.~~

10.814.332 An addition to or expansion of an existing **building** for the purpose of creating an AADU shall be recessed or projected at least 18 inches from the existing front wall of the principal **dwelling unit**. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at least 10 feet from the front wall of the principal **dwelling unit**.

10.814.333 The **building height** of any addition or expansion that includes an increase in **building footprint** shall be no greater than 75% of the height of the existing **building**. In the case of a single-story **building**, an addition or expansion may include either an additional story to the existing **building** or a single-story addition at the same height as the existing **building**.

10.814.40 — Additional Standards for Detached Accessory Dwelling Units

The following standards are intended to ensure proportionality and aesthetic continuity between the DADU and the principal dwelling unit.

———— A **detached accessory dwelling unit (DADU)** shall comply with the following additional standards:

10.814.41 — The **DADU** shall not be larger than 750 sq. ft. in **gross living area**.

10.814.411 — A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard**

requirements shall not exceed 750 sq. ft. in **gross living area**.

10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard** requirements shall comply with the following additional requirements:

10.814.421 ~~The existing **accessory building** shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.; except that the Planning Board may grant a conditional use permit to allow the **gross living area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in this Ordinance.~~

10.814.422 ~~A **DADU** that is within a required **side yard** or **rear yard** setback for the zoning district shall not have any windows, balconies, or doors higher than eight feet above grade facing adjacent property.~~

10.814.43 ~~The **DADU** shall be subordinate to the principal **single-family dwelling** in scale, height and appearance as follows:~~

10.814.431 ~~The front wall of a **DADU** that is not created within an existing **accessory building** shall be **set back** at least 10 feet further from the **front lot line** than the existing front wall of the principal **dwelling unit**.~~

10.814.432 ~~The **building height** of the **building** containing the **DADU** shall be no greater than 22 feet.~~

10.814.433 ~~When the **building** containing the **DADU** is taller than the **principal building**, its required setback from all property lines shall be increased by the difference in **building height** between the **DADU** and the **principal building**.~~

10.814.434 ~~The **building footprint** of the **building** containing the **DADU** shall be no greater than 750 sq. ft.~~

10.814.435 ~~The **gross floor area** of the **building** containing the **DADU** shall be no greater than 1,600 sq. ft. **gross floor area** or 75 percent of the **gross floor area** of the principal **dwelling unit**, whichever is less.~~

10.814.436 ~~The **DADU** may include roof dormers provided they are located outside the required setbacks from all property lines and occupy no greater than 33% of any individual roof plane.~~

~~10.814.437 — The **DADU** shall comply with the drainage requirements of this Ordinance.~~

~~10.814.438 — The **DADU** shall comply with the lighting requirements of this Ordinance.~~

~~10.814.44 — A newly constructed **DADU** shall be separated no less than 5 feet from the **principal structure** or as required by the Building Code, whichever is greater.~~

10.814.50 — Architectural Design Standards

~~Where the creation of an **accessory dwelling unit** involves the construction of a new **building** or an addition to or expansion of an existing **building**, the exterior design shall be architecturally consistent with or similar in appearance to the **principal building** using the following design standards:~~

~~10.814.51 — The new **building**, addition or expansion shall be architecturally consistent with or similar in appearance to the existing **principal building** with respect to the following elements:~~

- ~~• Massing, including the shape and form of the **building footprint**, roof or any projecting elements;~~
- ~~• Architectural style, design, and overall character;~~
- ~~• Roof forms, slopes, and projections;~~
- ~~• Siding material, texture, and profile;~~
- ~~• Window spacing, shapes, proportions, style and general detailing;~~
- ~~• Door style, material and general detailing;~~
- ~~• Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;~~
- ~~• Exposed foundation materials and profiles.~~

~~10.814.52 — If provided, the following elements shall be architecturally consistent with or similar in appearance to the corresponding elements on the **principal building** in terms of proportions, materials, style and details:~~

- ~~• Projections such as dormers, porticos, bays, porches and door canopies;~~
- ~~• Chimneys, balconies, railings, gutters, shutters and other similar design elements.~~

~~10.814.53 — If provided, all street facing garage doors shall be limited to 9 feet in width.~~

10.814.60 — Review and Approval Process

~~10.814.61 —~~ When Section 10.440 indicates that an **attached** or **detached ADU** is permitted by administrative approval (“AP”), the following shall apply:

~~10.814.611 —~~ For a period of at least 30 days following the date of application to the City, the applicant shall post a notice, in the form of a sign provided by the city, that describes the proposed **ADU** application subject to the following:

~~(1) —~~ Such sign(s) shall be located on the perimeter of the **lot** where it can easily be viewed and readable from all abutting public ways.

~~(2) —~~ The applicant shall also provide the sign notice information to the City. The City shall send notice by certified mail to all owners of any property located within 100 feet of the **lot**.

~~10.814.612 —~~ Any person may submit written comments on the **ADU** application. In order to be considered by the Planning Director, such comments shall be submitted to the Planning Director within the 30-day notice period, which begins on the date the certified mailing is sent by the City.

~~10.814.613 —~~ The determination as to whether the **ADU** complies with all requirements shall be made as an Administrative Approval by the Planning Director. The Planning Director may approve, deny, or request additional information from the applicant. The Planning Director may refer the application to the Planning Board for a conditional use permit, if appropriate.

~~10.814.614 —~~ The Planning Director shall not approve an application for an **ADU** until the conclusion of the 30-day notice period.

~~10.814.62 —~~ When Section 10.440 requires a conditional use permit for an **attached** or **detached ADU**, the Planning Board shall make the following findings before granting approval:

~~10.814.621 —~~ The **ADU** complies with all applicable standards of this Section 10.814 or as may be modified by the conditional use permit.

~~10.814.622 —~~ The exterior design of the **ADU** is architecturally consistent with or similar in appearance to the existing **principal dwelling** on the lot.

~~10.814.623 —~~ The site plan provides adequate and appropriate **open space** and landscaping for both the **ADU** and the principal

~~dwelling unit and complies with the off-street parking requirements of Section 10.814.26.~~

~~10.814.624 The ADU will maintain a compatible relationship with the character of adjacent and neighborhood properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.~~

~~10.814.63 In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.26 and 10.814.30 through 10.814.50 (except the size and height of any ADU), including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.62.~~

10.814.70 Post-Approval Requirements

~~10.814.71 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.~~

10.814.33 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.

10.814.34 The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.

Article 11 Site Development Standards

Section 10.1110 Off-Street Parking

10.1112.30 Off-Street Parking Requirements

10.1112.31 Parking Requirements for Residential Uses

10.1112.311 The required minimum number of **off-street parking** spaces for **uses** 1.10 through 1.90, including **dwelling units** in mixed-use developments, shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft.	0.5 spaces per unit
Over 500-750 sq. ft.	1.0 space per unit
Over 750 sq. ft.	1.3 spaces per unit

The Revised Law on Accessory Dwelling Units – 2025 Edition Updated Version August 12, 2025



This guidance document is an updated version of the original guidance NHMA issued on accessory dwelling units in July 2025.

Governor Ayotte signed House Bill 577 on July 15, 2025, relative to accessory dwelling units, substantially amending RSA 674:71 to :73. This document provides local officials with guidance on how to interpret and implement the new law.

The Revised Law

The New Basic Requirement. A municipality that adopts a zoning ordinance shall allow accessory dwelling units in all zoning districts that permit single-family dwellings. One accessory dwelling unit, **which may be either attached or detached**, shall be allowed as a matter of right, and **municipalities may no longer require either a conditional use permit or special exception for an ADU.**

Revised Definitions:

"Accessory dwelling unit" means a residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

"Attached unit" means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.

"Detached unit" means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

Effective Date. The new law took effect on July 1, 2025. (The Governor did not sign the bill until July 15, 2025.)

Where to Begin?

Does your zoning ordinance already address ADUs?

- If your zoning ordinance expressly **allows ADUs, both attached and detached, without limitation**, then you may not need to do anything, because your ordinance may already comply with the new law. However, please keep reading, because your ordinance may contain a limitation that doesn't *seem* like a limitation.
- The municipality shall allow one accessory dwelling unit without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. However, the municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.
- If your zoning ordinance contains no provisions pertaining to accessory dwelling units, then
one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than building permits, if required by statute.

What Can You Do?

Here are some of the conditions a zoning ordinance may impose:

One ADU per dwelling. A municipality is not required to allow more than one attached or detached ADU per single-family dwelling. A one-ADU limit should be stated in the ordinance if a municipality wishes to implement a limit. Of course, the municipality may allow more than one ADU per principal dwelling unit, if it chooses.

ADU's may be prohibited for multi-family uses, or on rented or leased land. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses. The municipality may prohibit accessory dwelling units associated with rented or leased land.

Sale of an ADU through condominium conveyance is prohibited. Subsequent condominium conveyance of any accessory dwelling unit separate from the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

Attached ADU's - manner of access. Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared

with the principal dwelling. However, the municipality shall not limit the choice of ingress and egress.

Owner occupancy. The ordinance may require owner occupancy of either the principal or the accessory dwelling unit, but it cannot specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

Combined principal dwelling & ADU shall otherwise comply with municipal zoning regulations. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development, provided that such municipal regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the same zoning district.

Aesthetic Standards. A municipality may apply aesthetic standards to accessory dwelling units only if it has also applied such standards to the principal dwelling unit.

Minimum and maximum sizes. The ordinance may establish size limits for ADUs, but it may not limit an ADU to less than 750 square feet. The total living space of the accessory dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality.

What *Can't* You Do?

Here are some conditions that the ordinance may *not* impose:

Septic system/wastewater requirements/water supply. The municipality may not impose greater requirements for a septic system for a single-family home with an accessory dwelling unit than is required by the Department of Environmental Services. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. Prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.

Parking. Only if existing municipal regulations impose off-street parking requirements for the principal dwelling unit can the municipality require up to one additional parking space for each accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.

Familial Relationships. A municipality “may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.” Some municipalities have this restriction built into their existing ADU definition; that will need to change.

Bedroom limit. A municipality “may not limit an accessory dwelling unit to only one bedroom.” This means, of course, that it may impose a *two*-bedroom limit.

Electric Service. A municipality shall not deny the establishment of a separate electrical panel and separate electrical service for the accessory dwelling unit.

What *Must* You Do?

The ordinance **shall** permit the following:

ADU in Nonconforming Structures. Under RSA 674:72, XI, a municipality shall allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.

NHMA offers the following suggestions for interpreting and applying Paragraph XI of 674:72. This section of the statute is ambiguous, and so municipalities are encouraged to consult with their own legal counsel as to how to proceed on any building permit applications that fall under this section of the law.

1. In order for a structure to be an “existing structure” under this provision, it had to exist on or before July 1, 2025, the effective date of HB 577.
2. For any structure that was in existence prior to July 1, 2025, the municipality could determine eligibility for placement of an ADU within that existing structure where the existing structure does not comply with dimensional requirements for setbacks and lot coverage based on one of the following possible procedures, which should be reviewed and approved by the municipality’s regular municipal legal counsel:
 - a. The existing structure could be required to demonstrate that it qualifies as a pre-existing, nonconforming structure exempt from the currently applicable dimensional requirements for setbacks and lot coverage according to RSA 674:19 or any local zoning regulation protecting non-conforming structures, or;
 - b. The existing structure received a prior zoning approval or determination it was exempt from the current dimensional requirements for setbacks and lot coverage, or;
 - c. Deem the provisions of Paragraph XI of amended 674:72 as essentially granting a blanket zoning exemption from dimensional requirements for setbacks and lot coverage for any existing structure that seeks a building permit to place an ADU in that existing structure.