

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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January 21, 2026

## VIA EMAIL, VIEWPOINT AND HAND DELIVERY

Rick Chellman, Chair  
Portsmouth Planning Board  
1 Junkins Ave  
Portsmouth, NH 03801

Re: One Year Extension Request  
Site Plan/Subdivision Approval 2/20/25  
Owner/ Applicant-635 Sagamore Development, LLC  
635 Sagamore Ave., Portsmouth NH 03801  
LU-22-209

Dear Chair Chellman and Planning Board Members:

The Planning Board issued conditional approval of 635 Sagamore Development LLC's (635 Sagamore) Site Plan Subdivision approval on February 20, 2025. (Notice of Decision ("NOD") attached). Since that time, 635 Sagamore has worked diligently to undertake and complete all conditions precedent in advance of recording the Subdivision Plan and issuance of an executed Site Plan Review Agreement ("SRA"). Upon information and belief, all conditions precedent set forth in the NOD have been met.

635 Sagamore's team has recently been notified by city staff that despite the above, because the former owners of the property, William and Bonnie Hines ("Hines") have a life estate interest to reside in one building on the property, in the event that the city was required to complete all or part of the development, (such as issue a demolition permit(s) for the subject building), it could not do so while the Hines' have a right to reside on the property.

In point of fact, the existing "front" building, where Mr. Hines formerly operated his automobile reconditioning business and where the Hines' reside in an apartment upstairs, is in extremely poor condition. In order to better the Hines' living conditions, 635 Sagamore has cleaned up the property via removal of materials, mold remediation, and apartment repairs.

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|                     |                      |                         |                                |
|---------------------|----------------------|-------------------------|--------------------------------|
| DANIEL C. HOEFLE    | ALEC L. MCEACHERN    | PETER V. DOYLE          | STEPHEN H. ROBERTS In Memoriam |
| R. TIMOTHY PHOENIX  | KEVIN M. BAUM        | MONICA F. KIESER        | OF COUNSEL:                    |
| LAWRENCE B. GORMLEY | JACOB J.B. MARVELLEY | CHRISTOPHER P. MULLIGAN | SAMUEL R. REID                 |
| R. PETER TAYLOR     | GREGORY D. ROBBINS   | KAREN W. OLIVER         | JOHN AHLGREN                   |


Nonetheless, due to its age and condition, the building is of poor quality. Meanwhile, 635 Sagamore is working with the Hines to find more suitable, permanent living arrangements/conditions in lieu of the existing life estate. As a result of the foregoing, the terms and conditions of the NOD, including execution and recording of the plan and execution of the SRA, are meanwhile slightly delayed.

Considering the above, pursuant to Portsmouth Site Review Regulations Section 2.14 *et seq*, good cause exists and 635 Sagamore reasonably requests a one (1) year extension, until February 20, 2027, to vest the Planning Board approval via plan execution and recording, and execution and implementation of the SRA. Upon information and belief, there are no zoning and/or regulation changes that would otherwise require an amendment or denial of the approved project. 635 Sagamore agrees to comply with the specific requirements of Site Review Regulation Section 2.14. In particular, pursuant to Site Plan Review Regulation Section 2.14.5, there are no changes that would materially and negatively affect the approved Site Plan in regard to:

- (a) Traffic flow, volume, or congestion;
- (b) Pedestrian safety;
- (c) Drainage;
- (d) Water Availability;
- (e) Sewer capacity;
- (f) Design Standards;
- (g) Landscape elements; and
- (h) Zoning Compliance.

635 Sagamore and its team look forward to presenting this request to the Planning Board at its February 19, 2026, meeting, in advance of the one-year anniversary of the February 20, 2025 approval evidenced by the NOD.

Respectfully submitted,

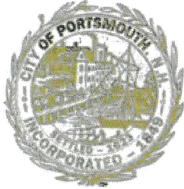


R. Timothy Phoenix

RTP/msw

Encl.

cc: Client  
Michael Garrepy  
Portsmouth Planning Department  
Portsmouth Legal Department



# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 610-7216

## PLANNING BOARD

February 24, 2025

635 Sagamore Development, LLC  
3612 Lafayette Rd Dept 4  
Portsmouth, New Hampshire 03801

RE: Site Plan Approval request for property located at 635 Sagamore Avenue, Portsmouth, NH (LU-22-209)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, February 20, 2025**, considered your application for Site Plan Review Approval for the demolition of the existing structures and construction of 4 single family dwellings with associated site improvements. Said property is shown on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. As a result of said consideration, the Board voted 1) that the Site Plan application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and to adopt the findings of fact as presented; and 2) 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) *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.*

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

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

2.4) *Key elevations should be added to the stone infiltration basins under the decks for Units 3 and 4. Add notes to the plan requiring inspection of the subgrade by the City to ensure that the design criteria is met.*

2.5) *The sitework details for both the sand absorption area and the infiltration stone underneath deck specify uncompacted in-situ soil or suitable backfill from subject parcel native material is placed beneath and adjacent to the systems. The Designer should provide gradation, compaction, and infiltration rate requirements for the placement of the fill adjacent, below and down gradient of the infiltration practice. The sand absorption area for unit 3 is in 5-foot fill section. The detail should include a minimum depth of native material below the treatment area as well as down gradient.*

2.6) *Trees to remain shall be clearly marked before site work can commence.*

2.7) *Developer shall pay \$20,900 to cover the cost of the installation of the fire hydrant extended to the site, which was installed exclusively for the benefit of this site.*

2.8) *Developer shall provide fair share contribution for catch basin installed up gradient to the Tidewatch intersection. The catch basin was installed partially for the benefit of this site. The fair share contribution is \$15,208.*

2.9) *Applicant will revise plan to create additional parking (at least room for 3 vehicles) northeast of unit 2.*

2.10) *Applicant will revise plan to add a 2-3% landing area for one vehicle at the entrance of the driveway while maintaining a transition to an 8% grade into the site.*

2.11) *Applicant will confirm landscaping at maturity along Sagamore Avenue will not impede sight distance.*

**Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:**

2.12) *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;*

2.13) *A stormwater inspection and maintenance report shall be completed annually (or monthly as outlined in O & M manual) and copies shall be submitted for review.*

2.14) The stormwater infrastructure shall be certified after 1 year with a sufficient bond (with an amount to be determined by DPW) to correct any deficiencies found at that time.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning & Sustainability Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:*

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with a large, sweeping "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works  
Joseph Coronati, Jones & Beach  
R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC



# Findings of Fact | Site Plan Review

## City of Portsmouth Planning Board

Date: 2/20/2025

Property Address: 635 Sagamore Avenue

Application #: LU-22-209

Decision: Approve with Conditions

### Findings of Fact:

Per RSA 676:3, I: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

|   | Site Plan Review Regulations<br>Section 2.9 Evaluation<br>Criteria                                   | Finding<br>(Meets<br>Standard/Criteria) | Supporting Information  |
|---|--|---|---|
| 1 | Compliance with all City Ordinances and Codes and these regulations.<br><u>Applicable standards:</u> | Meets                                   | We received the required zoning relief from the Zoning Board of Adjustments on May 23, 2023. Otherwise, TAC and the City's third party review engineer have reviewed to ensure that the proposed development complies with the requirements of the Zoning Ordinance and the Site Plan Review Regulations.   |
| 2 | Provision for the safe development, change or expansion of use of the site.                          | Meets                                   | The proposed shared driveway for the four units has been designed to accommodate Portsmouth's largest fire truck as well as an SU-30 box truck. Additionally, we are providing an offsite double panel advisory speed limit and blind drive sign as well as a TC-600 radar speed sign just down the street to the south of the proposed site entrance in order to improve traffic safety at the intersection between the proposed shared driveway and Sagamore Ave. TAC |

|          | <b>Site Plan Review Regulations<br/>Section 2.9 Evaluation<br/>Criteria</b>   | <b>Finding<br/>(Meets<br/>Standard/Criteria)</b> | <b>Supporting Information</b>  |
|----------|---|--|--|
|          |   |  | has reviewed to ensure that the proposed site re-development is safe.  |
| <b>3</b> | Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.  | <b>Meets</b>                                     | The proposed stormwater management facilities, including a bioretention system with a sediment forebay, several infiltration areas, and a closed drainage system as well as a recently installed catch basin along Sagamore Avenue will ensure that peak rates and volumes of runoff will be reduced toward all offsite points of analysis resultant to this development as compared with the existing condition. Additionally, the stormwater management system has been designed to meet the stormwater treatment and pollutant removal requirements of the City of Portsmouth to the satisfaction of TAC and the City's third party review engineer.  |
| <b>4</b> | Adequate protection for the quality of groundwater.   | <b>Meets</b>                                     | We are providing groundwater recharge practices to hydrologically offset the proposed impervious surfaces. Treatment BMPs have been provided to protect the quality of surface water and groundwater.  |
| <b>5</b> | Adequate and reliable water supply sources.   | <b>Meets</b>                                     | The four units will be supplied by the City's municipal water system.  |
| <b>6</b> | Adequate and reliable sewage disposal facilities, lines, and connections.   | <b>Meets</b>                                     | The four units will be serviced by the City's municipal sanitary sewer system.   |
| <b>7</b> | Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties. | <b>Meets</b>                                     | As stated above, the proposed stormwater management system meets the requirements of Section 7.6 of the Site Plan Review Regulations. Peak discharge rates and volumes of runoff toward the analysis points will be reduced post-construction resultant to the stormwater management system, and the pollutant removal thresholds required by these regulations have been met. Additionally, these four units will be tied into the City's sewer system and sewage will be treated at the wastewater treatment plant. Appropriate steps taken for erosion control include silt fence, rip rap, and stabilized construction entrance. We do not anticipate smoke, soot, particulates, or odor resultant to this |

|    | Site Plan Review Regulations<br>Section 2.9 Evaluation<br>Criteria   | Finding<br>(Meets<br>Standard/Criteria) | Supporting Information  |
|----|--|---|---|
|    |  |   | multi-family residential development.   |
| 8  | Adequate provision for fire safety, prevention and control.  | Meets                                   | A fire hydrant has been installed at the intersection of Sagamore Ave. and the proposed shared driveway for the development and the shared driveway has been designed to accommodate Portsmouth's largest fire truck.   |
| 9  | Adequate protection of natural features such as, but not limited to, wetlands.   | Meets                                   | There are no wetlands or other outstanding natural features on the subject parcel. A 100' buffer to offsite wetlands is being maintained as well. See Note #6 on Sheet C2. The site has been designed to keep tree clearing and ledge removal to the minimum possible. The remaining wooded buffer to the Tidewatch Condominiums in the rear of the site will be enhanced with proposed tree plantings. This is a re-development of the existing Luster King auto detailing business.   |
| 10 | Adequate protection of historical features on the site.  | Meets                                   | There are no known historical features on the site.   |
| 11 | Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. | Meets                                   | Significant traffic is not anticipated resultant to this four-unit residential development. A trip generation memorandum prepared by Stephen G. Pernaw was included in the initial TAC submission. In order to improve traffic safety at the proposed intersection, we are proposing to provide a double panel advisory speed limit and blind drive sign as well as a TC-600 radar speed sign to the south of the site entrance. The proposed site entrance for the 20' wide site driveway directly replaces the existing Luster King site entrance and it is our opinion that this is a significant traffic safety improvement due to the width, location, and elevation of the proposed curb cut. |

|           | <b>Site Plan Review Regulations<br/>Section 2.9 Evaluation<br/>Criteria</b>  | <b>Finding<br/>(Meets<br/>Standard/Criteria)</b> | <b>Supporting Information</b>   |
|-----------|--|--|---|
| <b>12</b> | Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.   | <b>Meets</b>                                     | See response to Comment #11, these issues are addressed in that response.   |
| <b>13</b> | Adequate insulation from external noise sources.   | <b>Meets</b>                                     | The subject parcel is located outside of the Highway Noise Overlay District and from our observation it is not noisy on the subject parcel. Landscape trees and existing vegetation will provide some insulation to noise resulting from traffic on Sagamore Avenue to the extent practicable.  |
| <b>14</b> | Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project. | <b>Meets</b>                                     | See Note #21 on Sheet C2: "The owner of each unit shall store trash in their garage. Trash will be picked up by a private hauler".<br><br>The proposed private driveway is designed for the turning radii of Portsmouth's largest fire truck. We went through the TAC process and third party review to ensure that the proposed infrastructure is adequate for the proposed development.   |
| <b>15</b> | Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site   | <b>Meets</b>                                     | 80% of the subject parcel will consist of open space post-construction. Lawn space will be provided in front of, between, and behind each of the units.   |
| <b>16</b> | Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.                                  | <b>Meets</b>                                     | The proposed site driveway will be tied into the recently installed sidewalk tipdowns along Sagamore Avenue. The proposed site driveway has been designed at the part of the subject parcel with the most available sight distance along Sagamore Avenue.   |
| <b>17</b> | Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.                             | <b>Meets</b>                                     | Stormwater from non-roof impervious surfaces will be treated before leaving the site or recharging to groundwater. The peak flow rate and volume of runoff will be reduced post-construction. The stormwater management BMPs that were implemented exceed the pollutant removal requirements of the City of Portsmouth as well. Wastewater will enter the municipal sewer system toward the |