



CITY OF PORTSMOUTH

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

PLANNING BOARD

April 1, 2026

Double Mc LLC
10 Pleasant Street, Suite 300
Portsmouth, New Hampshire 03801

RE: Request for Site Plan Review approval for property located at 134 Pleasant Street,
Portsmouth NH 03801 (LU-25-138)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, March 26, 2026**, considered your application for Site Plan Review approval for redevelopment of the site to include reuse and expansion of the existing structure, and construction of a new structure, for residential and commercial uses with associated site improvements. Said property is shown on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District.

The Board voted to request that the City Council consider whether and how, by license or otherwise, the adjacent City property might be used for access and/or drainage purposes, in order to provide the Planning Board with guidance on those topics and to continue the application to the April 16th meeting. At the request of the applicant, and for the information of the City Council, the Board preferred the proposed site plan option for egress over the Parrot Avenue lot over the other option presented for consideration.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, April 16, 2026**.

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

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc:

Francis X. Bruton, Esq., Attorney, Bruton & Berube, PLLC
Tracy Kozak, ARCove Architects

John Chagnon, Haley Ward

James J. Steinkrauss, Esq., Attorney, Rath, Young & Pignatelli, PC

Michael K. O'Neil, Esq., Attorney, Rath, Young & Pignatelli, PC



CITY OF PORTSMOUTH

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03801
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PLANNING BOARD

April 1, 2026

City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

RE: Wetland Conditional Use Permit for property located at 50 Clough Drive, Portsmouth, NH (LU-25-181)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, March 26, 2026**, considered your application for a Wetland Conditional Use Permit from Section 10.1017.50 to upgrade the playground at Little Harbor Elementary School which will create compliance with universally accessible (UA) standards while incorporating nature-based play. The project includes temporary impact of 10,274 s.f. and permanent impacts of 17,968 s.f. to the wetland buffer area. Said property is shown on Assessor Map 206, Lot 20 and lies within the Municipal Zone (M).

The Board voted 1) 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; *and* 2.) to **grant** the Conditional Use Permit with the following **conditions**:

- 2.1) An educational sign shall be installed at the rain garden which aims to educate elementary school children about the purpose of the rain garden.
- 2.2) 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.
- 2.3) Maintenance for the new playgrounds shall be consistent with Greenfield Certification standards.
- 2.4) Regular maintenance for the proposed rain garden shall be included in the existing playground safety checks which occur at a more frequent interval than annual or seasonal maintenance.

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 & Sustainability Department for more details about the appeals process.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All conditions of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

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,

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

cc:

Ken Linchey, Director of Buildings & Grounds, Portsmouth School Department
Devin Herrick, Technical Specialist, Weston & Sampson

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: March 26, 2026

Property Address: 50 Clough Dr.

Application #: LU-25-181

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 all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	This lot is already a developed lot with existing playgrounds on site within the wetland buffer. This project proposes a decrease in impervious surfaces within the wetland buffer and is moving the main playground area further from the resource than the current structure.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets	This project is within a previously developed buffer where playgrounds currently exist. This project proposes pulling some of the existing impacted areas further from the salt marsh and reducing the overall impervious area.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	3. <i>There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The proposed work should reduce impervious surface within the buffer, pull impacts further from the resource, introduce new native vegetation and start to treat existing stormwater. This project appears to reduce existing adverse impacts to the resource and buffer.
4	4. <i>Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	This project proposes a large addition of new vegetation and planted trees which will increase the existing vegetation within the buffer.
5	5. <i>The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	This project proposes a reduction in impacts overall to the buffer and in some areas, pulls impacts further from the salt marsh. This appears to be a less impactful alternative to the current playground structures and includes new plantings and stormwater treatment where none exist today.
6	6. <i>Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	It appears as though the vegetated buffer strip is only being disturbed within the main playground project for loaming and seeding. Additional plantings are encouraged in this area of the buffer to ensure protection of the adjacent resource.
7	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

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Portsmouth, New Hampshire
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PLANNING BOARD

April 1, 2026

Portsmouth Elks Lodge #97
500 Jones Avenue
Portsmouth, New Hampshire 03801

RE: Wetland Conditional Use Permit for property located at 500 Jones Avenue, Portsmouth, NH (LU-26-4)

Dear Owner Representative:

The Planning Board, at its regularly scheduled meeting of **Thursday, March 26, 2026**, considered your application for a Wetland Conditional Use Permit from Section 10.1017.50 for the replacement of an existing exterior deck, ADA-accessible ramp, and breezeway at the Portsmouth Elks Lodge. The project consists of an in-kind replacement within the existing footprint with 2,248 s.f of temporary buffer impacts and 52 s.f. of permanent impacts within the wetland buffer. Said property is shown on Assessor Map 227, Lot 1 and lies within the Single Residence A (SRA).

The Board voted 1) 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; *and* 2) to **grant** the Conditional Use Permit with the following **conditions**:

- 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.
- 2.2) Any rutting or soil disturbance due to construction activity and equipment shall be seeded and stabilized upon completion of work.
- 2.3) Information on any proposed crushed stone and deck permeability shall be included as a note on the plan. This information should include size, depth and square footage of crushed stone. In addition, applicant shall provide information on the spacing of the deck boards to ensure permeability of stormwater.

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 & Sustainability Department for more details about the appeals process.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All conditions of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

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,

Rick Chellman, Chairman of the Planning Board

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

cc:

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: March 26, 2026

Property Address: 500 Jones Ave.

Application #: LU-26-4

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 all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	All work is proposed in areas of existing disturbance. All replacement work will be done in-kind with new impacts due to safety need for new structural footings.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets	All work is proposed in areas of existing disturbance and new impacts must occur (footings) to maintain safety and ADA requirements.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	Installation of erosion controls will minimize soil erosion and bank disturbance during construction, therefore little to no impacts should occur to the existing function of the wetland buffer.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.	Meets	It appears that this project does not propose any alteration of vegetation on site. If removal of existing vegetation is proposed, plans for additional landscaping on site should be provided to compensate for any loss of vegetation during construction.
5	5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.	Meets	This proposal has very minimal impact to the wetland buffer and constitutes construction in an already disturbed area of the wetland buffer. The addition of erosion controls should help mitigate any adverse impacts from construction.
6	6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.	Meets	It does not appear that the vegetated buffer strip is proposed to be disturbed as part of this project.
7	<u>Other Board Findings:</u>		