



City of Portsmouth  
Planning Department  
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Portsmouth, NH  
(603)610-7216

## Memorandum

To: Planning Board

From: Peter Stith, AICP  
Assistant Planning Director

Date: January 15, 2026

Re: Recommendations for the January 22, 2026 Planning Board Meeting

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### **I. ELECTION OF OFFICERS**

The Chair will call for nominations for Chair and Vice Chair for the year.

Please find the section on Board Membership and Officers as found in the [Planning Board Rules and Procedures](#) below:

*B. Board Membership and Officers.*

...

*2. Officers: Board members shall elect annually from its membership in January of each year a Chair and Vice-Chair. The votes shall be public votes. The concurring votes of five members in attendance at a meeting shall be necessary to elect each Officer.*

*3. Duties of the Chair: The Chair shall:*

- a) Preside at all meetings.*
- b) Assist in the preparation of the agenda for each meeting in consultation with City staff.*
- c) Sign Board letters of decision, and Board approved plans for recording at the registry of deeds.*
- d) Have authority to sign agreements with consultants to the Planning Board only after: 1) a majority vote by the Planning Board specifically granting such authority; and, 2) the approval of the City Council to expend funds for a consultant.*
- e) Appoint alternate Board Members to sit in the absence of regular Board members.*

- f) Have complete voting privileges on all matters, including the election of officers.*
- g) Report any discussion or action relative to the Board that has taken place since the last meeting.*
- h) Receive, review and refer appropriate questions from the Board members to staff.*
- i) Represent the Planning Board outside Planning Board meetings, including before the City Council.*

*4. Duties of the Vice-Chair: The Vice-Chair shall assist the Chair and, in the absence of the Chair, shall have all the powers and duties of the Chair.*

## **II. APPROVAL OF MINUTES**

**A.** Approval of the November 20, 2025 meeting minutes, September 16, 2025 site visit minutes, and December 18, 2025 meeting minutes.

### **Planning Department Recommendation**

*1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the November 20, 2025 meeting, the September 16, 2025 site visit with Utile, and the December 18, 2025 meeting minutes and vote to approve meeting minutes with edits if needed.*

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### III. DETERMINATIONS OF COMPLETENESS

#### SITE PLAN REVIEW

- A. The request of **Ralph 1912 LLC (Owner)**, for property located at **175 Fleet Street** requesting Site Plan Review approval for the addition of two new food service structures with associated site improvements. Said property is located on Assessor Map 117 Lot 8 and lies within Character District 5 (CD5) and Historic District.
- B. The request of **Colbea Enterprises LLC (Owner)**, for property located at **1980 Woodbury Avenue** requesting Site Plan Review approval for the redevelopment of the site to include a 5,500 s.f. convenience store with six fueling islands and associated site improvements. Said property is located on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District.
- C. The request of **PNF Trust of 2013 and 282 Middle Street, LLC (Owners)**, for property located at **84 Pleasant Street and 266 – 278 State Street, Floros Building** requesting Site Plan Review approval that includes merging four lots and redevelopment of the site to include remodeling of existing structures and new construction to mimic the former Times building and a new structure on the corner of State Street and Pleasant Street. The proposal includes 17 dwelling units, retail/commercial/restaurant space on the ground floor and 17 parking spaces in a car storage system and associated site improvements. Said property is located on Assessor Map 107 Lot 77-80 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts.

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#### Planning Department Recommendation

*Vote to determine that Items A, B, and C are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section V of the agenda) and to accept the applications for consideration.*

#### IV. 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 **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  $\frac{3}{4}$ " 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.*

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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) *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 – OLD BUSINESS

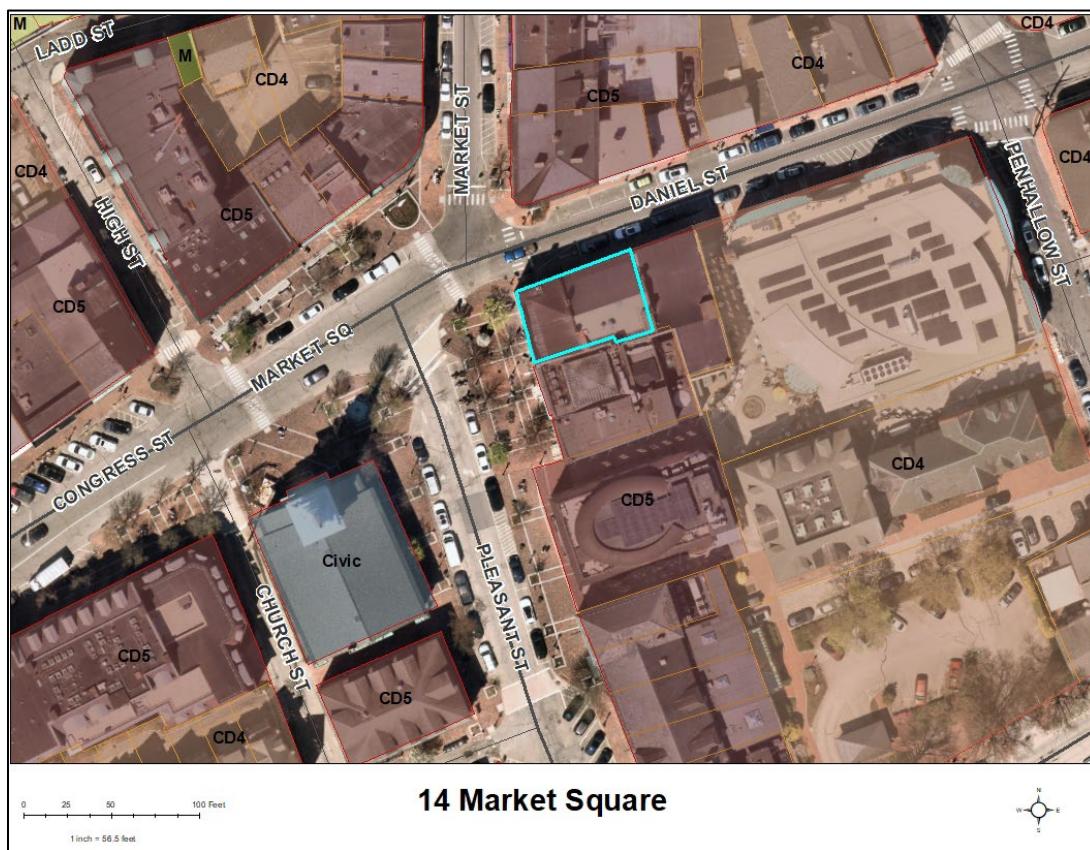
*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

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

B. The request of **John Galt LLC (Owner)**, for property located at **14 Market Square** requesting a Conditional Use Permit from Section 10.112.14 to allow 0 parking spaces where 4 are required. Said property is shown on Assessor Map 107 as Lot 29 and lies within the Character District 5 (CD5), Downtown Overlay and Historic Districts.

##### Background

This application is for a Conditional Use Permit to convert office space into residential apartments. The applicant received a CUP for co-living earlier this year but has decided to convert the third floor into three apartments, which will result in 7 apartments in the building. Because of the proximity to the parking garage, the prior co-living approval did not require off-street parking. The conversion to apartments requires parking for the residential use. Based on the calculation and 4 space reduction in the Downtown Overlay District, the required parking requirement is 4 spaces. The building occupies the entire lot, which leaves no room on the lot to provide onsite parking for the use.



### **Project Review, Decisions, and Recommendations**

#### **Technical Advisory Committee**

The applicant was back before the Technical Advisory Committee at their December 2, 2025 meeting to review the parking demand analysis in accordance with Section 10.1112.141 and voted unanimously to find the demand analysis acceptable.

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#### **Planning Department Recommendation**

#### **Parking Conditional Use Permit**

*1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 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 10.1112.14 of the Ordinance and adopt the findings of fact as amended.*

*2.) Vote to grant the Conditional Use Permit as presented.*

## V. 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 **Christopher J. and Rachel A. Delisle (Owners)**, for property located at **250 McKinley Road** requesting the demolition of an existing sunroom and deck, and the addition of two new sets of landings and stairs, as well as a concrete pad for an A/C unit all within the 100' wetland buffer. This application is reducing 224 s.f. of impervious area through demolition while introducing approximately 48 s.f. of new impervious. In total, this project will result in a net loss of 176 s.f. of impervious within the wetland buffer on site. Said property is located on Assessor Map 250 Lot 117 and lies within the Single Residence B (SRB) District. (LU-25-139)

### Background

This application is for the demolition of an existing sunroom and deck, and the addition of two new sets of landings and stairs, as well as a concrete pad for an A/C unit all within the 100' wetland buffer. This application is reducing 224 s.f. of impervious area through demolition while introducing approximately 48 s.f. of new impervious. In total, this project will result in a net loss of 176 s.f. of impervious within the wetland buffer on site.



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 lot is already a residential use within the wetland buffer and it is proposing to reduce impacts while also pulling the structural impacts further away from the wetland resource.

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

This lot is entirely within the wetland buffer and there is no alternative location for this work.

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

The proposed work aims to reduce permanent impacts to the wetland buffer through the reduction of impervious surfaces. It is recommended that the applicant consider the use of erosion controls during the demolition phase.

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

This project does not propose any impacts to existing vegetation through the demolition and construction.

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

This project proposes reducing the permanent impacts to the wetland buffer and pulling proposed impacts further from the wetland resource than the existing sunroom and deck to be demolished.

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

The vegetated buffer strip is not being impacted as part of this project.

**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, November 13, 2025 and the Commission voted unanimously (7-0) to recommend approval with the following condition:

1. *In accordance with Section 10.1018.40 of the Zoning Ordinance,*

*applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended that markers be placed near the existing stone wall at the rear of the property at 50-foot intervals. 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) *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. It is recommended that markers be placed near the existing stone wall at the rear of the property at 50-foot intervals.*

## V. PUBLIC HEARINGS – NEW BUSINESS

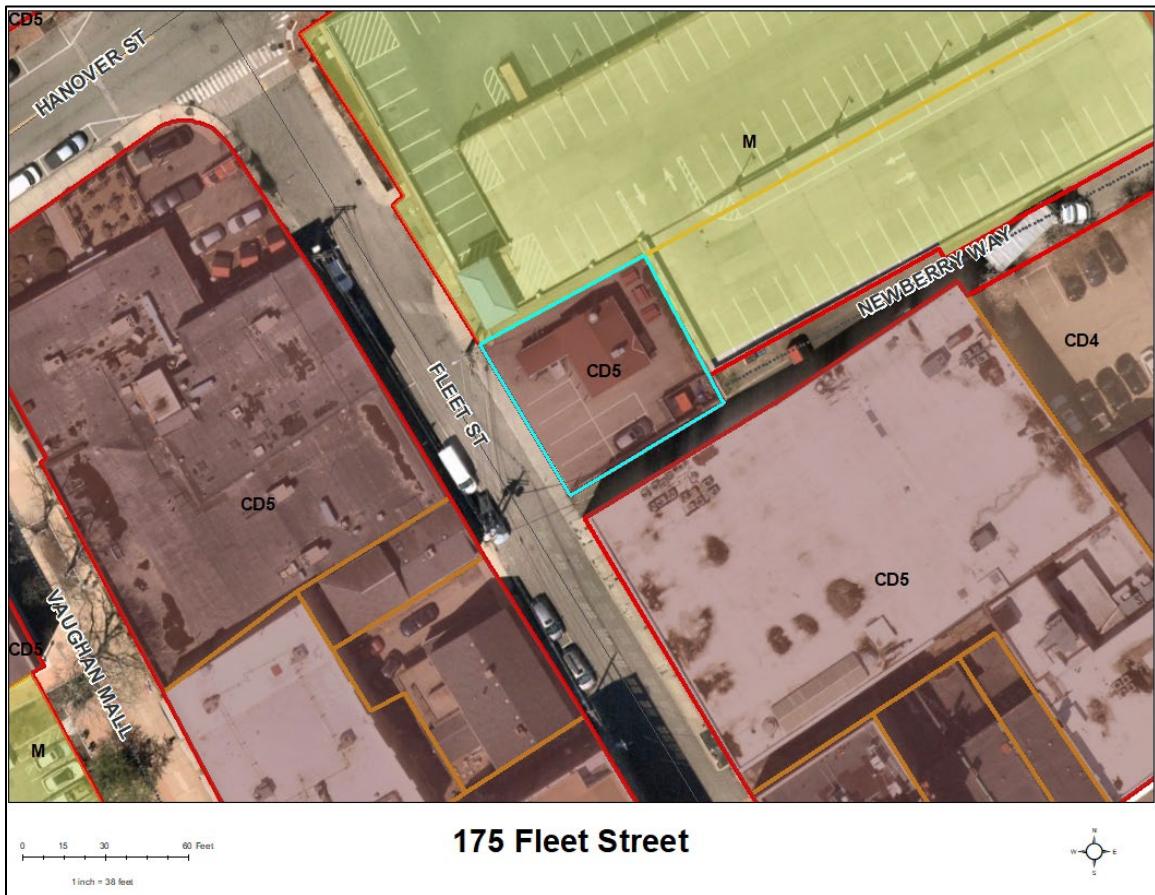
*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

*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 **Ralph 1912 LLC (Owner)**, for property located at **175 Fleet Street** requesting Site Plan Review approval for the addition of two new food service structures with associated site improvements. Said property is located on Assessor Map 117 Lot 8 and lies within Character District 5 (CD5), Downtown Overlay District (DOD) and Historic District. (LU-25-152)

### Project Background

This proposal includes the renovation of the existing Gilley's restaurant to include new bathrooms and exterior changes. In addition, two takeout restaurant structures are proposed to be added to the site, along with improvements for seating and open space. The plan includes improvements to City property for trash containment, bike racks and landscaping. These aspects of the plan require City Council approval, and the applicant has submitted a request to the Council for permission for these improvements through a license.



### **Project Review, Decisions, and Recommendations**

The project was before the Technical Advisory Committee and the Historic District Commission. See below for details.

#### **Historic District Commission**

The project was originally approved by the HDC at their regularly scheduled meeting of Wednesday, January 7, 2026 and the HDC granted approval as presented.

#### **Technical Advisory Committee**

At their regularly scheduled meeting of Tuesday, December 3, 2024 meeting TAC voted to recommend that the Planning Board recommend approval of the project moving forward as two separate buildings unless the Planning Board has a different interpretation or the applicant seeks a Conditional Use Permit for building footprint and with the following conditions:

1. *Everything proposed on city property (Garbage totes, bike racks, and landscaping) will require City Council approval.*
2. *Please provide a green building statement.*
3. *The two kiosks will need to be individually licensed per health department requirements.*
4. *Any fencing as required by the liquor commission or used to divide the site is required to go to the HDC.*
5. *Bathrooms cannot be connected to the grease trap. Show separate sewer line that does not route through grease trap.*
6. *A shoring plan stamped by a structural engineer shall be provided to ensure there will be no undermining of any structure along Newbury Way.*
7. *CMMR required.*

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### **Planning Department Recommendation**

#### **Site Plan Review 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.*

*(Alt.) 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 amended.*

*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) If applicable, any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.*
- 2.2) The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.3) All work and improvements proposed on city property (Garbage totes, bike racks, and landscaping) will require City Council approval.*
- 2.4) The two kiosks will need to be individually licensed per health department requirements.*
- 2.5) Any fencing as required by the liquor commission or used to divide the site is required to go to the HDC.*
- 2.6) A shoring plan stamped by a structural engineer shall be provided to ensure there will be no undermining of any structure along Newbury Way.*
- 2.7) A Construction Management and Mitigation Plan (CMMP) required. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments unless City staff determines that such plan is not needed.*

## V. PUBLIC HEARINGS – NEW BUSINESS

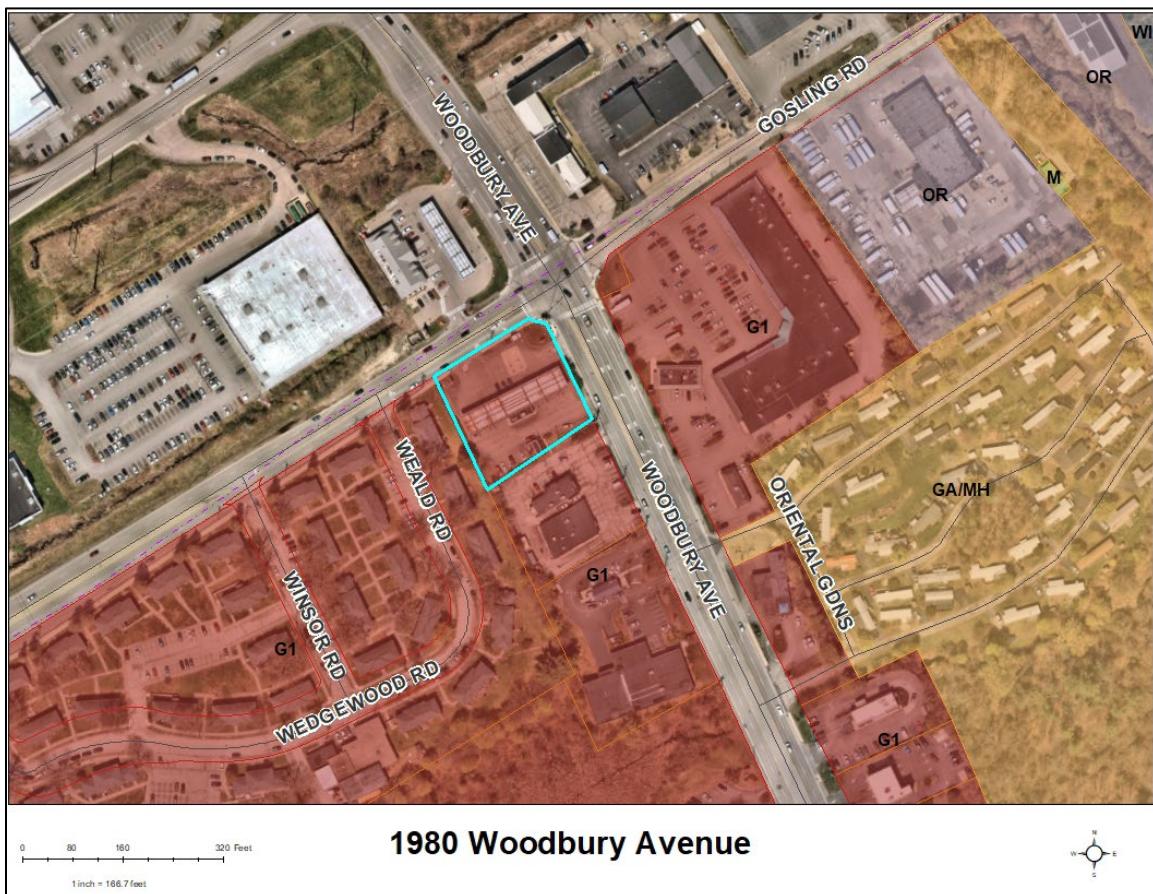
*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

*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 **Colbea Enterprises LLC (Owner)**, for property located at **1980 Woodbury Avenue** requesting Site Plan Review approval for the redevelopment of the site to include a 5,500 s.f. convenience store with six fueling islands and associated site improvements. Said property is located on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. (LU-25-163)

### Project Background

This proposal includes demolition of the existing structures and construction of a 5,500 s.f. convenience store. The existing site contains a small store with pump islands on both sides. This proposal reduces the number of gas pumps from 16 (8 islands) to 12 pumps (6 islands). The plan reduces the width of the entrance along Gosling Road and increases the sidewalk to 8 feet around the perimeter of the site to improve pedestrian safety and access.



### **Project Review, Decisions, and Recommendations**

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

#### **Board of Adjustment**

The project was before the Board of Adjustment at their regularly scheduled meeting of Tuesday, July 15, 2025 requesting the following relief:

- 1) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building;
- 2) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 53.5 feet on Gosling Road where a maximum of 20 feet is required;
- 3) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street;
- 4) Variance from Section 10.835.31 to allow outdoor service facilities to be located within 34.5 feet and 40.5 of a lot line where 50 feet is required;
- 5) Variance from Section 10.835.32 to allow for drive-through lanes, bypass lanes and stacking lanes to be located within 13 feet of the property line where 30 feet is required;
- 6) Variance from Section 10.843.33 to allow for pump islands to be located within 34.5 feet of the lot lines where 40 feet is required;
- 7) Variance from Section 10.1251.10 to allow for an aggregate sign area of 309 s.f. where a maximum of 223.5 s.f. is allowed;
- 8) Variance from Section 10.1251.20 to allow a 134 s.f. freestanding sign where a maximum of 100 s.f. is allowed; and
- 9) Variance from Section 10.1253.10 to allow for a freestanding sign at a height of 26.5 feet where a maximum of 20 feet is allowed. Said property is shown on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to  
**grant** Variances 1, 2, 3, and 6 as presented and advertised only.

The Board voted to **deny** Variances 4 and 5 as presented and advertised, because the request was not consistent with the spirit of the ordinance and failed to meet the hardship criterion.

The Board voted to **deny** Variances 7, 8, and 9 as presented and advertised, because the special conditions of the property don't support the variances, so it failed the hardship criterion.

Technical Advisory Committee

At their regularly scheduled meeting of Tuesday, December 2, 2025 meeting TAC voted to recommend that the Planning Board recommend approval of the project with the following conditions:

- 1) *Please provide a green building statement.*
- 2) *Move water and sewer services out from under canopy for gas pumps.*
- 3) *Do not route domestic sewer (bathrooms) through grease trap. Connect domestic sewer to sewer service after grease trap.*
- 4) *Provide easements as necessary for 8' sidewalk around lot.*

**The conditions above have been addressed in the Planning Board submission.**

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**Planning Department Recommendation**

**Site Plan Review 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.*

*(Alt.) 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 amended.*

*2.) Vote to grant Site Plan Approval with the following conditions in addition to the original conditions of approval stated in the Letter of Decision dated February 16, 2023:*

***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) *If applicable, any easement plans and deeds for which the City is a grantor or grantee shall been reviewed and approved by the Planning and Legal Departments and accepted by City Council.*
- 2.2) *The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

- 2.3) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.4) *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.

## V. PUBLIC HEARINGS – NEW BUSINESS

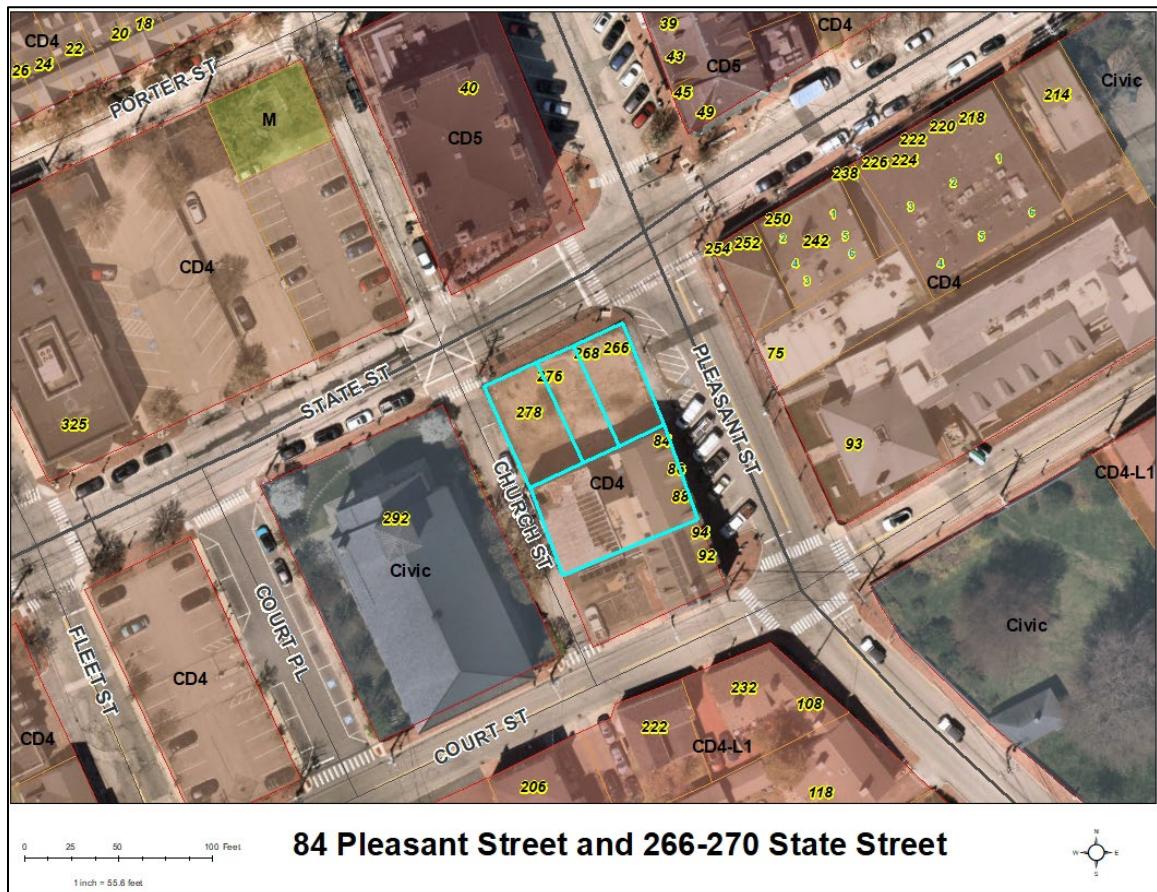
*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

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

D. The request of **PNF Trust of 2013 and 282 Middle Street, LLC (Owners)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** requesting Site Plan Review approval that includes merging four lots and redevelopment of the site to include remodeling of existing structures and new construction to mimic the former Times Building and a new structure on the corner of State Street and Pleasant Street. The proposal includes 17 dwelling units, retail/commercial/restaurant space on the ground floor and 17 parking spaces in a car storage system and associated site improvements. Said property is located on Assessor Map 107 Lots 77-80 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts. (LU-24-195)

### Project Background

This proposal includes merging four lots into one lot and building two new buildings connected to the existing 84 Pleasant Street building. A fire in 2017 claimed the original building on the corner of State and Pleasant Street, leaving the former Times building until its demolition in 2024. The proposal includes rebuilding the Times building, construction of a new building on the corner of State and Pleasant and renovation of the 84 Pleasant Street building. The proposal includes 17 units which requires 17 parking spaces and 4 guest spaces. The property is located in the Downtown Overlay District, which allows a reduction of 4 spaces, resulting in 17 required and the project will provide 17 spaces in a lift system located inside the building with access off of Church Street.



### Project Review, Decisions, and Recommendations

The project was before the Historic District Commission, Zoning Board of Adjustment, and Technical Advisory Committee. See below for details.

#### Board of Adjustment

The project was before the Board of Adjustment at their regularly scheduled meeting of Tuesday, November 19, 2024 requesting the following relief:

- 1) Variance from Section 10.5A41.10.C to allow a) 98% building coverage where 90% is maximum, b) 0% open space where 10% is minimum, and c) 53% shopfront façade glazing on Pleasant Street and 52% on State Street where 70% is the minimum required;
- 2) Variance from Section 10.5A21.B to allow a) 55 feet of building height where 47 feet is permitted with a penthouse, b) a fourth story addition at 50 feet in height to the Church street elevation where 3 full stories and a short fourth are allowed with 45 feet maximum height permitted;

- 3) Variance from Section 10.642 to allow 43% ground floor residential area where 20% is maximum.

The Board voted to grant the requested variances with the exception of 2(a) above, to allow a height of 55 feet where 47 is permitted with a penthouse.

A request for rehearing was submitted by an abutter and the Board granted a rehearing for Item 2(b) only which relates to the fourth story addition at 50 feet on Church Street.

At the March 18, 2025 meeting, a rehearing was held on item 2(b) only and the Board voted to uphold their original decision with the following condition:

- 1) *The presented height for both the Times Building and the addition on the Church St. elevation are affirmed as presented.*

#### Historic District Commission

The project was originally approved by the HDC at their regularly scheduled meeting of Wednesday, August 6, 2025 and the HDC granted approval with the following condition:

1. *The applicant shall further develop the wall on Court Street.*

#### Technical Advisory Committee

At their regularly scheduled meeting of Tuesday, December 2, 2025 meeting TAC voted to recommend that the Planning Board recommend approval of the project with the following conditions:

- 1) *License required for transformer doors that open across city property.*
- 2) *Please provide an easement plan that shows easement for the conduit connected to the transformer located on private property.*
- 3) *Include notes on the utilities plan to cut and cap existing water and sewer services.*
- 4) *Delete note 9 on utility plan. Contractor to make utility connection.*
- 5) *Cut in a wye for sewer connection and include a cleanout in the sidewalk for testing.*
- 6) *Roof drain connection to the drainage system should be a sweep, not a 90 degree turn. Remove cleanout.*
- 7) *Electrical in Court Street should be under sidewalk North of Pleasant Street intersection with Court Street.*
- 8) *Work with Eversource to move utility poles PSNH 3/11 and PSNH 4/14 to maintain ADA compliant sidewalks and not interfere with proposed underground electric.*

- 9) *Address the neighbors concern about the sound distribution and vibration of the transformer and that there is vetted coordination that the building alcove is appropriately designed;*
- 10) *Third party inspection required for work in the right-of-way.*

***The conditions above have been addressed in the Planning Board submission or have been added to the recommended conditions of approval.***

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**Planning Department Recommendation**  
**Site Plan Review 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.*

*(Alt.) 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 amended.*

*2.) Vote to grant Site Plan Approval with the following conditions in addition to the original conditions of approval stated in the Letter of Decision dated February 16, 2023:*

***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) *If applicable, any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council. This shall include an easement for the conduit connected to the transformer located on private property.*
- 2.2) *The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.3) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments unless City staff determines that such plan is not needed.*
- 2.4) *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.*

- 2.5) *A license will be required for the transformer doors that open onto City property.*

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

- 2.6) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*

## V. 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.*

E. The request of **Mariya Kontsepolskaya and Ralph Minderhoud (Owners)**, for property located at **65 Onyx Lane** requesting a Wetland Conditional Use Permit from Section 10.1017.50 to install 12 push piers to stabilize the existing foundation in the 100 foot wetland buffer area. Said property is located on Assessor Map 220 Lot 35 and lies within the Single Residence B (SRB) District. (LU-25-158)

### Background

This application is for the installation of piers to stabilize the existing dwelling. As shown on the map below, the house is located entirely within the 100' wetland buffer, which triggers the need for a conditional use permit for any ground disturbance.



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 lot is already a residential use within the wetland buffer and it is proposing to reduce impacts while also pulling the structural impacts further away from the wetland resource.

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

This lot is entirely within the wetland buffer and there is no alternative location for this work.

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

The proposed work aims to reduce permanent impacts to the wetland buffer through the reduction of impervious surfaces. It is recommended that the applicant consider the use of erosion controls during the demolition phase.

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

This project does not propose any impacts to existing vegetation through the demolition and construction.

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

This project proposes reducing the permanent impacts to the wetland buffer and pulling proposed impacts further from the wetland resource than the existing sunroom and deck to be demolished.

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

The vegetated buffer strip is not being impacted as part of this project.

**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, November 13, 2025 and the Commission voted unanimously (7-0) to recommend approval with the following condition:

1. *In accordance with Section 10.1018.40 of the Zoning Ordinance,*

*applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended that markers be placed near the existing stone wall at the rear of the property at 50-foot intervals. 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) *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. It is recommended that markers be placed near the existing stone wall at the rear of the property at 50-foot intervals.*

## VI. PRELIMINARY CONCEPTUAL CONSULTATION

The applicants under Items **VII A** and **B** have provided preliminary site plans for their respective projects. 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.

- A.** The request of **Regan Electric CO INC (Owner)**, for property located at **94 Langdon Street** and **98 Cornwall Street** requesting Preliminary Consultation for Site Plan Review. Said property is located on Assessor Map 139 Lots 1-8 and lies within the Mixed Residential Business (MRB) District. (LUPD-26-1)
- B.** The request of **Hill Hanover Group LLC (Owner)**, for property located at **181 Hill Street** requesting Preliminary Consultation for Site Plan Review. Said property is located on Assessor Map 125 Lot 14 and lies within the Character District 4-L1 (CD4-I1). (LUPD-26-2)

## **VII. CITY COUNCIL REFERRALS**

### **A. 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.

At the November 20, 2025 Planning Board meeting, the Board referred two parcels (43 and 53 Austin Street) to the Historic District Commission (HDC) for a recommendation back on whether these two parcels should be included in the Historic District.

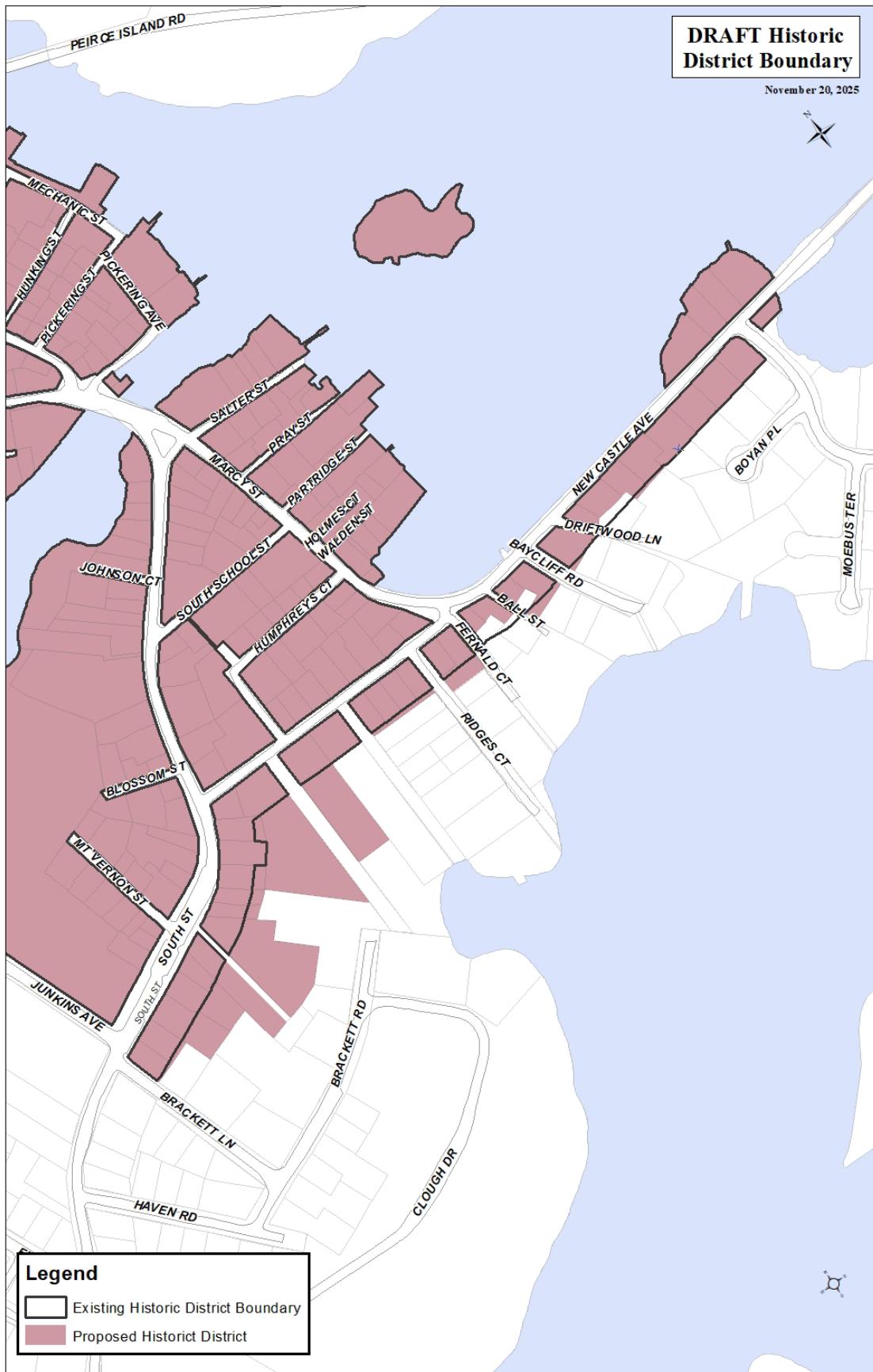
The HDC met at their regular meeting on Wednesday, December 3, 2025 and voted not to recommend including the properties at 43 and 53 Austin for the following reasons:

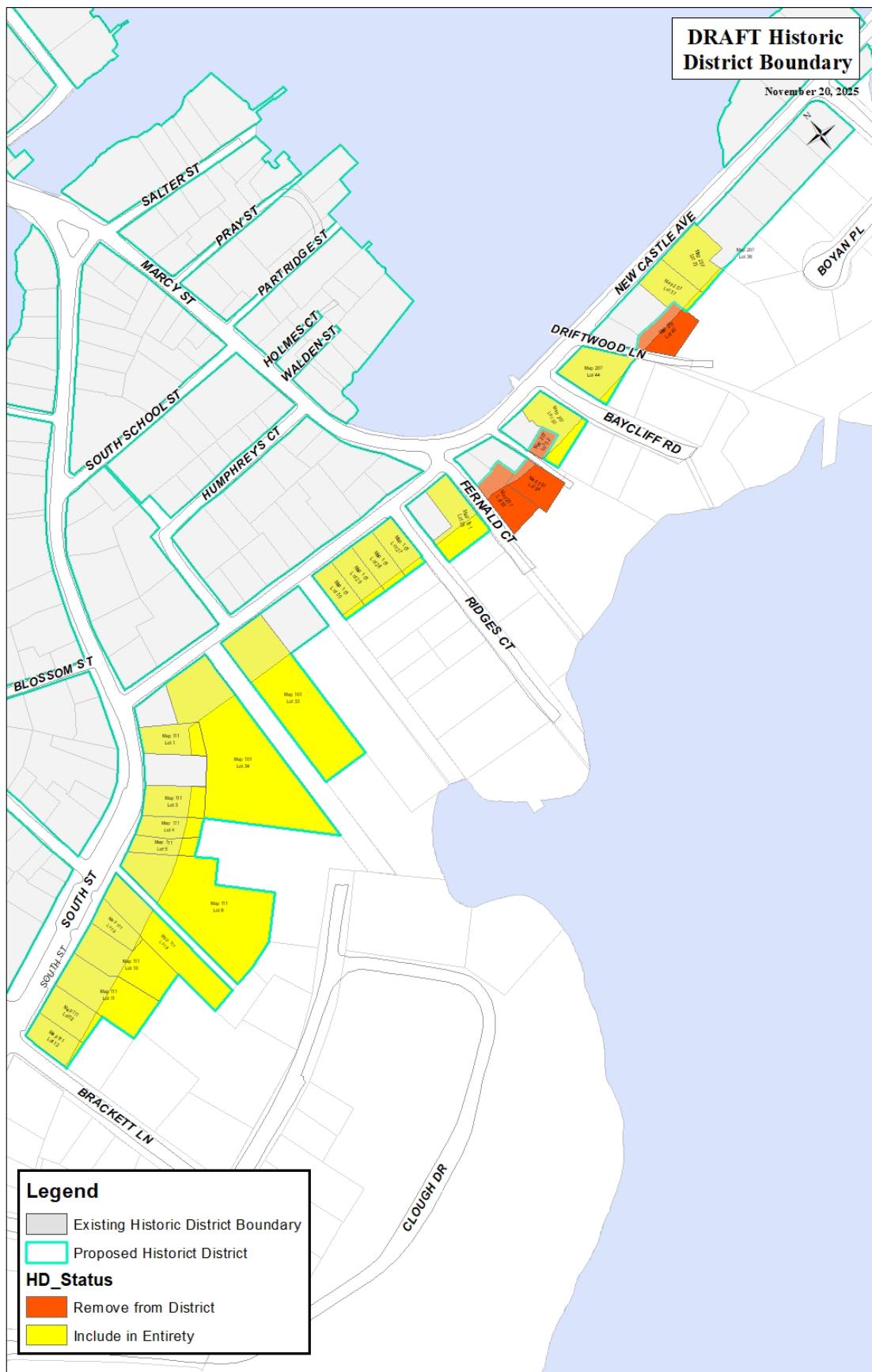
1. One property (43 Austin Street) is already deed restricted and has levels of protection that our existing Historic District wouldn't necessarily add to.
2. Adding the properties would be misaligned with the Methodology of redefining the boundaries, which is to include properties abutting Middle Street.
3. The Commission would prefer to move forward with the boundary revisions as originally drafted but would like to have further future discussions during the Master Plan process on the future of the district.

As stated in the action of the HDC above, further discussions about the boundary of the district are desired through the Master Plan process. To avoid the district boundary being revised two times in the coming 12 – 18 months, the Board could consider tabling this revision until after adoption of the Master Plan to see what recommendations come out of that process that would impact the district and then work with the HDC to revise the boundary at that time.









**Planning Department Recommendation**

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

*Or alternatively:*

*Vote to table this map amendment until after the Master Plan update has been completed.*

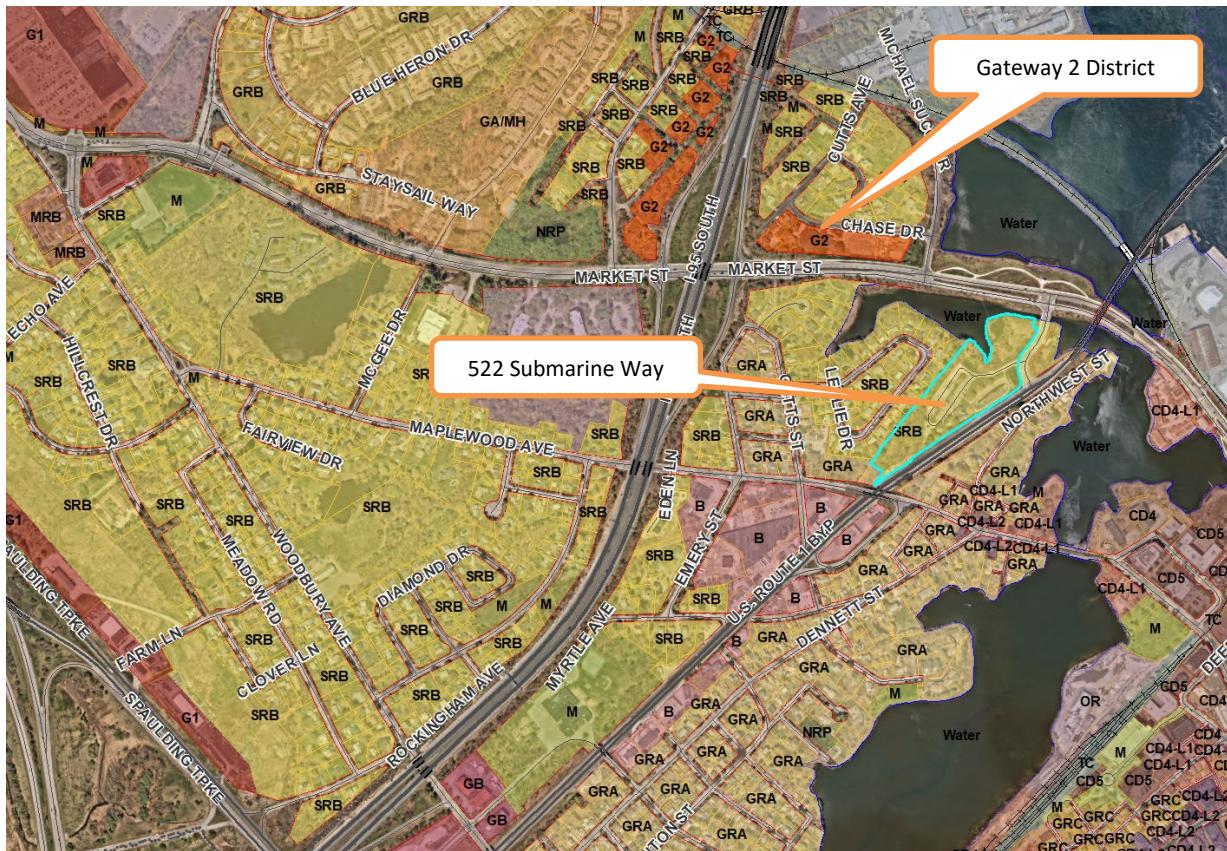
## **B. 569 Submarine Way – Request to rezone property**

A letter from the Executive Director of the Portsmouth Submarine and Maritime Association was sent to the City Council requesting to change the zoning of their property at 569 Submarine Way from Singel Residence B (SRB) to one of the two Gateway Districts. At the November 17, 2025 City Council meeting, the Council referred this to the Planning Board per the action below:

37. Letter from Dean Savramis, Executive Director, The Portsmouth Submarine and Maritime Association, requesting a zoning change for the Albacore Park for property located at 569 Submarine Way – Voted to refer to the Planning Board for a report back to the City Council.

The property has been a museum since 1981, which is not a permitted use in the SRB district. Any expansion of the use requires a variance and as recently as 2023, they were before the Board of Adjustment to add an addition to the visitor center. The letter requests rezoning the property to Gateway-1 or Gateway-2 and touches on future plans for the property to expand the use. Maps below show the parcel and zoning, with Gateway-2 nearby on Market Street, which would be the more appropriate change of the two districts. It is important to note that a museum use requires a Special Exception in both G1 and G2. If the Board recommends changing the zoning of this property, consideration of changing the use to permitted may also be appropriate.





#### Planning Department Recommendation

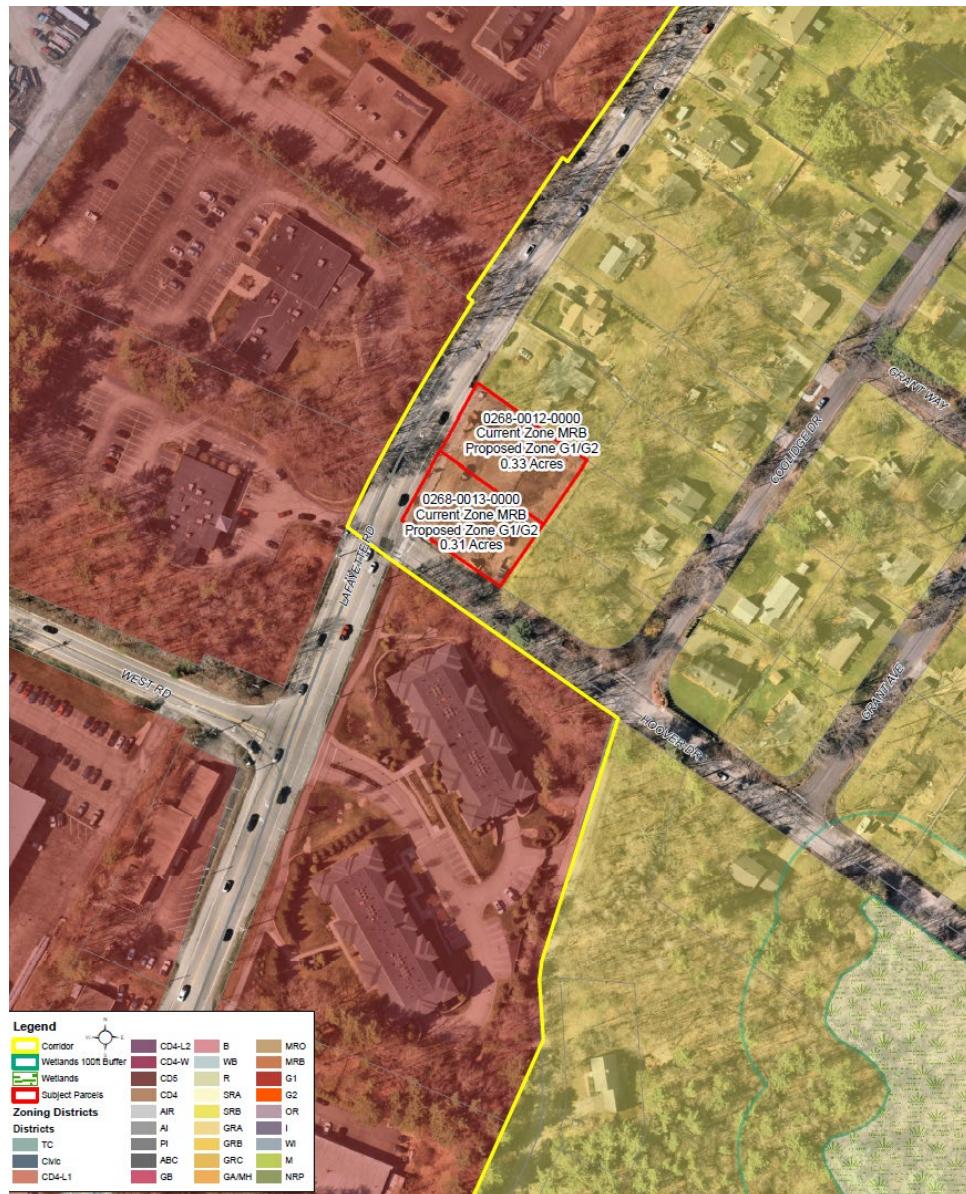
*Vote to recommend the City Council schedule first reading to change the zoning from Singel Residence B to Gateway-2 on Map 209 Lot 87.*

*Optional motion for the use:*

*Vote to recommend the City Council schedule first reading to allow museum as a permitted use in Gateway-1 and Gateway-2.*

### C. Gateway Parcels

At the November meeting, the Planning Board voted to recommend map amendments to the City Council to change certain parcels to either Gateway-1 or Gateway-2. The map below was presented to the Board to be changed to either G1 or G2, but the Board did not decide on which district. Staff would like clarification prior to taking to Council on whether these two parcels should be rezoned to G1 or G2. It is adjacent to G1 and across Lafayette Rd is zoned G1. The closest G2 zoning is the Market Basket Plaza.





## **Planning Department Recommendation**

*Vote to recommend the City Council to change these two parcels to G1 (or G2) and schedule first reading on the proposed map amendments as presented/as amended.*

## **VIII. OTHER BUSINESS**

### **A. Extension Request – 1-15, 21 Congress Street**

#### Project Background

On January 16, 2025, the Planning Board granted Site Plan approval and a parking CUP for the project referenced above. A building permit has not been issued yet and the applicant is requesting a 1-year extension for the site plan approval. A subsequent CUP was granted in September for co-living, thus the reason for only requesting an extension for the site plan approval.

The Board can grant a one-year extension per Section 2.14 of the Site Plan Regulations below.

Section 2.14 of the Site Plan regulations allows for an extension:

#### **Section 2.14 Approval Expiration and Extension**

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

#### ***Planning Department Recommendation***

*Vote to grant a one-year extension of the site plan approved on January 16, 2025.*

### **B. Chairman's Updates and Discussion Items**

### **C. Board Discussion of Regulatory Amendments and Other Matters**

## **IX. ADJOURNMENT**