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: October 8, 2026

Re: Recommendations for the October 15, 2026 Planning Board Meeting

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I. WORK SESSION WITH CONSERVATION COMMISSION – ARTICLE 10 DRAFT ZONING AMENDMENTS

Background

At the request of the Planning Board and Conservation Commission, a joint work session has been scheduled to review proposed amendments to Article 10 (Wetlands and Related Waters Protection). The draft incorporates revisions from the Planning Board Chair and recommendations from the Conservation Commission. The purpose of the work session is to discuss the proposed changes, identify areas of agreement and disagreement, and provide direction on revisions to the draft ordinance.

II. APPROVAL OF MINUTES

A. Approval of the September 17, 2026 meeting minutes

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the September 17, 2026 meeting and vote to approve meeting minutes with edits if needed.

III. DETERMINATION OF COMPLETENESS

SITE PLAN REVIEW

A. The request of **Marissa Valverde (Owner), Copley Properties LLC (Applicant),** for property located at **20 Central Avenue** requesting Site Plan Review approval

SUBDIVISION REVIEW

B. The request of **Marissa Valverde (Owner), Copley Properties LLC (Applicant),** for property located at **20 Central Avenue** requesting Preliminary and Final Subdivision approval.

Planning Department Recommendation

Vote to determine that Item A is complete according to the Subdivision Ordinance, (contingent on the granting of any required waivers under Section V of the agenda) and to accept the application for consideration.

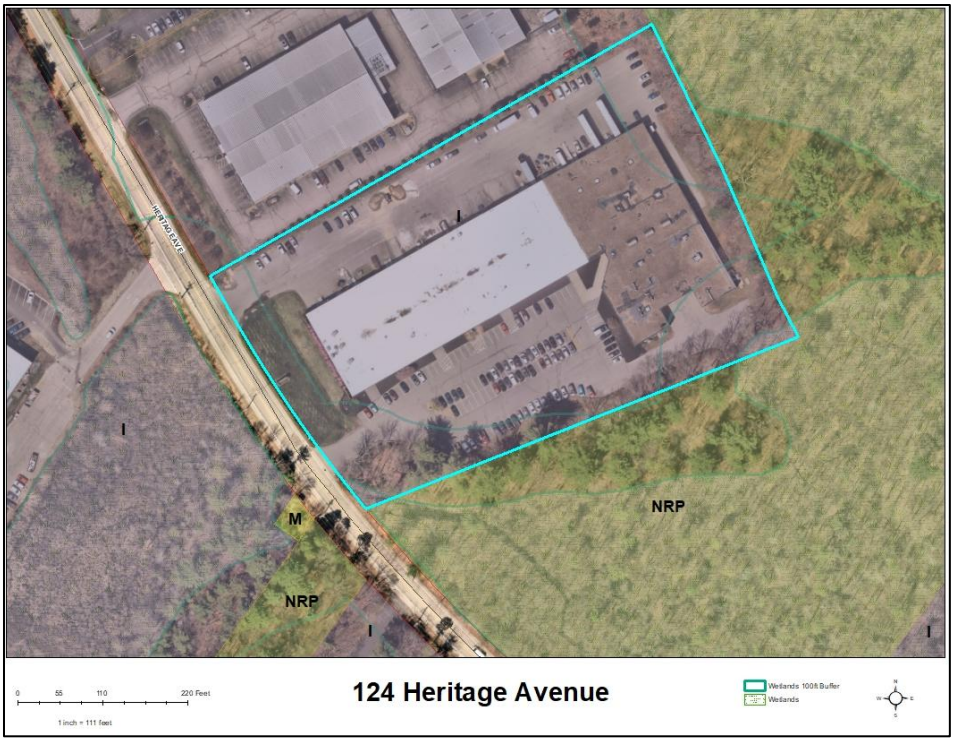
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

IV. PUBLIC HEARINGS – OLD BUSINESS

A. The request of **One Twenty Four Group Inc (Owner),** for property located at **124 Heritage Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 and amended Site Plan approval for minor site improvements including stormwater conveyance modifications, a garden, ADA accessible ramp, parking lot re-striping, lighting, and landscaping. The project proposes an increase of 498 square feet of impervious surface within the wetland buffer area. Said property is located on Assessor's Map 284 Lot 8 and lies within the Industrial (I) District. (LU-26-61)

Project Background

The applicant proposes to establish a community garden within the existing lawn area located in front of the building which is located within the 100' wetland buffer area and a prime wetland buffer from across Heritage Avenue. The proposal also includes construction of an ADA-accessible ramp, parking lot restriping, site lighting upgrades, stormwater improvements, landscaping, and associated site enhancements. The project includes an increase of approximately 498 sf of impervious surface within the wetland buffer area. The applicant is also seeking amended site plan approval for the site improvements.



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 land proposed for the new garden beds and associated site improvements is an existing lawn with stormwater infrastructure. The land is currently across a street and a driveway from the wetland resources and has drainage conveyances through existing underground systems. The proposed use is an increase in landscaping and gardening along with a slight increase in impervious surfaces – this should increase foot traffic in the area but drainage improvements will help to protect what is running downstream to the wetlands.

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

This property is mostly impervious due to its industrial uses and this is the only location on site that has the proper conditions suitable to gardening and an outdoor classroom. The majority of this project's impacts are temporary to the wetland buffer with the exception of the new ADA accessible ramp, the installation of a new mounted sign, riprap apron and riprap dissipation area, and the addition of new granite curbing.

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

It appears that this site has stormwater drainage flowing through it that connects to the wetland adjacent as well as the prime wetland across the street. This will be restored as a grass-lined swale as part of this project and the addition of native shrubs and seed mixes should help to filter any runoff on this site hat previously traveled across the existing lawn.

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

This project appears to be altering an existing grass lawn area and the disturbed project area is proposed to be seeded with native seed mixes and planted with native shrubs to help improve the vegetation within this section of the wetland buffer.

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

This proposal does include an increase in impervious surfaces to the wetland buffer but the inclusion of native plantings, seed mixes, and improvements to the existing stormwater system draining to the wetland should help to limit any adverse impacts from this construction.

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

This application does not propose impacts within the 25' vegetated buffer strip.

Project Review, Decisions, and Recommendations

The project 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, August 12, 2026 the Commission unanimously (7-0) to recommend approval with following conditions:

Prior to project completion:
1. In lieu of the requirements of Section 10.1018.40 of the Zoning Ordinance to permanently install wetland boundary markers, applicant shall install an educational sign in the new garden area or area of the swale describing the sensitivity of the adjacent wetlands and the importance of the filtration of stormwater runoff into the revived grassed-swale.

Technical Advisory Committee

At their regularly scheduled meeting of Tuesday, August 4, 2026 meeting TAC voted to recommend that the Planning Board approve the site plan with the following conditions:

1. *Add a light at the east entrance drive.*
2. *Provide a bypass apron downstream of the rain guardian to allow runoff to continue to the swale/detention area in the event the rain guardian becomes clogged and prevent stormwater from flowing down the driveway and into the roadway.*
3. *Ensure water from the east driveway finds its way into the catch basin by providing a paved apron to the drain.*
4. *The front monument sign needs to be certified by the surveyor after construction to be completely out of the ROW.*
5. *Verify that all the CMP pipes shown are still in good condition and don't need replacement.*
6. *Provide additional striping for dumpsters.*

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 Prior to project completion: In lieu of the requirements of Section 10.1018.40 of the Zoning Ordinance to permanently install wetland boundary markers, applicant shall install an educational sign in the new garden area or area of the

swale describing the sensitivity of the adjacent wetlands and the importance of the filtration of stormwater runoff into the revived grassed-swale.

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 Amended Site Plan Approval as presented.

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.

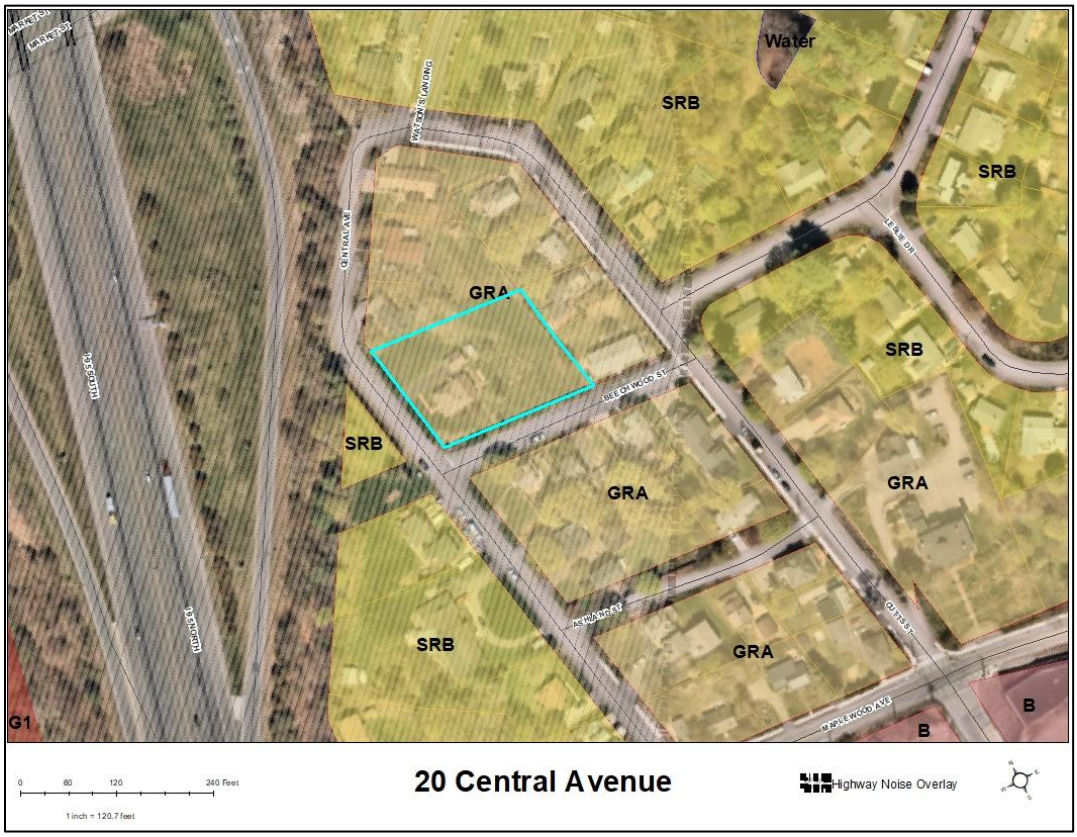
V. PUBLIC HEARINGS – NEW BUSINESS

B. The request of **Marissa Valverde (Owner), Copley Properties LLC (Applicant),** for property located at **20 Central Avenue** requesting Preliminary and Final Subdivision approval and Site Plan Review approval for the subdivision of one lot into three lots, each with a single-family dwelling and associated site improvements and a Conditional Use Permit from Section 10.674.10 Highway Noise Overlay District. Said property is located on Assessor Map 209 Lot 30 and lies within the General Residence A (GRA) and Highway Noise Overlay Districts. (LU-26-84)

Project Background

The application proposes to merge seven historically separate but contiguous lots under common ownership, subdivide the resulting 28,972-square-foot parcel into three conforming residential lots, demolish the existing single-family dwelling and accessory structures, and construct three new single-family homes with associated driveways, utility connections, stormwater management facilities, landscaping, and site improvements. Two of the proposed homes would take access from Beechwood Street and one home would take access from Central Avenue.

In addition to site plan and subdivision, this project requires a Conditional Use Permit to allow construction of three new single-family residences within the Highway Noise Overlay District (HNOD). In support of the application, the applicant submitted a noise analysis prepared by Reuter Associates, LLC, which evaluated anticipated noise levels associated with nearby transportation corridors and the proposed residential development. The analysis concludes that the project can comply with the Ordinance's interior and exterior noise standards and that no additional noise mitigation measures are required beyond standard residential construction methods.



<u>Project Review, Decisions, and Recommendations</u>

The project was before the Technical Advisory Committee. See below for details.

<u>Technical Advisory Committee</u>

At their regularly scheduled meeting of Tuesday, <u>September 1, 2026</u> meeting TAC voted to recommend that the Planning Board approve the site plan with the following conditions:

1) DPW shall review and approve final plan set before submission to the Planning Board.

2) The 3 new lots will each require new driveway permits.

3) City drainage easement language will need to be amended and approved by the City Council to allow driveway use.

4) Please demonstrate the proposed impact to the State easement is permissible under the easement language.

5) Please provide details for the proposed fence.

6) Confirm location of guy wire for utility pole is correctly positioned.

7) Show location of water service to Lot 1 on property.

8) State size of water and sewer services.

9) City advises moving water and sewer services outside of stormwater ponds (Lot 3). If not moved, then ensure adequate cover of utilities installed.

10) Water, sewer, and stormwater connection permits required for each lot.

11) Submit a final easement plan and written statement from NHDOT.

The conditions have been addressed in the submission or added as conditions of approval below.

Planning Department Recommendation
Highway Noise Overlay District
Conditional Use Permit

1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 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 10.674 of the Ordinance and adopt the findings of fact as amended.

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

Planning Department Recommendation
Subdivision
1) Vote to find that the Subdivision Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Site Plan Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as amended.

2) Vote to grant Preliminary and Final Subdivision Approval with the following conditions:

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

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

2.3) 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.

2.4) The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.5) Lot merger required prior to recordation of subdivision.

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 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) Provide documentation from NHDOT signing off on drainage easement.

2.4) Revise plans to shift Lot 1 drainage further away from Lot 2 so the deck for Lot 3 can be relocated outside of the drainage easement.

2.5) 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

2.6)

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

2.7) *All lots will require new driveway permits.*

2.8) Foundation drains are to be constructed outside of the structures only. Sump pumps, if required, are to be discharged outside of the structure into a vertical entry pipe attached to the exterior foundation drain and located adjacent to the exterior of the respective structures.

2.9) *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;*

2.10) A stormwater inspection and maintenance report shall be completed annually through the City's online portal (link here) for review by the City's Stormwater Division/ Public Works Department.

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.

IV. PUBLIC HEARINGS – NEW BUSINESS

C. The request The request of **Society for the Protection of Forests (Owner)**, for property located at **400 Little Harbor Road** requesting a Wetland Conditional Use Permit from Section 10.1017.50 to replace an existing set of stairs with a new landing and stairs to conform with current egress requirements. The new landing and stairs will create approximately 55 s.f. of permanent impacts to the wetland buffer. The applicant will be adding four highbush blueberry bushes on site to help mitigate the impacts to the wetland buffer. Said property is located on Assessor Map 203 Lot 8 and lies within the Rural (R) District. (LU-26-68)

Project Background

The proposal consists of replacing an existing exterior stairway and door with code-compliant emergency egress including a new landing, stairs, and door. The improvements are located within the wetland buffer and will result in a minor increase in impervious area. The project is intended to address life-safety requirements while supporting the continued use of the Education Center.

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 seeks to replace a non-compliant set of stairs leading from an entryway with a compliant landing and new set of stairs. This will increase the impervious cover in this area by a small amount and is necessary for complying with the building code. It will replace an existing set of stairs that is within the same area.

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

This location is already an existing entry/exit for the building that is within the 100' wetland buffer. There is no reasonable alternative for redesigning and constructing an egress elsewhere in the building.

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

The proposed work is minimal and should not create any adverse impacts to the wetland functional values of the site. Erosion controls should be installed prior to construction to minimize runoff into the resource. The addition of new wetland buffer plantings could help to mitigate nutrient and sediment runoff in the long-term.

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

This project will only be performing construction in a previously developed area where existing stairs are currently sitting. No vegetation removal is being proposed.

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

This proposal is to improve an existing entry/exit for safety compliance and is greatly minimizing any impact to the jurisdictional areas. There is no alternative location outside of the wetland buffer that can be easily transformed for this purpose.

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

This application does not propose impacts within the 25' vegetated buffer strip.

Project Review, Decisions, and Recommendations

The project 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, September 9, 2026 the Commission unanimously (7-0) to recommend approval with following conditions:

1.Applicant shall update the site plan prior to submission to the Planning Board to delineate approximate area of silt fencing, the location of the proposed four blueberry bushes, include a note on the plan with the information on who delineated the wetland on site, their NH CWS # and when it was delineated, and the approximate location for an educational sign in lieu of wetland placards.

2. Applicant shall include an educational sign as part of this project that includes educational wetland content and information on the sensitivity of the wetland and surround area.

The Conservation Commission conditions have been incorporated into the Planning Board application.

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 as presented.

VI. CITY COUNCIL REFERRALS

A. 0 Elm Street

Background

The City Council has referred a request concerning 0 Elm Street to the Planning Board for review and comment pursuant to RSA 674:41, I(d). The applicant seeks authorization from the City Council to allow the issuance of a building permit for the construction of a single-family dwelling on property located at 0 Elm Street (Tax Map 210, Lot 15), which is proposed to be accessed via an existing private driveway located within the Forrest Street right-of-way.

The property is located at the corner of the paper streets known as Elm Street and Forrest Street. According to the applicant, Elm Street has never been constructed and Forrest Street has only been improved through a privately maintained driveway serving nearby properties. The subject lot is identified on historic subdivision plans recorded in 1902 and revised in 1919. The applicant asserts that, rather than pursuing a determination regarding the status of the paper streets, the request should proceed under RSA 674:41, I(d), which allows the local governing body, after review and comment by the Planning Board, to authorize issuance of building permits on a private road under certain conditions.

The applicant indicates that development of the lot would require additional approvals, including relief from the Zoning Board of Adjustment and one or more Conditional Use Permits from the Planning Board. Authorization under RSA 674:41, I(d) would not constitute land use approval for the proposed dwelling but would allow the applicant to proceed with the permitting process and seek any required approvals from applicable boards.

The Planning Board's role at this stage is limited to providing review and comment to the City Council regarding the request under RSA 674:41, I(d). The City Council will ultimately determine whether to authorize the issuance of a building permit subject to the statutory requirements, including acknowledgement that the City assumes no responsibility for maintenance of the private access or liability resulting from its use. A memo from Deputy City Attorney McCourt was provided at the September 17th meeting with potential options for the Planning Board to consider for the referral back to City Council.

B. 361 Hanover Street – Landscape and Pole license over City property

The applicant requests a license agreement allowing the maintenance and landscaping of a portion of City-owned property and the location of a transformer. The proposed license area is located on City-owned land that abuts the approved redevelopment project at 361 Hanover Street. The City Charter requires Planning Board review of "[a]ny acquisition or disposition of municipal real property, including fee transfers, easements and licenses" prior to final action by the City Council. The Planning Board's role is advisory and intended to ensure that municipal land use decisions are considered within the context of the City's comprehensive planning objectives.

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

Section 11.601: INTENT

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

Section 11.602: REFERRAL AND REPORT

A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:

(1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
(2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.

B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.

C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

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At the September 17, 2026 Planning Board meeting, the Board voted to postpone consideration to the October meeting and request a report back from DPW on the status of the retaining wall along Foundry Place. Included in the packet is a report back from DPW with recommended conditions of the license.

Planning Department Recommendation

Vote to recommend that the City Council approve a landscape license and pole license subject to the Department of Public Works recommendations outlined in the memo dated October 7, 2026.

C. Cornwall Street

Background

The City Council has referred a request to discontinue and release a portion of the public right-of-way, known as Cornwall Street for review and recommendation by the Planning Board. The area proposed for release consists of an unimproved section of the right-of-way that is not presently utilized for public travel but contains municipal sewer infrastructure. The purpose of the referral is to obtain the Planning Board's recommendation regarding whether the proposed release is consistent with the public interest and the City's planning objectives prior to further consideration by the City Council.

The Planning Board's role is advisory and limited to providing a recommendation to the City Council. In evaluating the request, the Board may consider whether the right-of-way continues to serve a transportation, access, utility, drainage, or other public purpose.

Based on the information provided, the subject portion of Cornwall Street does not appear to function as an active public street. However, the area contains an existing municipal sewer line that serves an ongoing public utility purpose. Should the City Council determine that discontinuance of the right-of-way is appropriate, the City should retain a perpetual utility easement sufficient to allow continued access, operation, maintenance, repair, replacement, and upgrade of the existing sewer infrastructure.

Included in the packet is a letter from Deputy City Attorney McCourt with background on Cornwall Street.

Planning Department Recommendation

Vote to recommend the City Council approve the discontinuance of the identified portion of Cornwall Street, subject to recording a municipal utility easement over the existing sewer line in a form acceptable to the City Attorney.

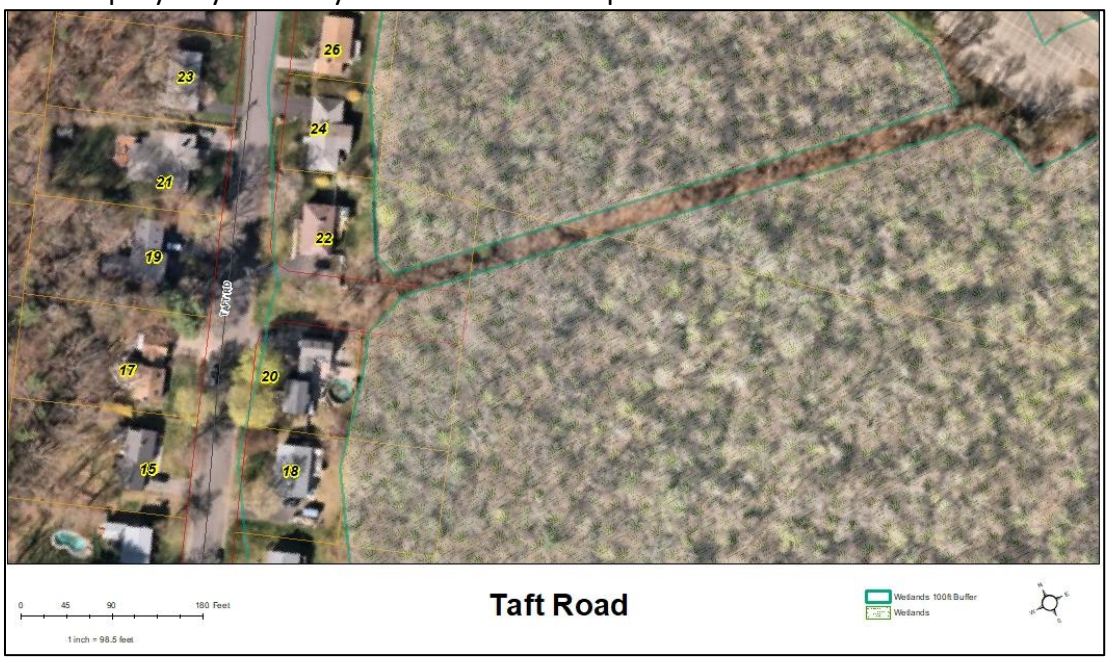
D. Taft Road

Background

James St. Pierre and Shannon Harrington, owners of 20 Taft Road, are requesting the City release its rights to a small paper street adjacent to their property. The release would split the underlying rights equally between them and their neighbors Nicholas and James Whiteman, who reside at 22 Taft Road. Similarly to the prior request for Cornwall Street, the area consists of an unimproved section of the right-of-way that is not presently utilized for public travel but contains municipal sewer infrastructure.

The Planning Board's role is advisory and limited to providing a recommendation to the City Council. In evaluating the request, the Board may consider whether the right-of-way continues to serve a transportation, access, utility, drainage, or other public purpose.

Based on the information provided, the subject portion of this paper street does not appear to function as an active public street. However, the area contains an existing municipal sewer line that serves an ongoing public utility purpose. Should the City Council determine that discontinuance of the right-of-way is appropriate, the City should retain a perpetual utility easement sufficient to allow continued access, operation, maintenance, repair, replacement, and upgrade of the existing sewer infrastructure. Included in the packet is a memo from Deputy City Attorney McCourt on this request.



Planning Department Recommendation

Vote to recommend the City Council approve the discontinuance of the identified portion of Taft Road, subject to recording a municipal utility easement over the existing sewer line in a form acceptable to the City Attorney.

E. Heritage Commission

At the July 13, 2026 City Council meeting, the Council voted to request the Planning Board review the potential establishment of a Heritage Commission and report back to City Council by September 28, 2026. Below is the excerpt from the Council meeting minutes where this was discussed:

Discussion followed about historic homes, concerns with losing valuable heritage buildings and historical information. A Heritage Commission would help provide additional review processes and preservation of naturally occurring affordable housing, apply for grants and education around preservation.

At the August 20, 2026 Planning Board meeting, the Board discussed several approaches to historic preservation outside of the Historic District. Discussion focused on the respective roles of creating a Heritage Commission, the Historic District Commission (HDC), and the existing Demolition Review Ordinance (DRO). The Board also discussed whether additional preservation tools could be developed to address demolition of historically significant structures located outside of the Historic District.

As discussed at the August meeting, a Heritage Commission would serve primarily in an advisory capacity. Potential functions could include conducting historic resource surveys, maintaining inventories of significant historic properties, advising land use boards, applying for grants, promoting public education, and making recommendations regarding preservation policies. While a Heritage Commission may review and comment on projects affecting historic resources, it would not generally possess independent regulatory authority to deny a demolition request.

The Board also discussed the City's existing regulatory tools. Portsmouth currently maintains both the Historic District Commission and the Demolition Review Ordinance. The HDC exercises regulatory authority within the Historic District, while the DRO provides a path for public notice, review, and possible delay of demolitions outside of the Historic District. The Demolition Review Committee has met only three times during the past nine years, suggesting either relatively limited use of the ordinance or limited objection-triggered reviews.

During its August 20 discussion, the Planning Board also considered whether RSA 674:21 (Innovative Land Use Controls) could provide an alternative framework for historic resource protection. The statute authorizes municipalities to adopt innovative land use regulations and designate a board responsible for administering those regulations. This authority could potentially support development of preservation-oriented design standards, demolition review requirements, neighborhood conservation districts, or other regulations intended to protect historic resources outside the Historic District. Unlike a Heritage Commission, which would generally serve in an advisory capacity,

regulations adopted pursuant to RSA 674:21 could provide direct regulatory authority to the Planning Board. This would require developing standards, review criteria, and findings in order to properly review and act on proposals.

The City Council's objectives should guide the next steps. The draft motions below are offered for the Board's consideration in advising the Council on this referral.

Planning Department Recommendation

Option 1: Establish a Heritage Commission

Vote to recommend the City Council establish a Heritage Commission pursuant to RSA 674:44-a and 44-b to assist with historic resource inventories, preservation planning, public education, grant opportunities, and advisory review of matters affecting historic and cultural resources throughout the City.

Option 2: Recommend Further Study

Vote to recommend the City Council further evaluate the scope, responsibilities, membership, staffing requirements, and relationship to existing boards and commissions before establishing a Heritage Commission, and direct staff to prepare additional information for consideration.

Option 3: Innovative Land Use

Vote to recommend the City Council evaluate the use of Innovative Land Use Controls pursuant to RSA 674:21 as a means of protecting historic resources and neighborhood character outside of the Historic District, including, but not limited to demolition review standards, neighborhood conservation/preservation districts, and design review standards.

F. Preapproved Plans for Accessory Dwelling Units

Background

At the June 22, 2026 meeting, the City Council voted to request the Planning & Sustainability Department, in collaboration with the Housing Committee and Planning Board, review already preapproved ADU plans used by other communities to determine whether the City of Portsmouth can adopt existing plans to be approved for use. Below is the discussion from the meeting minutes related to this request.

Councilor Cook explained her reason for this recommendation. She would like for the City to stay ahead of the trend. She explained that the Housing Blue Ribbon Committee is currently working on their Housing Action Plan and is asking for this to be included in that process and that the Planning & Sustainability and Legal Departments look at this in conjunction with the Housing Committee and the Planning Board. Councilor Moreau suggested we ask for a report back from the Legal Department regarding the use of other communities' preapproved plans. Councilor Tabor would like more explanation about how the plans fall within historic district guidelines. Outside the Historic District, the process and cost of approving an ADU is beneficial. Councilor Bagley mentioned this would make things more available by right of home ownership. The more things we can allow our residents to do by right, the easier it may be for them to stay in their homes. In addition to reaching out to other communities with established ADU plans, he mentioned reaching out to Cole Peterson from Portland, Oregon, a guru regarding ADUs for the past 20 years.

Several states and municipalities have recently implemented programs that provide homeowners with standardized ADU designs that have undergone advance review for code compliance. These programs are intended to reduce architectural design costs, shorten permitting timelines, and simplify the process of constructing an ADU. While site-specific review for zoning compliance, utilities, drainage, and other local requirements is typically still required, the building design itself has already been reviewed and approved.

In 2026, the Massachusetts Executive Office of Housing and Livable Communities launched an ADU Design Challenge and now maintains a library of free downloadable ADU designs. The program was established to make ADUs easier and more affordable by providing ready-to-use plans that can reduce design costs and streamline permitting. The designs were specifically developed to address New England building conditions and housing needs.

The State of Vermont is currently developing the "802 Homes" catalog through its Homes for All initiative. The program will provide community-tested, construction-ready plans, including ADUs and other small-scale housing types, that municipalities may adopt to streamline development review and reduce housing development costs. The

initiative focuses on context-sensitive designs compatible with Vermont's existing communities and village centers.

The City could consider developing a Portsmouth-specific catalog of preapproved ADU designs through its own local ADU Design Challenge seeking submissions from architects, builders, and designers. The designs could be tailored to local zoning requirements, neighborhood context, and the Historic District along with compliance with the building code. Issues that may arise from using other municipalities' plans include licensing, ownership rights, compatibility with New Hampshire building codes, and other local regulations.

The City published an ADU Homeowner's Handbook in 2025 containing numerous ADU prototypes, conceptual floor plans, elevations, and design examples tailored to Portsmouth's housing stock and neighborhood character. While portions of the handbook relating to regulations and permitting requirements may need updating following recent changes to the zoning ordinance due to changes in state law, the design examples remain a useful resource for homeowners considering construction of an ADU. The City may wish to evaluate whether updating and expanding these materials could achieve some of the same objectives as a formal preapproved plan program while avoiding the costs associated with developing and maintaining construction-ready preapproved plans.

The Housing Committee has not discussed this topic yet. If the Planning Board wants to wait until it receives input from the Housing Committee prior to reporting back to City Council, the Board should continue discussion until such time.

VI. OTHER BUSINESS

A. 48-50 Langdon Street – Subdivision Extension Request

Background

The applicant is requesting an additional six-month extension of the subdivision granted on November 20, 2025. An initial six-month extension was granted by the Planning & Sustainability Director on April 10, 2026. A second extension requires approval by the Planning Board, which is the subject of this request.

Planning Department Recommendation

Vote to grant a six-month extension of the subdivision to May 20, 2027.

B. 921 Islington Street – Site Plan Extension Request

Background

The applicant is requesting an extension of the site plan that was approved on October 16, 2025. The applicant is still working through the post approval process and a building permit has not been issued for this project yet.

Planning Department Recommendation

Vote to grant a one-year extension of the site plan approval to October 16, 2027.

C. Board Discussion of Regulatory Amendments and Other Matters

D. Chairman's Updates and Discussion Items

VIII. ADJOURNMENT