



City of Portsmouth  
Planning Department  
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Portsmouth, NH  
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP  
Assistant Planning Director

Date: March 20, 2026

Re: Recommendations for the March 26, 2026 Planning Board Meeting

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**I. UPDATE ON THE MASTER PLAN FROM UTILE**

**II. APPROVAL OF MINUTES**

A. Approval of the February 19, 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 February 19, 2026 meeting and vote to approve meeting minutes with edits if needed.*

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### III. DETERMINATIONS OF COMPLETENESS

#### SITE PLAN REVIEW

- A. The request of **Double MC LLC (Owner)**, for property located at **134 Pleasant Street** requesting 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.

#### Planning Department Recommendation

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*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.*

**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 **Double MC LLC (Owner)**, for property located at **134 Pleasant Street** requesting 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.

Background

The applicant proposes an expansion at 134 Pleasant Street, including basement parking, a new street-facing building, site circulation changes, landscaping, and lighting. The accessory drive-through is not permitted under current zoning regulations but has been in existence since the 1980s. The applicant sought a variance to relocate the drive-through and that request was denied (See Board of Adjustment details below). The proposed site plan layout before the Board leaves the drive-through elements unchanged, although the banking operation will be located in the new building in the front.

The proposal requires vehicular egress across City-owned property associated with the Parrott Avenue municipal parking lot. Two alternative configurations have been presented; one that leaves existing conditions as they currently are, including vehicular egress for the property over the City-owned Parrott Ave parking lot, and the plan preferred by the Applicant, which reconfigures vehicular egress over the Parrott Avenue Parking Lot adjacent to the State Courthouse. The option preferred by the Applicant would eliminate parking currently used by the Courthouse and add additional parking on the Parrott Ave parking lot. The Applicant does not have any vested legal right for vehicular egress at either location.

Pursuant to Chapter 11, Article VI, Section 11.601, the intent of this Article is to ensure that municipal actions involving land acquisition, disposition or use, and changes affecting public streets, are considered in the context of the City’s comprehensive planning. Section 11.602 requires that any acquisition or disposition of municipal real property, including easements, and any plan for the construction, alteration, relocation or discontinuance of a public way, be referred to the Planning Board in writing prior to final action by the City Council.

Both proposed egress options require either a license or easement across City-owned property and modifications to circulation within a municipal parking area and associated right-of-way. These actions therefore require City Council

approval and a written recommendation from the Planning Board. As part of its Site Plan Review authority, the Planning Board evaluates circulation, safety, and land use impacts and should recommend a preferred option for City Council consideration. If neither option is approved by the City Council, the applicant will need to redesign the plan so traffic can enter and exit from Pleasant Street, which would require a site plan amendment if the application is approved in its current form. Therefore, it is staff's recommendation that the Planning Board consider all three options: (1) to reconfigure egress adjacent to the Courthouse; (2) continue egress in the current format; and (3) reject both proposals, requiring redesigning the project such that all vehicular ingress and egress would be located on Pleasant Street. Staff therefore requests that the Planning Board recommend a preferred option to the City Council.

Additionally, the project requires installation of a new drain line crossing the Parrott Ave parking lot to tie into existing City drainage infrastructure. City staff therefore requests the Planning Board recommend that the City Council grant the Applicant a revocable license for a drain line crossing the Parrott Ave lot, which can be relocated at the Applicant's expense if requested by the City.

**ARTICLE VI: REFERRALS TO PLANNING BOARD (Added 12/21/2009)**

**Section 11.601: INTENT**

The intent of this Article is to ensure that proposed municipal actions relating to land acquisition, disposition or use, and to the laying out, construction or discontinuance of public streets, are considered in the context of the City's comprehensive planning.

**Section 11.602: REFERRAL AND REPORT**

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
  - (1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
  - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.
- C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

The applicant has requested the ability to obtain a building permit for a portion of the work prior to posting the required site bond. Under the Site Plan Review Regulations, Site Plan approval is not effective until a Site Plan Review Agreement has been fully executed and all required performance security has been posted (Section 2.11(5)). The Planning Board does not have authority to waive these requirements. In addition, when

a Construction Management Mitigation Plan (CMMP) is required, “no site work is authorized nor shall work commence before the Plan has been accepted and approved as to content and form by the City”(Section 2.15.3).



### **Project Review, Decisions, and Recommendations**

The applicant was before the Zoning Board of Adjustment, Historic District Commission, and the Technical Advisory Committee. See below for details.

#### **Board of Adjustment**

The applicant was before the Board of Adjustment at its regularly scheduled meeting of Tuesday, October 28, 2025 to relocate the location of the accessory drive-through facility on the lot. The Board voted (6-1) to deny the request because it does not meet the public interest or the spirit of the Ordinance.

The applicant requested a rehearing of the above decision and at the December 16, 2025 meeting, the Board voted to deny the request for rehearing, because the applicant failed to identify an error in procedure or law in the decision by the Board.

The applicant has appealed the Board’s decision and the matter is currently

pending to Superior Court.

Note that the application before you has been redesigned to keep the drive through in its current location. If the Board approves the current plan and the applicant prevails in court a site plan amendment will be required by the Planning Board.

#### Historic District Commission

After several work sessions with the HDC, the applicant was before the Historic District Commission at its regularly scheduled meeting of Wednesday, January 7, 2026 the Commission voted unanimously (7-0) to grant the Certificate of Approval with the following conditions:

1. *The masonry exterior cladding materials shall require further conversation, and*
2. *In-place on site samples shall show jointing and technique along with some alterations in the choice of materials.*

#### Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, February 3, 2026 and the Committee voted unanimously to recommend approval to the Planning Board with the following conditions:

1. *City Council approval is needed for the proposed reconfiguration of traffic flow and parking spaces with easements.*
2. *Third party inspection required for utility work and work in the right-of-way and on City property.*
3. *Drainage system will require final approval from DPW before Planning Board submission.*
4. *Applicant must provide a license and easement plan.*
5. *Details of the foundation design will require DPW approval before a foundation permit can be issued.*
6. *Applicant must provide an updated truck turning template showing firetruck circulation layout and alternate circulation layout.*
7. *CMMP will be required.*

***The TAC conditions have been addressed in the Planning Board submission or added as conditions below.***

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**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 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) *City Council approval is required for the proposed reconfiguration of traffic flow and parking spaces with easements. If City Council approval is not granted for either of the site plan options, redesign of the site to provide ingress and egress from Pleasant Street will be necessary and will need to be reviewed and approved as a Site Plan Amendment.*
- 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>*
- 2.5) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments unless City staff determines that such plan is not needed.*

- 2.6) *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.*

***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.*

***Planning Department Recommendation  
Referral to City Council***

1. *Pursuant to Chapter 11, Article VI, Section 11.602, vote to recommend approval of Egress Option for the (Proposed Site Plan or Alternate Site Plan) for vehicular access across City-owned property associated with the Parrott Avenue municipal parking lot, as shown on the (Site Plan or Alternate Site Plan).*
2. *Vote to recommend that the City Council approve a license and/or easement for a private stormwater pipe and related drainage infrastructure to cross City-owned property within the Parrott Avenue municipal parking lot area, as shown on the off-site grading and drainage plans submitted for 134 Pleasant Street, with the condition that the City shall retain the authority to require the removal, modification, or relocation of the stormwater infrastructure at any time, at the sole expense of the property owner, should the City determine such action is necessary for municipal purposes, public improvements, or changes to City operations, and subject to final legal review by the City Attorney and the Department of Public Works.*

#### 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 **The City of Portsmouth (Owner)**, for property located at **50 Clough Drive** requesting 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 located on Assessor Map 206 Lot 20 and lies within the Municipal (M) District.

##### Project Background

This application is for a City project at Little Harbor Elementary School to upgrade the playgrounds to create compliance with universally accessible (UA) standards while incorporating nature-based play. The current impervious surfaces within the 100' wetland buffer on this lot include approximately 22,252 s.f. of impact. To renovate and reconstruct the two playground areas at the school, this project proposes a temporary impact of 10,274 s.f. to the wetland buffer area with total proposed final permanent impact of 17,968 s.f. to the wetland buffer area for soil disturbance, asphalt work, landscaping, installation of an ADA-compliant surface, installation of new structures and grading work. This project is proposing landscaping enhancements including 11 new trees, 46 planted shrubs and herbaceous native plant species and 34 herbaceous species within a new rain garden. City projects must comply with Article 10 of the Zoning Ordinance.



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

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.

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

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

This project proposes a large addition of new vegetation and planted trees which will increase the existing vegetation within the buffer.

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

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. 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 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.

**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, February 11, 2026 and the Commission voted unanimously (5-0) to recommend approval with the following conditions:

- 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. 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 along the 25' vegetative buffer at 50-foot intervals. Final marker locations to be reviewed and approved by the Planning & Sustainability Department.*
- 3. Maintenance for the new playgrounds shall be consistent with Greenfield Certification standards.*
- 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.*

*5. Applicant shall consider reducing the installation of the rubber bonded surface area within the wetland buffer, especially within areas that it may not be needed such as underneath the proposed climbing structure on the main playground.*

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**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) 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.*

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#### 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 **Portsmouth Lodge 97 of Elks (Owner)**, for property located at **500 Jones Avenue** requesting 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 located on Assessor Map 227 Lot 1 and lies within the Single Residence A (SRA) District.

#### Project Background

This application is 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 to address structural deficiencies, improve public safety, and provide ADA-compliant access. As a part of this project, the existing footings will be excavated and new footings are proposed. This project proposes an overall temporary disturbance of up to 2,248 s.f. for construction purposes with a total proposed permanent impact of approximately 52 s.f.



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.**

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

All work is proposed in areas of existing disturbance and new impacts must occur (footings) to maintain safety and ADA requirements.

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

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.

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

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

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

It does not appear that the vegetated buffer strip is proposed to be disturbed as part of this project.

### **Project Review, Decisions, and Recommendations**

The project 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, February 11, 2026 and the Commission voted unanimously (5-0) to recommend approval with the following conditions:

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 for this location that wetland boundary markers be considered along the shoreline or in an area visible to property maintenance crews.*
2. *Applicant shall submit a planting plan showing areas to be planted and areas proposed to be left unmowed to increase the vegetative buffer strip near the wetland resource. This plan shall be reviewed and approved by staff prior to submission to the Planning Board.*
3. *Prior to the commencement of site work, erosion controls shall be installed on site. The location of proposed erosion controls shall be shown on the plans and a detail sheet shall be provided in the final application submission to the Planning Board.*
4. *Any rutting or soil disturbance due to construction activity and equipment shall be seeded and stabilized upon completion of work.*
5. *Information on any proposed crushed stone and deck permeability shall be included as a note on the plan as well as noted in the application narrative. 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 conditions above have been addressed in the Planning Board submittal or added as conditions below.***

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**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.*

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.*

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**V. OTHER BUSINESS**

- A.** Chairman's Updates and Discussion Items
- B.** Board Discussion of Regulatory Amendments and Other Matters

**VI. ADJOURNMENT**