



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: February 12, 2026

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

I. APPROVAL OF MINUTES

A. Approval of the January 22, 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 January 22, 2026 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Nicole and William Douglas (Owners)**, for property located at **409 Lafayette Road** requesting Preliminary and Final Subdivision approval to subdivide the existing residential lot into two residential lots with associated site improvements Said property is located on Assessor Map 230 Lot 22 and lies within the Single Residence B (SRB) District.

Planning Department Recommendation

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

SITE PLAN REVIEW

- A. 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.

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

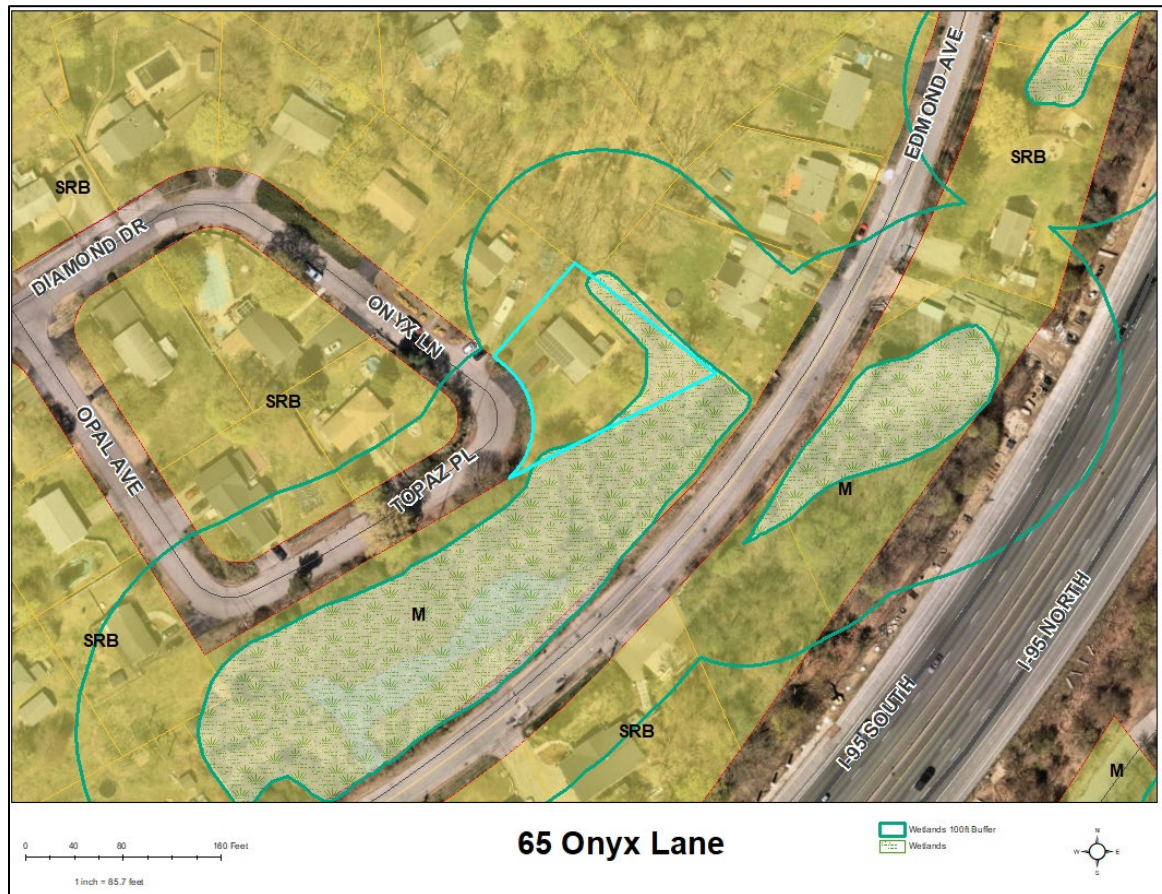
III. PUBLIC HEARINGS – OLD BUSINESS

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

- A.** The request of **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.*

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.*

IV. PUBLIC HEARINGS – NEW BUSINESS

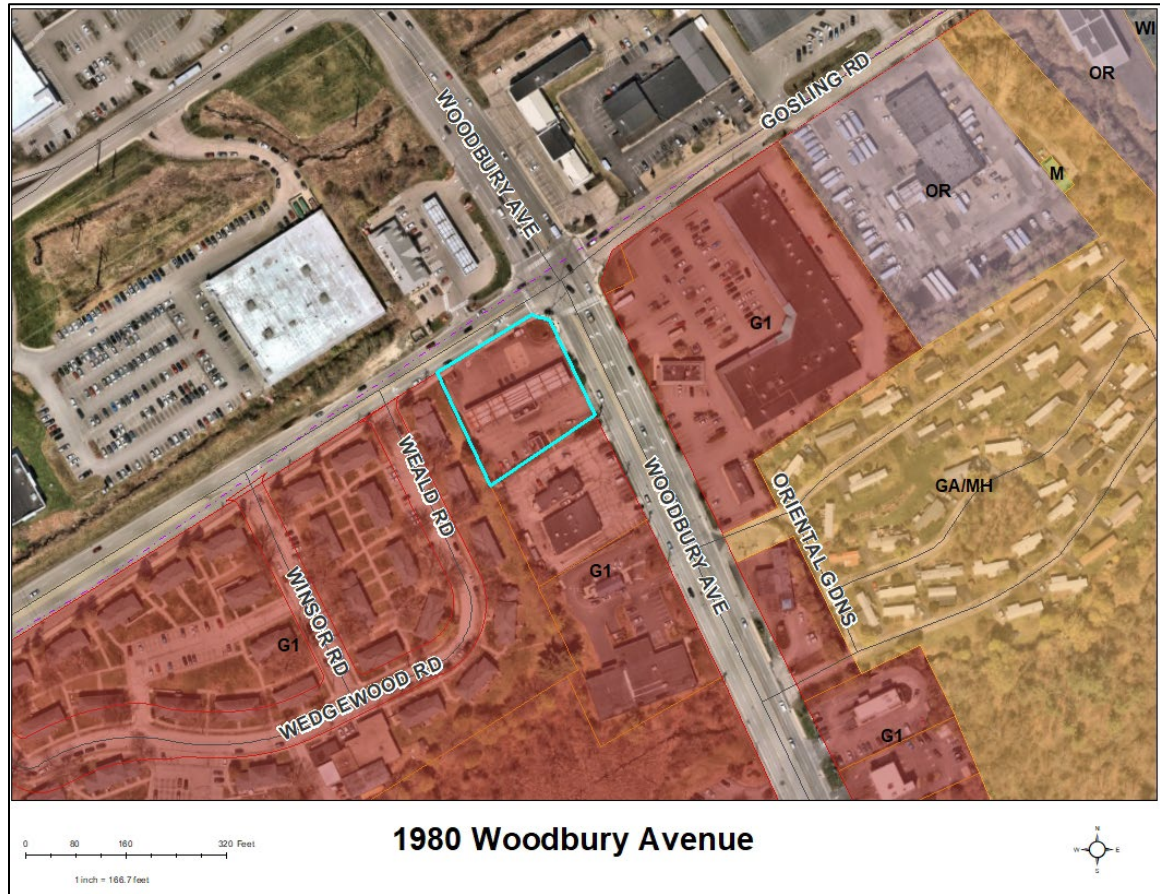
*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A.** The request of **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 side to improve pedestrian safety and access.

The applicant is in the process of changing the address for the property and has submitted a request to Public Works to change the address from Woodbury Ave to 90 Gosling Road, which has been preliminarily approved. This impacts the principal front and rear lot line. Currently, the rear lot line is opposite Woodbury and the side is opposite Gosling. The change of address would change the rear and side lot line, allowing the building to be situated as proposed without the need for an additional variance.



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.

The applicant will be back before the Zoning Board on February 18, 2026 due to a noticing error. Staff will provide any update on the outcome of the decision from that meeting at the Planning Board meeting.

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.

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) Applicant shall contact DPW prior to any work in the right of way.

2.4) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>

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

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

2.6) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

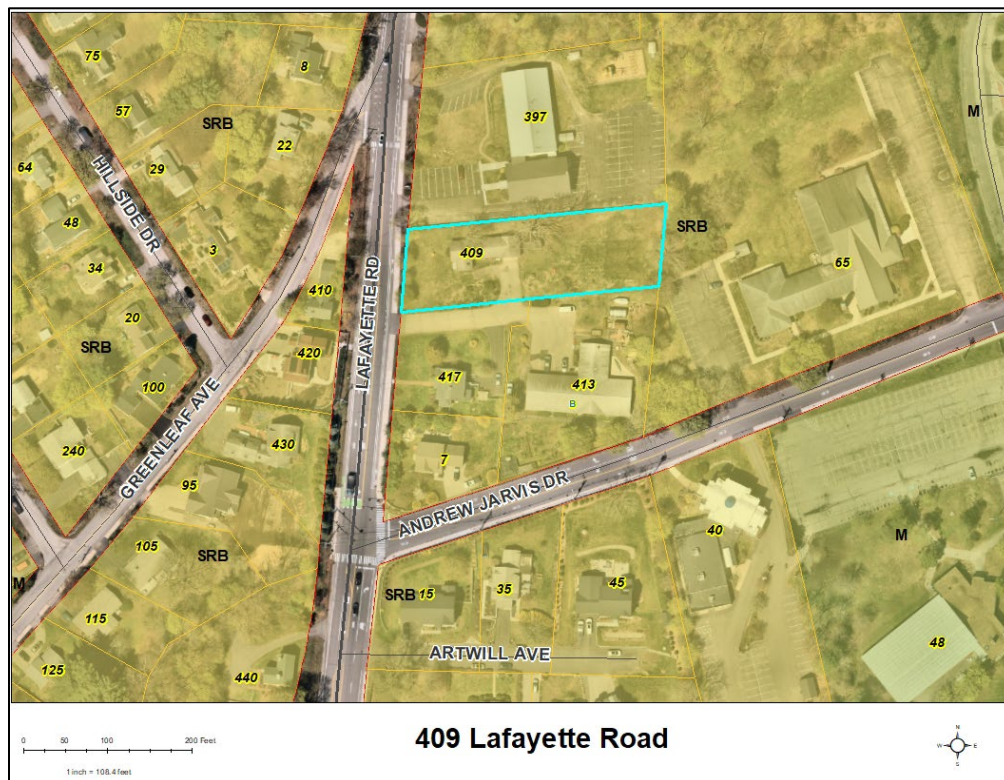
IV. PUBLIC HEARINGS – NEW BUSINESS

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that issue should be raised at this point or it will be deemed waived.*

- B.** The request of **Nicole and William Douglas (Owners)**, for property located at **409 Lafayette Road** requesting Preliminary and Final Subdivision approval to subdivide the existing residential lot into two residential lots with associated site improvements. Said property is located on Assessor Map 230 Lot 22 and lies within the Single Residence B (SRB) District.

Project Background

The applicant is proposing to subdivide the existing lot into two lots. The existing lot is large enough in size to be divided into two lots that conform to the 15,000 square foot lot area required in the SRB district. However, the rear lot will lack any street frontage. The applicant received a variance for frontage, outlined in the details below.



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, September 16, 2025, the Board of Adjustment

considered the variance request to subdivide the property with the rear lot having no street frontage. The Board voted unanimously to grant the variance.

Technical Advisory Committee

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

1. *Install address placard before the back building is built.*
2. *Work with the Assessing Department for map and lot number and add to plan before submittal to the Planning Board.*
3. *Fix the note about the 4" pvc sewer lateral.*
4. *Show the proposed power hook up for the new lot and review with DPW prior to Planning Board submittal.*
5. *That relevant waivers are requested from the Subdivision Ordinance.*

The conditions above have been addressed in the Planning Board submittal.

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 be 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.*

IV. PUBLIC HEARINGS – NEW BUSINESS

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

- C. The request of **The Welby Long Family Revocable Trust (Owner)**, and **Jeffrey Paul McMahon and Lisa Hagerty-McMahon (Owners)**, for property located at **245-255 Thornton Street** requesting approval of a Lot Line Revision between Map 162 Lot 2 and Map 162 Lot 1 to settle a property line dispute. The revision will result in an increase of 454 square feet to Lot 1 and a decrease of that amount from Lot 2. Said properties are located on Assessor Map 162 Lot 1 and Map 162 Lot 2 and lie within the General Residence A (GRA) District.

Project Background

This proposal includes a lot line revision to settle a property line dispute between the two applicants that has been ongoing since 2024. The applicants have reached a settlement through Superior Court and the proposed lot line revision before the Board is the next step in resolving the conflict. Both parcels exceed the dimensional requirements for the district, with the exception of frontage. The proposed revision does not change the frontage for either lot, maintaining the existing condition for frontage.

A waiver from Section IX, 1 of the Subdivision Rules and Regulations for Improvement and Installation Bond was requested in the application, but this is not necessary since no work or improvements are proposed with the lot line revision. This lot line adjustment did not need to go before the Technical Advisory Committee because the application did not contain any of the following:

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



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) *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.*

IV. PUBLIC HEARINGS – NEW BUSINESS

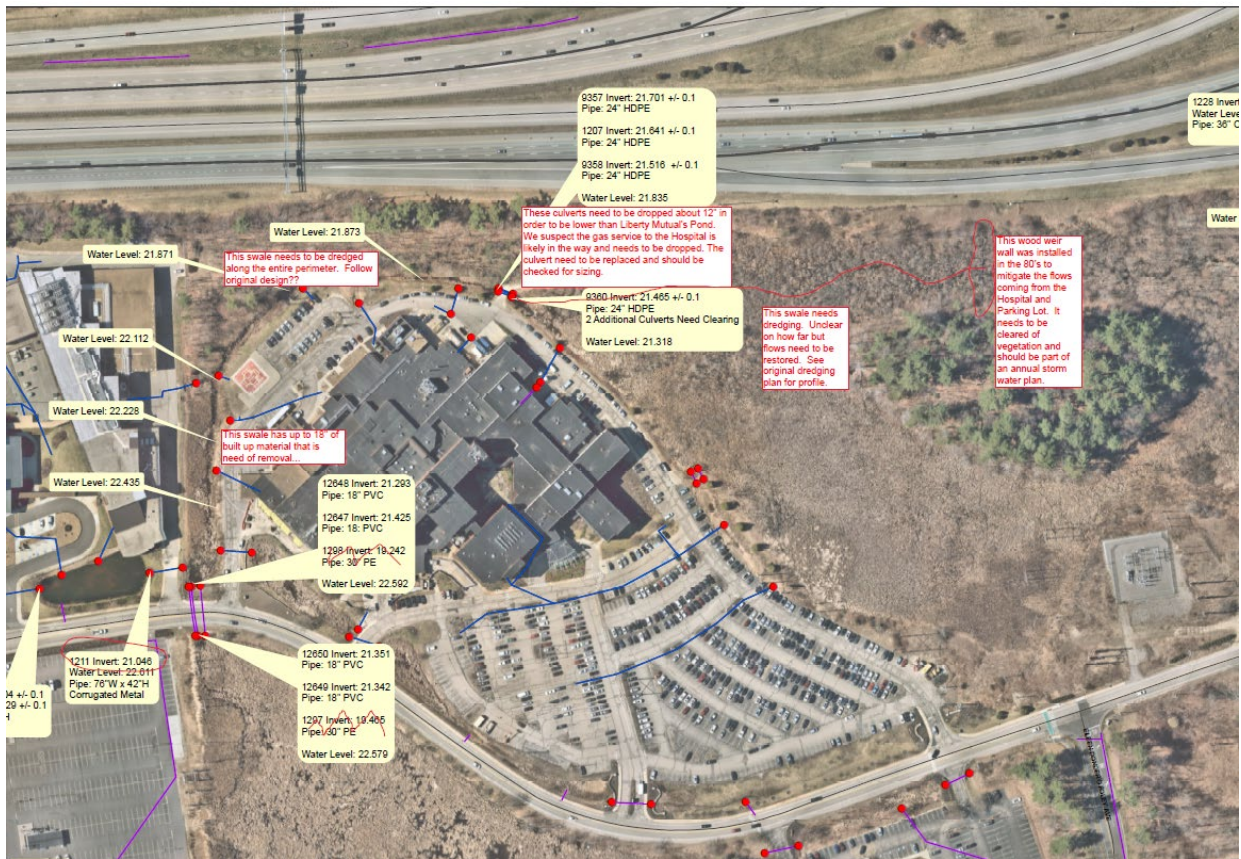
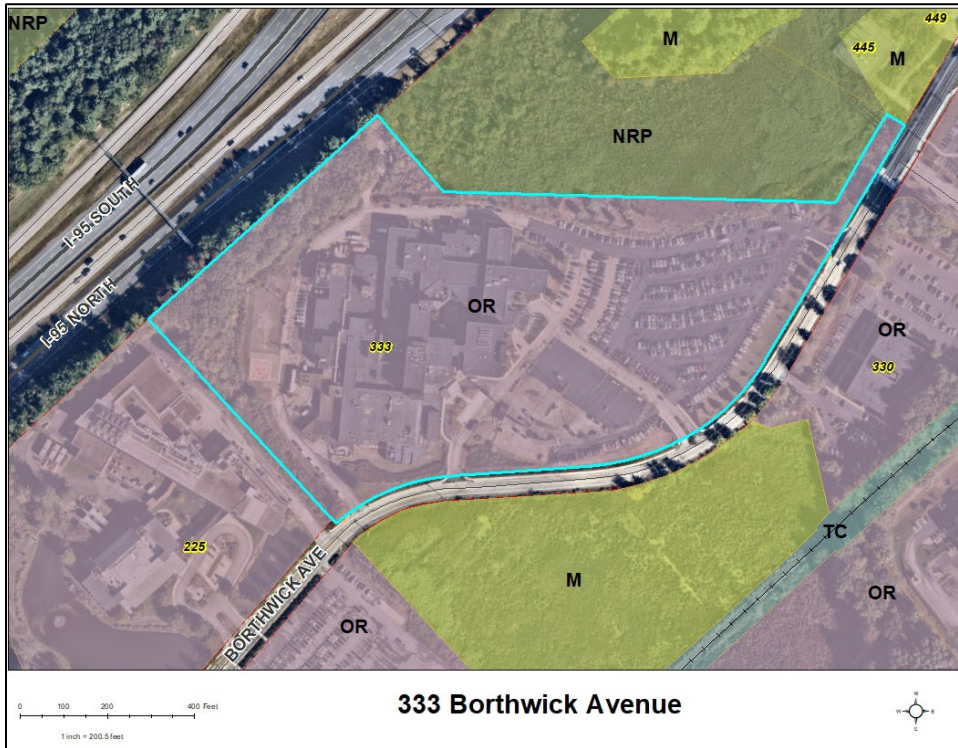
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- D.** The request of **HCA Health Services of NH (Owner) dba Ducharme McMillen and Associates (Applicant)**, for property located at **333 Borthwick Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 to widen the existing sidewalk and construct a new overhead canopy at the ambulance bay. The proposed impacts include approximately 730 s.f. of new impervious surface within the 100' wetland buffer. Said property is located on Assessor Map 240 Lot 2-1 and lies within the Office Research (OR) and Highway Noise Overlay Districts (HNOD). (LU-25-180)

Background

This application is for the replacement of an ambulance garage door and the addition of a widened concrete sidewalk with a new overhead canopy at the Portsmouth Regional Hospital ambulance bay. A portion of this project lies within the 100' wetland buffer. The proposed impacts include approximately 730 s.f. of new impervious surfaces added to expand the sidewalk width. The changes to the site are minor and can be approved administratively by the Planning & Sustainability Director.

The Planning Board granted a wetland CUP on March 20, 2025 to replace three existing culverts with a box culvert. This permit included dredging the sediment accumulation which has not been completed yet. An exhibit prepared by DPW is below showing the areas that need to be dredged in order to achieve optimal flow through the system. A condition has been added to this request to ensure the dredging is completed prior to a certificate of completion.



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 a previously disturbed lot with mostly impervious surfaces for transportation and pedestrian access to the hospital. This project is a safety improvement for patients of the hospital and would create a small increase in impervious surface where landscaping exists today.

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

The location of proposed work is within the existing ambulance bay. There is no alternative location outside of the wetland buffer.

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

This project proposed an increase in impervious surfaces while also adding new downspouts to proposed canopy to capture additional stormwater runoff. New plantings are proposed near the sidewalk, but additional plantings should be included along the top of the swale bank that stretches the length of the ambulance garage to the lawn south of the helipad.

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

The expansion of impervious surfaces is proposed to occur within a portion of the existing landscape in order to accommodate the new sidewalk. New plantings are proposed adjacent to the new sidewalk.

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

Due to the nature of the use, the applicant is proposing concrete sidewalks and asphalt within the wetland buffer. Additional plantings along the resource should be provided to offset the proposed impacts.

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

It appears as though the vegetated buffer strip is not being impacted as part of this project. Applicant should consider plantings within this area of the buffer to protect the wetland resource.

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, January 14, 2026 and the Commission voted unanimously (6-0) to recommend approval with the following conditions:

1. *Applicant shall provide a planting plan prior to submission to the Planning Board for the work site which should include new plantings for the river rock area noted on the plan, the area between the new sidewalk extension and existing building, and a portion of the top of the swale bank that stretches the length of the ambulance garage to the lawn south of the helipad.*
2. *Applicant shall submit a plan to the Planning & Sustainability Department staff for review prior to submission to the Planning Board that shows the existing locations of onsite snow storage areas and plans for mitigating snow storage near wetland resources onsite. If existing snow storage occurs within close proximity to wetland resources, alternative locations shall be sought.*
3. *Applicant shall show on plans and install permanently prior to the start of construction, wetland boundary markers every fifty feet along the edge of the swale from the box culvert south down to the intersection of Borthwick Avenue.*
4. *Applicant shall note on plans that, during regular maintenance, no mowing shall occur in the area of new plantings along the top of the swale bank.*
5. *All necessary dredging and maintenance work for the swale onsite shall be completed by the applicant and approved by the City of Portsmouth Department of Public Works as a condition prior to the issuance of a Certificate of Completion for this project.*
6. *It is recommended that staff from the Department of Public Works make themselves available at the Planning Board meeting to speak to Stipulation #5.*

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) Applicant shall provide a planting plan to be reviewed and approved by Planning Department for the portion of the top of the swale bank that stretches the length of the ambulance garage to the lawn south of the helipad.

2.2) Applicant shall add a note to the plan that no snow storage in the wetland or within 25' of the resource.

2.3) All necessary dredging and maintenance work for the swale onsite shall be completed by the applicant and approved by the City of Portsmouth Department of Public Works as a condition prior to the issuance of a Certificate of Completion for this project.

V. CITY COUNCIL REFERRALS

A. Historic District Commission Design Review of New Structures

Background

On January 20, 2025, the City Council voted to request a report back from the Planning & Sustainability staff on how to remove new construction from Historic District Commissions' purview. Moved a friendly amendment to request a report back from the Planning & Sustainability staff, Historic District Commission and the Planning Board on the impact and costs associated with review of new construction from the Historic District Commission, and any recommendation to improve review efficiency.

The Historic District Commission met on Wednesday, February 4, 2026 and provided the following comments in response to the City Council referral.

The Historic District Commission upholds the importance of reviewing all new construction projects within the Historic District. The Commission agrees that there are an additional cost and time-period for review. However, the Historic District review is the primary means of preserving the district for the benefit of the city and is the only opportunity for public engagement regarding these important additions to the fabric of our city. Removing new construction from review jeopardizes, or removes completely, these safeguards.

With regard to quantifying additional costs incurred from the review process, a quick review of several recent projects indicated that the highest cost charged for fees was about \$6,210 for a multimillion-dollar project. The number of hearings varied from three to eight to reach approval. This does not account for the additional time and costs associated with additional land use review and approvals beyond the Historic District review. A more in-depth analysis would involve a wide range of factors and include obtaining construction estimates for the project before the review and after to determine changes in cost, assuming the only changes made were solely the result of the review. The Historic District Commission does not recommend using Planning Department resources for this type of study.

The Commission is committed to finding ways to improve efficiency, such as creating approved materials lists for property owners and developers and to improve our existing design guidelines. Furthermore, the city and the Historic District Commission are the recipients of a Certified Local Government (CLG) Program grant which supports training on various topics, including the review of new construction.

VI. OTHER BUSINESS

A. Extension Request – 635 Sagamore Avenue

Project Background

On February 20, 2025, the Planning Board granted Site Plan approval 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.

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 February 20, 2025 to expire on February 20, 2027.

B. Chairman's Updates and Discussion Items

C. Board Discussion of Regulatory Amendments and Other Matters

a. March Meeting

The March meeting will be held on March 26, 2026 due to holiday.

This meeting will start at 6:00 pm with an update on the Master Plan from Utile.

VII. ADJOURNMENT