City of Portsmouth
Planning Department
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Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: November 13, 2026 ***REVISED November 17, 2026***

Re: Recommendations for the November 19, 2026 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the October 15, 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 October 15, 2026 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SUBDIVISION REVIEW

A. The request of **Ryan Trust (Owner)**, for property located at **221 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots with associated site improvements. Said property is located on Assessor Map 175 Lot 10 and lies within the General Residence A (GRA) District. (LU-26-57)

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 III of the agenda) and to accept the application for consideration.

SITE PLAN REVIEW

A. The request of **Road to the 140 West LLC (Owner)**, for property located at **140 West Road** requesting Site Plan Approval for site improvements including parking, outdoor dining, lighting, drainage and landscaping. Said property is located on Assessor Map 252 Lot 2-1301 and lies within the Industrial (I) District. (LU-26-107)

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 III of the agenda) and to accept the application for consideration.

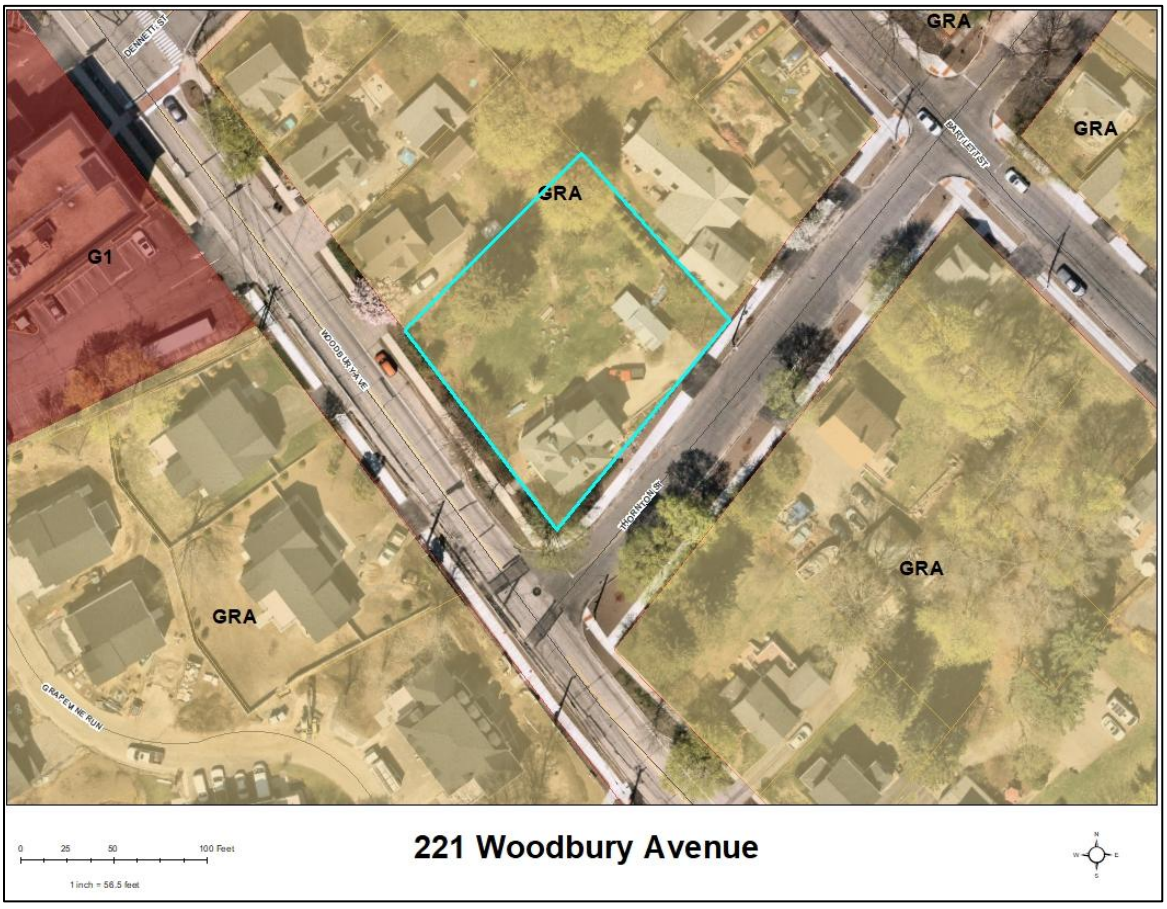
The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.

III. PUBLIC HEARINGS – NEW BUSINESS

A. The request of **Ryan Trust (Owner)**, for property located at **221 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots with associated site improvements. Said property is located on Assessor Map 175 Lot 10 and lies within the General Residence A (GRA) District. (LU-26-57)

Project Background

The applicant requests Preliminary and Final Subdivision Approval to subdivide an existing 17,351 square foot corner parcel containing a two-family dwelling into two residential lots. The existing two-family dwelling will be converted into a single-family dwelling and a second lot is proposed in order to construct a new single-family dwelling. The applicant requests a waiver from the Subdivision Regulations requiring a subdivision review agreement and associated financial surety, including installation and maintenance bonds, citing the limited scope of improvements associated with the proposed two-lot subdivision.



Project Review, Decisions, and Recommendations

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

Board of Adjustment

At their regular meeting of Tuesday, June 16, 2026, the Board of Adjustment considered relief to subdivide the existing parcel into two parcels, for demolition of the existing one-story detached garage and construction of a new two-story detached garage on lot 1; and a new single-family residential structure on lot 2, which requires the following: 1) Variance from Section 10.521 to allow 63 feet of frontage where 100 feet is required.. The Board voted unanimously (7-0) to grant the requested variances as presented.

Technical Advisory Committee

At their regularly scheduled meeting of Tuesday, October 6, 2026, meeting TAC voted to recommend that the Planning Board approve the subdivision with the following conditions:

1) Applicant shall submit the final utility design to the Department of Public Works (DPW) for review prior to Planning Board consideration.

2) Applicant shall have the plans stamped by a licensed land surveyor.

3) Applicant shall request a waiver from the Planning Board regarding the Subdivision Review Regulations requirement for a subdivision review agreement and surety.

The conditions above have been addressed in the Planning Board submittal or added as conditions below.

Planning Department Recommendation Subdivision Waiver

Vote to grant the requested waiver from Section IX for a site review agreement and associated surety and maintenance bonds.

An affirmative vote of six members of the Planning Board is required to grant a waiver.
[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 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) Two-family dwelling must be discontinued prior to recordation of the subdivision.

2.6) Existing garage must be removed prior to recordation of subdivision.

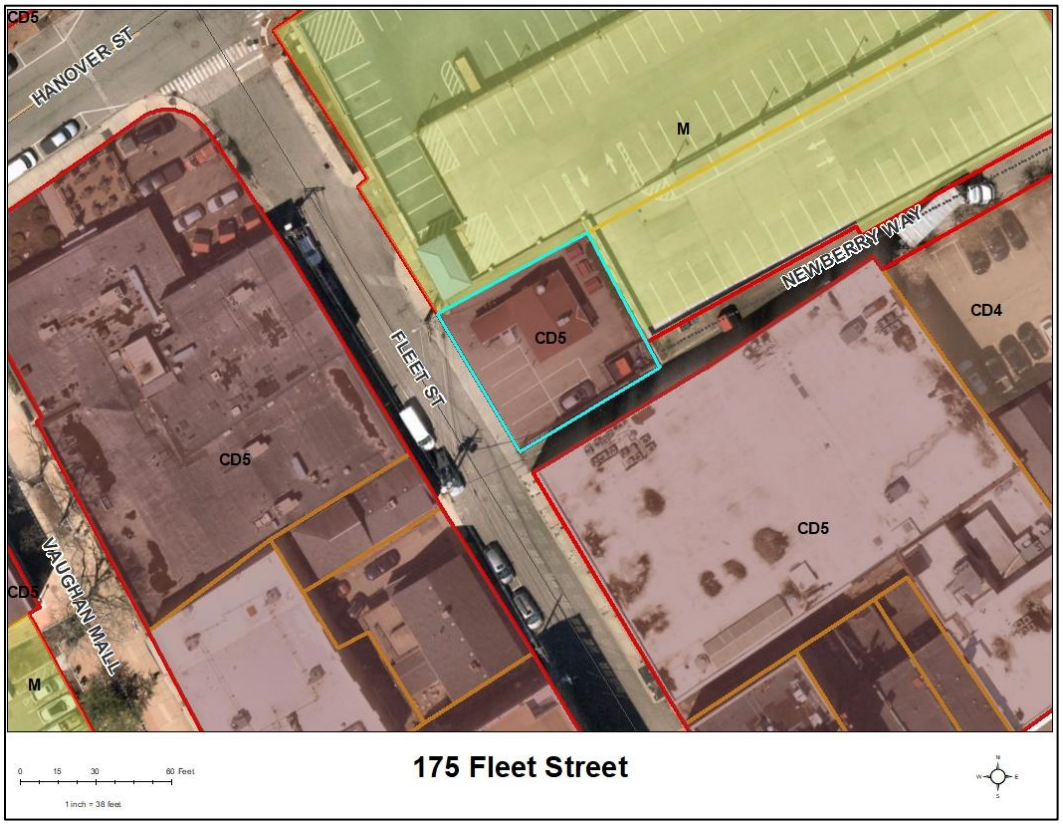
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

III. PUBLIC HEARINGS – NEW BUSINESS

B. The request of **Ralph 1912 LLC (Owner)**, for property located at **175 Fleet Street** requesting Amended Site Plan Review Approval for modifications to the approved site plan and amendments to Conditions of Approval associated with the Planning Board's January 22, 2026, Letter of Decision. Said property is located on Assessor Map 117 Lot 8 and lies within the Character District 5(CD5), Historic and Downtown Overlay Districts. (LU-25-152)

Project Background

The applicant requests Amended Site Plan Approval for the previously approved development at 175 Fleet Street, including modifications to the site plan and certain Conditions of Approval to reflect final design, utility, landscaping, and streetscape coordination changes. The principal amendment request is removal of Condition 2.7 of the Planning Board's January 22, 2026 approval, which requires submission of a structural engineer-stamped shoring plan associated with excavation activities adjacent to Newberry Way.



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 to remove prior condition 2.7 from the Planning Board's January 22, 2026 action. All other conditions of approval still apply.

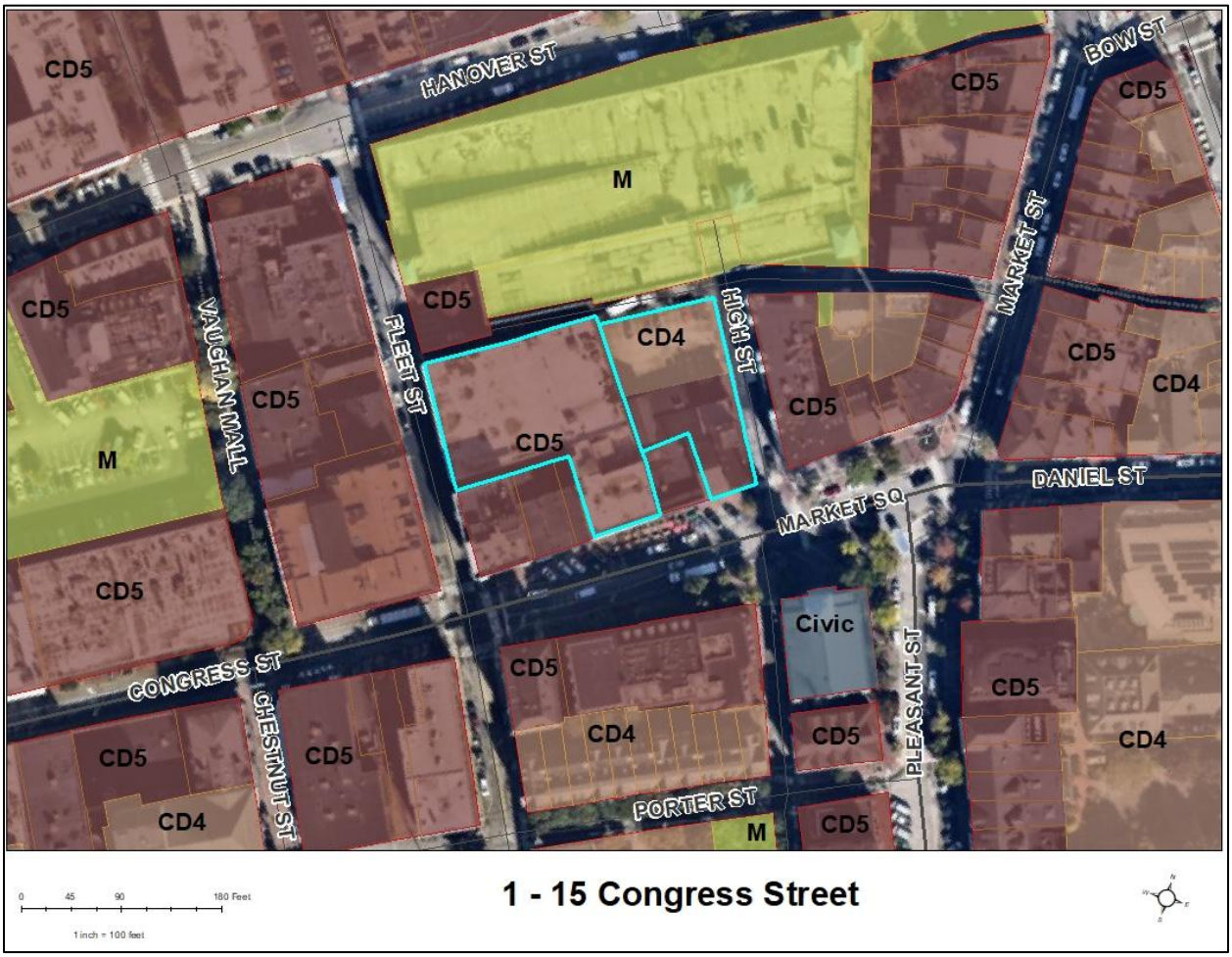
The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.

III. PUBLIC HEARINGS – NEW BUSINESS

C. The request of **One Market Square LLC (Owner)**, for property located at **1-15 Congress Street/Newbury Way** requesting an Earth Products Removal and Placement permit in accordance with Section 10.1020 of the Zoning Ordinance for the removal of approximately 1,275 cubic yards of material. Said property is located on Assessor Map 117 Lot 14 and lies within the Character District 4 (CD4), Character District 5 (CD5), Historic and Downtown Overlay Districts. (LU-26-145)

Project Background

The applicant requests an Earth Products Removal Permit pursuant to Section 10.1020 of the Zoning Ordinance to allow excavation and removal of approximately 1,275 cubic yards of material within Newberry Way and the adjacent parking area at 1-15 Congress Street. The purpose of the excavation is to establish proposed grades and obtain subsurface information necessary for the design of future pedestrian improvements associated with the Newberry Way corridor. Under Section 10.1023, the Planning Board must find that the proposed activity will not create hazards to the public or adjacent properties, create traffic safety concerns, or adversely affect surrounding property values or neighborhood character. The permit may also include conditions addressing drainage, site stabilization, fencing, hours of operation, transportation routes, and restoration of the site following completion of the work. The applicant proposes restoring the excavated area with pavement and other temporary stabilization measures pending future redevelopment of the corridor. The applicant has indicated they are abandoning the 1-15 Congress site plan approval at this time.



Planning Department Recommendation
Earth Products Removal and Placement Approval

1) Vote to find that the Earth Products Removal and Placement Application meets the requirements set forth in the Section 10.1023 of the Zoning Ordinance and adopt the findings of fact as presented.

(Alt.) Vote to find that the Earth Products Removal and Placement Application meets the requirements set forth in the Section 10.1023 of the Zoning Ordinance and adopt the findings of fact as amended.

2.) Vote to grant the Earth Products Removal and Placement permit with the following conditions:

2.1) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City.

2.2) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor excavation and stabilization of the area.

2.3) Applicant shall provide a surety in the amount to cover the stabilization and cost of the oversite engineer.

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.

III. PUBLIC HEARINGS – NEW BUSINESS

D. The request of **Road to the 140 West LLC (Owner)**, for property located at **140 West Road** requesting Site Plan Approval for site improvements including parking, outdoor dining, lighting, drainage and landscaping. Said property is located on Assessor Map 252 Lot 2-1301 and lies within the Industrial (I) District. (LU-26-107)

Project Background

The applicant requests Site Plan Review approval for improvements associated with the operation of the Black Rock Social Club at 140 West Road. Proposed site improvements include an outdoor dining and drinking area, fencing and gates, landscaping, drainage improvements, bicycle parking, relocated dumpsters, and circulation enhancements. The applicant also requests a parking modification pursuant to Section 4.3 of the recently adopted Site Plan Review Regulations and a waiver from the landscaped parking island requirements of Sections 6.6(2) and 6.6(3).

Although the applicant has requested a parking modification pursuant to Section 4.3 of the Site Plan Review Regulations, the parking analysis submitted with the application demonstrates that the site provides the number of parking spaces required under the recently amended Site Review Regulations. Accordingly, the request is precautionary and intended to acknowledge the continued use of the existing parking field layout rather than to seek relief from a minimum parking requirement. The relief requested by the applicant consists of the waiver requests from the landscaped parking island requirements contained in Sections 6.6(2) and 6.6(3) and a waiver to not require a surety or bond under Section IX of the Regulations.

The proposed improvements are limited in scope and the site is largely developed and operational. However, staff recommends that the Planning Board require a Site Plan Review Agreement together with a performance surety in an amount determined by the Department of Public Works, limited to the value of the remaining site improvements, including but not limited to landscaping in the ROW and any outstanding drainage or stormwater work shown on the approved plans. The limited surety would ensure completion of the remaining improvements.



Project Review, Decisions, and Recommendations

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

Board of Adjustment

At their regular meeting of Tuesday, August 25, 2026, the Board of Adjustment considered the following relief to establish an indoor recreation space, restaurant, event space, and outdoor dining area which required the following: 1) Variance from Section 10.440 to allow a) Use #9.43, a restaurant and function room with an occupant load from 250 to 500 where it is not allowed, b) Use #4.30, indoor recreation use where it is not allowed, and c) Use #19.50, outdoor dining as accessory use to a permitted principal use; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and street; and 3) Variance from Section 10.1113.41 to allow a 2 foot parking space setback where 50 is required. The Board voted unanimously (5-0) to grant the requested variances as presented.

Technical Advisory Committee

At their regularly scheduled meeting of Tuesday, October 6, 2026, meeting TAC voted to recommend that the Planning Board approve the site plan with the following conditions:

1) *Landscaping proposed within the public right-of-way will require a license agreement for ongoing maintenance.*

2) *Applicant shall confirm whether irrigation meters are proposed. If irrigation is to be installed within the public right-of-way, a license agreement will also be required for the irrigation system.*

3) *The attached pergola does not comply with the required side yard setback and will require a variance unless redesigned to meet zoning requirements.*

4) *Applicant shall provide screening for the transformer or obtain a waiver from the Planning Board.*

5) *Applicant shall revise the truck-turning template to provide adequate turning radius required by the Fire Department.*

6) *The Site Review Regulations require two landscaped parking lot islands. Applicant shall either add the required islands or request a waiver from the Planning Board.*

7) *Applicant shall revise the stormwater design to increase the infiltration trench underdrain to a minimum 6-inch diameter pipe (8-inch preferred) and correct the pipe bedding depth to 12-inches.*

8) *Applicant shall provide bicycle parking.*

9) *City staff will recommend whether a site review agreement and surety should be required as part of the project approval.*

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

Planning Department Recommendation
Site Plan Waiver

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1) Vote to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations:

Section 6.6(2) requiring landscape islands between adjacent rows of parking and between groups of parking; and Section 6.6(3) establishing the minimum dimensional requirements for landscaped islands.

Two motions for the requested waiver from a site surety for the Board to consider:

Vote to deny the request to waive the performance surety and require execution of a Site Plan

Review Agreement together with a site surety.

Or

Vote to grant the request to waive the performance surety requirement as requested.

[Note: An affirmative vote of six members of the Planning Board is required to grant a waiver.]

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) Landscaping proposed within the public right-of-way will require a license agreement for ongoing maintenance.

2.4) If irrigation is to be installed within the public right-of-way, a license agreement will also be required for the irrigation system.

2.5) If future transformer is installed, applicant will screen in accordance with the Site Review Regulations.

2.6) 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.

2.7) *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;*

2.8) 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.

IV. PRELIMINARY CONCEPTUAL CONSULTATION

A. 163 Deer Street

The applicant 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.

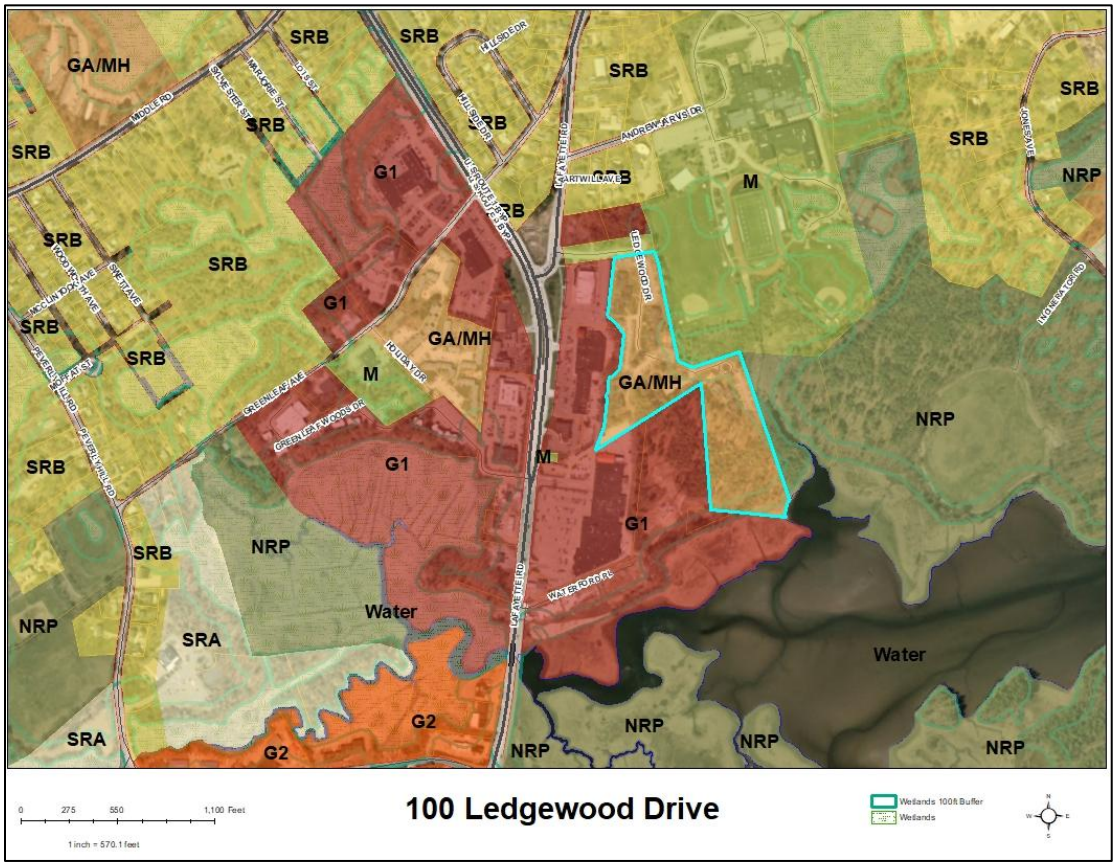
Preliminary conceptual consultation is described in the state statute as follows: *[Preliminary conceptual consultation] … shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. 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.

V. CITY COUNCIL REFERRALS

A. **100 Ledgewood Drive** – Requesting Zoning Map Amendment

The applicant requests a zoning map amendment to rezone approximately 15 acres at 100 Ledgewood Drive (Tax Map 229, Lot 7) from Garden Apartment/Mobile Home (GA/MH) to Gateway-1 (G1). The property is currently developed with approximately 150 multifamily dwelling units and is situated adjacent to existing Gateway-1 zoning along the Lafayette Road corridor. The applicant states that the amendment would align the property with surrounding Gateway zoning and the City's housing and land use objectives while preserving opportunities for future residential redevelopment. No specific development proposal is associated with the request. Any future redevelopment would remain subject to all applicable zoning requirements and land use approvals.



Planning Department Recommendation

Vote to recommend that the City Council rezone Tax Map 229 Lot 7 from Garden Apartment/Mobile Home (GA/MH) to Gateway Neighborhood Corridor (G-1).

B. 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.

C. 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 discussed this at their November 5, 2026 regular meeting and by consensus indicated the Planning & Sustainability Department should update the 2025 ADU Handbook to comply with the RSA and identify anything else that may be helpful to include.

Planning Department Recommendation

Vote to report back to City Council that the 2025 ADU Handbook should be updated to comply with the RSA and the Zoning Ordinance.

VI. OTHER BUSINESS

A. 84 Pleasant 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.

B. Board Discussion of Regulatory Amendments

i. **Zoning Amendments**: Child Care Centers and Residential in Commercial Districts

Background
The proposed zoning amendments update the Portsmouth Zoning Ordinance to comply with recent changes to New Hampshire law concerning multifamily housing and daycare and child care facilities.

The amendments revise the Table of Uses to permit multifamily residential development in commercial zoning districts consistent with RSA 674:80, which requires municipalities to allow multifamily housing on commercially zoned land where adequate infrastructure exists.

The amendments also revise child care regulations to conform with RSA 674:16, VI and RSA 674:81. These changes update ordinance terminology and definitions, permit Family Day Care Homes and Family Group Day Care Homes as required by state law, establish standards for Child Care Centers, and clarify limitations on local review and regulation consistent with RSA 170-E and applicable state licensing requirements.

Planning Department Recommendation
Vote to recommend the City Council schedule first reading on the proposed zoning amendments as presented/as amended.

ii. **Zoning Amendments**: Expansion of Workforce Housing Options

Background

The Housing Committee has voted to refer proposed workforce housing amendments to the Planning Board for review and recommendation to City Council. The amendments modify the workforce housing provisions associated with development incentives in Article 5A (Character Districts) and Article 5B (Gateway Neighborhood Mixed Use Districts).

Under the current ordinance, workforce housing obligations associated with bonus incentives are generally satisfied through the provision of workforce housing units within the development. The proposed amendments would establish additional compliance options, allowing an applicant to satisfy workforce housing requirements through the construction of workforce housing units, payment of a fee in lieu of workforce housing units, conveyance of land to the City for workforce housing purposes, or a combination of these methods. The land conveyance option utilizes the framework established in the existing Gateway Neighborhood Overlay District (GNOD), modified to focus on the ability of the conveyed land to accommodate the number of workforce housing units that would otherwise be required.

The amendments also introduce a new modification section within Article 5A similar to what exists currently in Article 5B. The proposed Article 5A language would authorize the Planning Board to modify provisions of Article 5A through the conditional use permit process when the Board determines that the modification advances the purpose and intent of the Character District regulations and associated public benefits. As drafted, this authority could encompass workforce housing requirements, dimensional standards, or other provisions contained within Article 5A, subject to the findings and approval criteria established in the ordinance.

The proposed amendments are intended to provide greater flexibility in achieving workforce housing objectives while ensuring that projects receiving zoning incentives continue to contribute toward the City's housing goals. The amendments also advance recommendations contained in the City's Housing Action Plan, including the establishment of fee-in-lieu mechanisms and other tools that can support future workforce housing development opportunities.

Planning Department Recommendation

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

C. Chairman's Updates and Discussion Items

VII. ADJOURNMENT