

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearings begin

February 19, 2026

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello, Vice-Chair; Karen Conard, City Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas, Ryann Wolf; and Alternates Frank Perier and Logan Roy

MEMBERS EXCUSED: William Bowen; Joe Almeida, Facilities Manager

ALSO PRESENT: Peter Stith, Planning Department Assistant Director

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Alternates Mr. Roy and Mr. Perier took voting seats for the evening for the two members who were excused. Vice-Chair Coviello arrived later to the meeting.

I. APPROVAL OF MINUTES

A. Approval of the **January 22, 2026** meeting minutes.

*Councilor Moreau moved that the Board **approve** the January 22, 2026 minutes as presented, seconded by Mr. Samonas. The motion passed with all in favor.*

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.

Councilor Moreau moved that the Board 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. Ms. Wolf seconded. The motion passed with all in favor.

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.

Councilor Moreau moved that the Board 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. Mr. Samonas seconded. The motion passed with all in favor.

III. PUBLIC HEARINGS - OLD BUSINESS

- 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)

SPEAKING TO THE PETITION [Video timestamp 6:12]

Beth Murch of Groundworks was present on behalf of the applicant. She said her client's engineer determined that there was a 2" drop on one side of the home and that she inspected and confirmed it. She said 12 push piers would be installed. Councilor Moreau asked about the pier procedure, and it was further discussed.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

- 1) *Councilor Moreau moved 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. Mr. Samonas seconded. The motion passed with all in favor.*
- 2) *Councilor Moreau moved that the Board 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.*

Mr. Samonas seconded. The motion passed with all in favor.

IV. PUBLIC HEARINGS – NEW BUSINESS

- 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)

SPEAKING TO THE PETITION [Timestamp 10:08]

Chris Rice of TFMoran was present on behalf of the applicant. He noted that the project was before the Board previously when it was presented as a tear-down and rebuild of an existing gas station and that they had also been before the Technical Advisory Committee (TAC). He said there were no changes to the project other than the right-hand turn sign and the bike rack location. He said they received variances from the Board of Adjustment (BOA). Chair Chellman asked if the frontage question was resolved. Mr. Rice agreed. He said they had frontages on two sides of the property and that the existing conditions plan had incorrectly labeled the remaining two property lines and side setbacks and that the owner had been working with City Staff to change the site address, which would make everything comply with the setback requirements.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

- 1) *Mr. Giuliano moved that the Board 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. Mr. Samonas seconded. The motion passed with all in favor.*
- 2) *Mr. Guiliano moved that the Board grant Site Plan Approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

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

2.3) *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.*

Councilor Moreau seconded. The motion passed with all in favor.

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. (LU-25-126)

SPEAKING TO THE PETITION [Timestamp 15:03]

Richard Hackeman of Altus Engineering was present on behalf of the applicant, along with Eric Weinrieb of Altus Engineering (via Zoom). Mr. Hackeman said the applicants received the necessary variances from the BOA and had accepted TAC's recommendations. He reviewed the project, noting there was a shared 50-ft right-of-way that currently serviced the three lots. He said the proposal for the new lot in the back of 409 Lafayette Rd would now be Lot 22-1 and would have an address of 411 Lafayette Rd. He said it would receive an access easement across the existing driveway to 409 Lafayette Rd and that there did not seem to be any issues with the neighbors. He said the utilities would need to be underground and would run from Lafayette Rd. He said the applicant did not want to bring the underground utilities in from Lafayette Rd, so they were talking to Eversource to see if the new service could come from a pole that would be on the northerly side of 411 Lafayette Rd.

The Board had no questions, and Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD

- 1) *Councilor Moreau moved that the Board 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. Mr. Samonas seconded. The motion passed with all in favor.*
- 2) *Councilor Moreau moved that the Board 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.*

Mr. Samonas seconded. The motion passed with all in favor.

- 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 sf 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. (LU-26-10)**

SPEAKING TO THE PETITION [Timestamp 22:54]

Attorney Darcy Peyser was present on behalf of the applicant, along with the owners and Attorney Amy Manzelli representing the Thornton Street abutters. Attorney Peyser said the approval of the lot line adjustment was the final step of the parties to finalize the settlement of the litigation between them, which started in 2024 relating to a disputed boundary between the two properties. She said 255 Thornton used to have a fence on the boundary line between the property and the litigation alleged that the parties believed the fence line to be the true boundary, but when a 2023 property survey was done, it was discovered that the boundary line did not exactly follow the fence. She said that after much discussion, the parties have agreed to move the boundary lot line and wanted to relocate the lot line 3.01 feet to the west and farther onto the Thornton St property. She further explained where the lot line would run and intersect. She said the reason for the slight jog was because the parties agreed to share ownership of the Norway maple and because it would avoid any changes to the frontage of the two lots, which would

require relief from the BOA. She said 235 Thornton St would gain 454 sf of lot area. She said no construction was proposed in the area, there were no changes to any access, and no other relief was required from other municipalities. She said the request for relief was important to the parties because it would allow them to put the litigation behind them.

Chair Chellman asked why a boundary line agreement wasn't done. Attorney Peyser said the boundary was by acquiescence claim and an adverse possession claim. She said the parties reached the agreement and that the City determined that her client could not affect the terms of the settlement agreement without coming before the Board for a lot line adjustment.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD [Timestamp 27:37]

- 1) *Councilor Moreau moved that the Board 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. Mr. Samonas seconded. The motion passed with all in favor.*
- 2) *Councilor Moreau moved to that the Board 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.*

Ms. Conard seconded. The motion passed with all in favor.

- 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 sf 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)

SPEAKING TO THE PETITION [Timestamp 28:49]

Chris Akers with of Catalyst Design Group, Nashville, was present on behalf of HCA Health Services of NH. He said a garage bay door on the ambulance garage was narrower than the others, so they wanted to replace it and make it wider. He said the two ambulance parking places had a 5-ft wide sidewalk to the front of them, which they wanted to widen to 12 feet and place a canopy cover on top of them. He said there would be a slight increase in impervious area but that they proposed a larger landscaped area between the existing building and the proposed sidewalk expansion to offset it. He said they were within 10 feet of the 100-ft wetland buffer.

Note: at this point in the meeting, Vice-Chair Coviello arrived.

[Timestamp 30:25] Chairman Chellman said there were previous issues about cleaning up the drainage in the back. Mr. Akers said the team walked the site that day to identify some solutions, but it would be a long process and they hoped it could be continued after the project's approval. He said the hospital was dedicated to solving it. Chair Chellman confirmed that Mr. Akers would follow through and take care of it. Dave Desfosses, Department of Public Works Construction Project Manager, said the City had been working diligently for the last four for five years since Liberty Mutual complained that their ponds were overfilled an additional 18-24 inches. He said the original wetland that surrounded the hospital had slowly been getting filled in with sediment due to multiple expansions over the last 45 years. He said the Conservation Commission memo wanted the applicant to stop pushing snow into the wetland. He said the applicant was willing to help the City and that there would be a sizable wetland permit that would need to go through. He said the City determined through GIS that to get the flow line of the swale back to its original condition, about 18 inches of sediment had to be removed from the swale. He noted that Pannaway Manor and Route 95 drained into Liberty Mutual's pond and the Sherburne Fields drained into the marsh and then into the swale, so there was likely more than 80 acres of expensive property that drained through the small swale. He said the goal was to lower the water levels back to where they are supported to and to maintain the swale.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD [Timestamp 35:30]

- 1) *Mr. Giuliano moved that the Board 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. Mr. Samonas seconded. The motion passed with all in favor.*
- 2) *Mr. Giuliano moved 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.*

Ms. Conard seconded. The motion passed with all in favor.

V. CITY COUNCIL REFERRALS

A. Historic District Commission Design Review of New Structures [Timestamp 36:33]

Councilor Moreau said Councilor Blalock brought the item forward and that the idea was to remove new construction from the Historic District to make it more affordable to do buildings in that district. She said it had to be vacant land, with no additions, renovations, or teardowns allowed. She said she had brought up the idea of pre-approved plans or materials so that there might be a way not to have so much oversight. She said the Historic District Commission (HDC) Chairwoman Reagan Ruedig spoke to the Council as well and that they decided that all the land use boards should have input. She asked the Board's for their thoughts about the concept.

Mr. Samonas asked how many lots it applied to. Councilor Moreau said it applied to every parking lot in the Historic District and was limited to just vacant lots. Mr. Samonas asked what would happen in instances where there were buildings that fell into disrepair or fell down. Councilor Moreau that those lots would not count because they had a building on it. She said the lot could not have any structure of any kind. It was further discussed. Mr. Roy asked what would happen if land became, and he said he would be in favor of seeing it expanded to more than vacant lots. Councilor Moreau said it boiled down to the amount of costs of time for the professionals, engineers, architects and so on. She said some of the projects took over a year of sessions, so that was the real cost. Mr. Roy suggested that, rather than just looking at vacant lots, the future status for certain types of projects could be considered, like exemptions and housing on a vacant lot that would not need HDC approval. Vice-Chair Coviello said an HDC permit was needed to demolish a structure in the Historic District. He said he was supportive of the concept but thought there was a better way to approach it. He said maybe the City had to be more liberal or conservative in looking at homes they were trying to preserve and the structures next to them. He said the language as written was strange. Chair Chellman said he would not support an exemption. He said if the HDC manual were more explicit in certain situations, it could streamline things and make it easier for people to understand. Councilor Moreau said HDC Chairwoman Ruedig brought that up and said they received a grant and would be redeveloping their guidelines, so maybe they could be streamlined. Mr. Samonas said there could be a residual impact on the neighboring properties. It was further discussed. Chair Chellman said he and Chair Ruedig discussed having a joint meeting about the master plan and the HDC boundaries. Ms. Wolf said there were different types of historic districts in the City and asked what history was being preserved. Vice-Chair Coviello said he did not think the HDC was trying to preserve every property and have it looked at in a certain way. He thought it was really a design review board. Chair Chellman said it was contextual and not a one-size-fits-all template. It was further discussed. Councilor Moreau said the zoning process should be simplified. Chair Chellman said

streamlining would happen this year and that he, City Staff, and Deputy City Attorney might have a discussion about it. Mr. Giuliano said it was important to maintain the status quo for the HDC authority over design review, regardless if it was a parking lot or some other thing.

No vote was taken. The Board said they would provide comments to report back to City Council.

VI. OTHER BUSINESS [Timestamp 1:04:10]

A. 635 Sagamore Avenue - Requesting a 1-Year extension to the February 20, 2025 Site Plan Approval. (LU-22-12)

Attorney Kevin Baum was present on behalf of the applicant. He said the discussions about the life estate were ongoing. He said the building itself was not in great shape and that they would like to place the current occupant into a better situation, which was being worked out with the property owner's principal. Chair Chellman asked about the BOA matter that would expire in May. Attorney Baum said it was extended. Chair Chellman explained to the Board that the property owner sold the property to the developers and reserved a life estate, so he had the right to live on the property and was responsible for maintenance and utilities. He said the developer was the holder of the property, but by virtue of the life estate, no one could do anything to the property and the building until the life estate expired or was deeded away. Attorney Baum said there may be things that could be done with the building but that the owner had the right to remain and that the applicant would not disturb that right. Mr. Samonas asked why this was happening suddenly, seeing that the life estate was a recorded document at the Registry. Attorney Baum said there had been efforts over time to work through the issue but that they took longer than expected. Councilor Moreau asked if the applicant only needed the extension to the end of May. Attorney Baum agreed and said it would get them the demolition permit and address the zoning relief, but they were asking for a full year as a buffer. He said the demolition permit was the next step and that they could not get it from the City until the life estate issue was resolved, and then they could move forward with the rest. Vice-Chair Coviello said he did not see any harm to the City by granting a one-year extension.

[Timestamp 1:09:05] Deputy City Attorney Trevor McCourt was present. He said the contractual relationship between Mr. Heinz and his wife who live in the building and the current property owners was not really the City's business, but the reason that it was in part was because of what he and the Planning Department work on to make sure the Planning Board gets what it asks for and what it expects when a project is approved. He said part of that was a site review agreement with a corresponding surety, which served two purposes: making sure the City has the funding available if they had to complete any side work, and to ensure that the City had the legal ability to do so. He said otherwise the City would not be involved. He said it was the applicant's obligation to show good cause as to why an extension up to one year may be granted and that the Board had to undertake that analysis. Vice-Chair Coviello said it sounded like there was a difficult housing situation and that the parties were to trying to solve it, and he did not see the harm in granting the extension. Chair Chellman recommended granting the extension after the BOA meeting expiration, which would give the applicant an incentive to try to work it out.

Attorney Baum said he did not think there was a detriment to a full-year extension because it would provide more leeway and that the time may be needed to wrap anything up related to the

Board's approval as opposed to the BOA's approval. Attorney McCourt said the applicant had been working on a site plan agreement and corresponding surety and that Mr. Heinz had talked to him and was represented by counsel. He said he didn't know what Mr. Heinz planned to do with the developer, however. Chair Chellman said deadlines incentivized things to happen, and that extending the deadline to the next Planning Board after the BOA meeting would allow several months to complete the details. He said if it was extended for a year, it would be off everyone's desk and might not be paid a lot of attention to. Attorney Baum said it wasn't out of the ordinary to grant a one-year extension. It was further discussed.

DECISION OF THE BOARD

Mr. Coviello moved that the Board grant a six-month extension of the site plan approved on February 20, 2025 to expire on August 20, 2026. Mr. Samonas seconded. The motion passed with all in favor.

B. Chairman Updates and Discussion Items [Timestamp 1:20:00]

Chair Chellman said he talked to the Pease Development Authority about being on their March agenda to discuss issues between them and the City from a land use perspective relating to statutory framework but not specifically housing. The Board said they were in favor of Chair Chellman attending the meeting.

No vote was taken.

C. Board Discussion of Regulatory Amendments and Other Matters

Mr. Stith said the March meeting would take place on March 26 instead of March 19 and would start at 6:00 p.m. so that Utile could present an update the master plan. He said the City Council passed the amendments on solar, mechanical units, ADUs, and parking at their meeting and that they would have a public hearing on March 16 about changing Submarine Way and the Gateway map amendments.

No vote was taken.

VII. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker