

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

6:00 (Item I) - Master Plan Update

7:00 (Item II) - Public Hearings begin

March 26, 2026

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello, Vice-Chair;
Members Paul Giuliano, Andrew Samonas, William Bowen,
Ryann Wolf; and Alternates Frank Perier and Logan Roy

ALSO PRESENT: Peter Stith, Assistant Planning Director

MEMBERS ABSENT: Karen Conard, City Manager; Joseph Almeida, Facilities Manager;
City Council Representative Beth Moreau

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I. UPDATE ON THE MASTER PLAN FROM UTILE

Utile Principal Matthew Littell and Utile Associate Principal and Project Manager Zoe Mueller were present. Mr. Littell said they had begun to absorb a lot of feedback from the community, the Planning Board, and the Planning Department and that it was moving into more specific recommendations. He said there would be another public rollout in April. Ms. Mueller reviewed the purpose and process, the vision, values, goals, core narrative, and the spatial development framework. She reviewed the optional foundational topics and cross-cutting topics of a Master Plan. She said the vision statement had a stronger emphasis on affordable housing. She said sustainability was added to the core values and that some of the wording was changed based on the feedback they received. She said the goals had a clause added to promote balanced growth. She said the spatial strategy was to give some focus on the Gateway neighborhood centers as a critical part of the City. She said housing prices were driving many locals to look beyond downtown to meet their needs and that Gateway neighborhoods could be part of how that was addressed. She said they were looking at locations where permits had been pulled for housing downtown and outside of housing and that planning attention had to be given to Gateway neighborhoods and to bring the zoning into alignment with the City's policies and investments.

[Timestamp 15:33] Ms. Mueller discussed the spatial framework and development constraints on future development in Portsmouth focused on environmental, infrastructure, and historic designation. She spoke of how to identify and cultivate the neighborhood centers within the Gateway neighborhoods and adapt the street network, infrastructure, and mix of developments. Mr. Littell said a lot of ingredients that would go into those areas would require City investment, infrastructure mobility, walkability, access to recreation and open space, and vibrancy for a mixed-use development. He discussed the five Gateway neighborhood center study areas that they focused on, including the West End, the Outer Woodbury/Commerce Way, the Route One

Gateway/Lafayette Road North, Elwyn Crossing, and the Constitution Avenue/Portsmouth Green. Ms. Mueller discussed the recommendations that supported the vision, including strengthening mobility alternatives, intersection design, simplifying and consolidating zoning, and making the design guidelines more efficient. She said they wanted to add more flexibility to the single-family zones, especially the SRB District. She reviewed infrastructure investments for the Gateway neighborhoods and a focused remapping to indicate the desired hubs of activity within the Gateway center. She said they would circulate draft written recommendations in the coming month to the Board on April 3rd to review before the April 22nd public open house.

[Timestamp 41:48] Vice-Chair Coviello said the public would like the Board to make radical changes to the system and he thought Utile was talking more about the “side dish”. He said the public might not feel that the Board was really addressing the public’s concerns. Ms. Mueller said Utile would talk to the public at the open house. She said the vision statement and goals captured what people were asking for. She said they could not fix everything but that she hoped that the public would see the level of care. She said they could answer more targeted questions, like a specific number of affordable units, in the future. Vice-Chair Coviello said he would like to explore more of the incentives for affordable housing at some point.

[Timestamp 45:32] Mr. Samonas said he focused on some of the initial cost-cutting topics, like the utility and infrastructure capacities and energy. He said all those different zones were changing, and he asked if Utile would make recommendations or provide data to accompany some of those changes, like zoning amendments and how to improve wastewater capacity. He said sidewalks and interconnected neighborhoods were great ideas but relied heavily on the access to infrastructure, transit, and so on. Ms. Mueller said the analysis behind it was what would need to occur for utilities, energy, etc. to support that kind of development. She said the plan would not go all the way to having a specific checklist of those items, but the chosen locations had clusters of those amenities and services and had a strong infrastructure. She said they had a strategy of how they would connect people and a framework for prioritization. She said they would have a zoning memo that would include all the zoning recommendations that touched on those different aspects but they would not write the zoning changes. Mr. Samonas said Utile had to follow the potential households reached by that data, but when they suggested reducing the single family lot size, it changed it from development to opportunity, like in Maple Haven and the Route One Corridor Extension. He asked how many opportunities would be created by amending that and what it would look like. He said it would reduce the shock factor to people if Utile began to put that out there. He said Utile used the word “development” earlier in their presentation and then switched to “growth”. Ms. Mueller said there were a lot of places that might be tweaked, some with single-family homes and two-family homes. She said if they allowed the zoning to say that the owner of a single-family home could section off a portion and make a unit for a relative or income, that would be growth, but in the big picture, many single-family homes had large families at one time but now had only one or two people. She said it was development that for some would be perceived as growth but it was more like a shift in development. She said they were careful about using the word ‘growth’ because people imagined a massive shift. It was further discussed. Mr. Samonas said in the last decade, Portsmouth had seen a rise in the townhome style of development, which worked for some people.

[Timestamp 55:21] M. Bowen agreed with Mr. Samonas. He said he liked the move away from downtown and thought the five Gateway centers were good and that the one west of Lafayette Road and south of Elwyn Road had great capability. He said Utile focused on the SRB zone, and he asked why they didn't do the other residential areas. He said he would like a quantification of what the opposite was of doing that. Ms. Mueller said they looked at the SRA zone and the Rural Residential district but they had discrepancies in lot size and use. She said it seemed like there was less to be gained to focus on them. She said Utile could do a more holistic study in the future but thought SRB stood out as being physically located in places that were well connected to infrastructure and service amenities and had more dramatic lot size nonconformity, and the existing pattern of smaller lots was consistent. Mr. Bowen asked if Utile could articulate that in their final plan. Ms. Mueller agreed. Mr. Bowen said the Portsmouth population increased about 10 percent in the last ten years, and he suggested an appendix about the adequacy of the infrastructure and the order of magnitude on the capital in the five areas that made them work better. He asked how much it would be and how much more housing there would be. Ms. Mueller said they had not arrived at a number and that the zoning itself would dictate the upper limit. She said they focused on where the greater diversity or density of housing within the city limits should go if allowed, and that was the reason they had the five areas. She said the zoning could control the upper limit of how many housing units would fit to get the right balance. Mr. Bowen asked if taxes would go up or down. Ms. Mueller said they were working on that and that educational materials would help people understand the push-pull factors. She said part of the answer to fiscal health for Portsmouth would be compact development in thoughtful locations that have denser and higher active use. She said it did not guarantee that taxes would not go up but would help mitigate the increase. She said there would be more information at the April meeting. Mr. Bowen asked if there was something in the Master Plan that would impact design guidelines so that all buildings did not look the same. Mr. Littell said they would address that question in the future and said there was a spectrum of choices that the City could make to get better outcomes. He said design guidelines could perhaps require special permits or a design review could be done. Mr. Perier asked if the rest of the districts were as severe as the SRB one. Ms. Mueller said they looked at the SRA, the Rural Residential, and the SRB Districts and that the SRB stood out the most, but the others had similar patterns. Mr. Perier asked if Utile would look at the other two, and Ms. Mueller said they would not at this point but that their analysis on SRB would be easy to replicate on the other ones. Chair Chellman recommended that the Board members attend the open house to see what the public feedback on the Master Plan would be.

II. APPROVAL OF MINUTES [Timestamp 1:11:37]

A. Approval of the **February 19, 2026** meeting minutes.

Mr. Giuliano moved to approve the February 19 minutes as presented, seconded by Mr. Samonas. The motion passed 6-0, with Mr. Bowen abstaining.

III. DETERMINATIONS OF COMPLETENESS [Timestamp 1:11:56]

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.

Mr. Giuliano 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. Vice-Chair Coviello seconded. The motion passed with all in favor.

IV. PUBLIC HEARINGS – NEW BUSINESS

- 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. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic Districts. (LU-25-138)

SPEAKING TO THE PETITION [Timestamp 1:14:00]

Project engineer John Chagnon representing Double MC LLC was present, with developer Mark McNabb, project architect Tracy Kozak, landscape architect Terrence Parker, and project transportation engineer Rebecca Brown. Mr. Chagnon reviewed the petition. He said proposed Building A would be a vertical expansion of the existing bank and proposed Building B would be built between the bank building and Pleasant Street. He explained how the street frontage would be enlivened through extensive planning processes and revisions. He said they submitted a revised drive-thru location to the Board of Adjustment (BOA) that was denied, so they redesigned it to keep the drive-thru as is, which he said was approved by the Technical Advisory Commission (TAC). He reviewed TAC's approvals and recommendations. He reviewed the site plans and explained how the alternative site plan had a different exit point. He asked the Board to determine which plan they preferred to see go forward to the City Council.

[Timestamp 1:25:35] Mr. Parker reviewed the landscaping plan and the two options for exiting the parcel to Parrott Avenue and the pedestrian cut-throughs.

[Timestamp 1:29:28] Ms. Brown reviewed the traffic plan and assessment. She said they looked at the site driveways out onto Pleasant Street and focused on access in and out of the site and the safety of those access points. She said the collision history along the sections of Parrott Avenue, Court Street, and Pleasant Street was an average of one collision or fewer over three years. She said the intersection sight distances at each of the driveways met the requirements for safety stopping sight distance and intersection sight distance, with one exception being the one that came out onto Parrott Avenue. She said there were two driveways that made a loop and a parking space, and if a large vehicle was parked there, a person would not be able to see around it but could inch up a bit. She said a comment was made that the project had not really studied

what the sight lines would look like with the alternative plan. She said they would stay the same but the access point where the Parrott Avenue parking lot met the District Court would be changed. She said TAC asked them to add that to the plan. She said they also looked at the traffic generated by the proposed development compared to what was there now by using the industry standards of the ITE trip generation manual, which indicated that the site is anticipated to generate around 100 trips in the weekday morning peak hours and about 165 trips during the p.m. peak hour. She said a vehicle trip represents one car either exiting or entering, so each person would generate one trip when they enter and one trip when they exit. She said 100 trips was roughly 50 vehicles coming and going from the site across the hour. She said they compared that to what the site was currently generating, and the proposed use represented a slight decrease in trips. She said they spoke with Parking, Transportation, and Planning City Engineer Eric Eby to determine what an appropriate scope for the study was, and his concern was mainly with the safety of the access points. He said they were not required to do a full capacity analysis, given that they would be resulting in a net reduction of vehicle trips. She said there would be 91 parking spaces proposed on the site. She said they utilized the City's zoning requirement and also looked at industry data collected by similar developments in the country in evaluating the parking demand on site, and she explained how the two were very comparable. She said the abutters were concerned that the parking study was not reviewed by TAC, but she said a study was submitted at TAC's February meeting and that some minor comments came out of it. She said the study was updated to include TAC's comments, which updated the trip generation and parking demand based on some slight changes to the site's square footage. She said the traffic study was reviewed by TAC and Mr. Eby to confirm the scope and findings of the study.

[Timestamp 1:39:02] Ms. Kozak reviewed the architecture. She said they had a thorough review process with the Historic District Commission (HDC) and that the design was changed drastically based on their comments and the public hearing process. She said there would be underground parking under both buildings, along with bicycle storage, a trash room, a laundry room, and utility rooms. She said Building A had no specific tenant yet but Building B would have a financial services office with an added commercial tenant space. She said each building would have its own primary entrance as well as a residential entrance. She said the drive-thru's money drawer would be replaced by a tube. She reviewed the drive aisles. She reviewed the levels of both buildings and said the roof plan would have smaller roof decks. She said the stair overrun was rotated on Building B for roof access and water runoff and that they would go back to the HDC for that change. She reviewed the building elevations and renderings.

[Timestamp 1:48:50] Mr. Chagnon reviewed the utility plan and basement plan. He said the proposed license plan that would be presented to the City Council for approval showed the location of the off-site drainage, which he said was preferred by the Department of Public Works (DPW). He reviewed the on-site and off-site grading plans, the lighting plan, fire truck and delivery truck turning plans, and detail sheets. He said at this stage the rooftop equipment had not been designed but that they were confident that they would meet the ordinance's property line noise requirements. He said the design team eliminated the earlier design for co-living that included roofline decks. He said due to the neighbors' concerns about noise, there would be conventional apartments that would not generate additional noise above the decks. He said additional studies regarding further determination of ground water elevations would be

undertaken to serve the building with water and sewer. He said DPW approved the off-site Parrott Avenue parking lot drainage connection and that additional work on geotechnical and groundwater issues would be done as part of the final approval process. Regarding minor discrepancies, he said the plan had gone through revisions but the submitted parking calculation in the packet represented the final design. He said the project and design underwent a well-vetted approval process and that they preferred the submitted location regarding the westerly access.

[Timestamp 1:55:13] Mr. Bowen said there were at least a half-dozen elements of the proposal relating to determination of completeness that, based on the input from the neighbors, the BOA, and the City Council, he was not comfortable approving and needed more clarification on. He noted that normally there were items in the Board's report that would have answers rather than something that would happen in the final approval. He said he expected to have an engineering report relating to noise. He said he expected a report on the hydrology. He said the Board did not have a finalization of the BOA's deliberations and were being asked to step out ahead of their finalization. He said there was vagueness on the height of the building and the surface area coverage that was questioned by the City Manager at the TAC meeting, so he wanted a definitive City employee's comment on the roof type and the height and whether they complied with the zoning. He said he wanted a better clarification on the transportation because what was presented did not comply with the national standards on the exit's line of sight, and he wanted to know the fire truck turning radiuses to ensure that the Board understood the congested car area.

[Timestamp 2:00:27] Mr. Chagnon said projects that got approval from the Board that had rooftop decks did not submit noise studies because it was general noise that happened on a deck, especially since the co-living was eliminated. He said the HVAC equipment had not yet been designed because the building had not been approved but that it would comply with the 45 decibels property line requirement. It was further discussed.

[Timestamp 2:05:58] Vice-Chair Coviello said it didn't seem rational that the building area on the site was being doubled as well as the amount of parking spaces, yet the new site had less trips. Ms. Brown said the current bank space was a bit larger than what was proposed, so there was a slight reduction in trips associated with reducing the size of the existing bank space. She said the office space was close to the same amount, and some of the space would be residential and a low generator of traffic. She said it was about reducing the bank space, which had the highest traffic generation use on the site. Vice-Chair Coviello asked how much percentage-wise the bank space would be reduced. Ms. Brown said it would go from 9,400 sf to about 6,700 sf. Vice-Chair Coviello said he did not think a 2/3 reduction in a bank with a drive-thru would result in a 1/3 reduction in trips. He asked if the math was proportional to the square footage of the space. Ms. Brown said it was very close. Vice-Chair Coviello said the drive-thru seemed like it would be 75 percent of the dominant force. Relating to the noise study, he said the site could probably absorb noise but that he understood the public's concern because, in spite of the space of the buildings being doubled, there would be less traffic. Chair Chellman asked if the applicant used an independent variable of square footage of the building, and Ms. Brown agreed. He asked if the applicant looked at the drive-thru lanes as the other independent variance to compare that. Ms. Brown said they did not and had looked solely at the building's square footage. She said the trip rates based on the number of drive-thru lanes varied widely as compared to a square-footage

basis. Chair Chellman said the reason square footage was chosen was that it was a better correlation, and if it was based on the number of drive-thru lanes, generation rates would be all over the place. It was further discussed. Mr. Perier said there was a note in the packet indicating the deficiency of the traffic study and why there was not a future aspect to the study. Ms. Brown explained that a full traffic impact and access study would include traffic counts at the intersections and then project them out to a design year. She said they did the trip generation estimate first and then coordinated with Mr. Eby to determine the appropriate scope. She said Mr. Eby wasn't concerned with showing traffic operations because he realized there would not be much of a change in traffic operations, which was why it was not included in the packet.

[Timestamp 2:13:03] Vice-Chair Coviello said there was an appeal about the application, and he asked if the Board felt that if the appeal were denied, the application before them would meeting zoning. He said the use of the lot was not being changed and the bank was moving from one building into another. Mr. Stith said the drive-thru was staying, so the drive-thru lanes and the structure of drive-thru service were as they existed. He said the new building would meet current zoning and that the use of the remodeled old building would be grandfathered in. He said the retail banking was an allowed use and the way the cars access the drive-thru would be the same. City Attorney Trevor McCourt was present and said a decision had to be made whether it was an expansion and would need a variance to proceed and, at this point, that determination could be made by the Planning Board and then go to the BOA. He said it was about the use itself being expanded and not just intensified within its own bounds. He gave an example of a building that was divided into an arcade and a gift shop and said the gift shop was permitted under the zoning but the arcade was not, so if a pinball machine was added to the arcade, that would not be an unlawful expansion of the use, but if it was added to the gift shop, it would be. Vice-Chair Coviello asked for an example where the parking or traffic on the site was increased. Attorney McCourt said the Granite State Minerals property had wanted to add more processors but the Supreme Court denied it because it would intensify the impact on the surrounding properties. He said Oriental Gardens wanted to replace the single-wide units with larger double-wide ones, but the BOA said it was still within what was in there now and did not rule it to be an unlawful expansion of the use. Chair Chellman said the Court stated that a natural expansion was allowed, so it was not an absolute. Attorney McCourt agreed and said the single-wide units were no longer made but it was a limited kind of exception. Vice-Chair Coviello asked if Attorney McCourt's position was that the application was not an expansion of a nonconforming use. Attorney McCourt said he had no position on it whatsoever and represented whatever the City's last word would be on it. Vice-Chair Coviello said it was the City Staff's position that a nonconforming use in the traffic was not being expanded, so he was comfortable moving on.

[Timestamp 2:23:24] Mr. Samonas asked how CD4 applied with respect to zoning when there was a principal and subservient building. Mr. Stith said two principal buildings were permitted under the zone and that the new building would bring the lot more into conformance. It was further discussed. Mr. Samonas said it was noted in the HDC approval that there were some changes to heights, size, and overall capacity of the penthouse and that the plan previously approved by the HDC was not what the Planning Board was seeing. Mr. Stith said the applicant would have to go back to the HDC for those items and that the HDC could also pull them out and have another public hearing. Mr. Samonas said the applicant was maintaining a drive-thru

and an egress onto Pleasant Street, and he asked if the preferred proposed site plan's exit from the garage was considered a driveway. Mr. Stith said it was not.

[Timestamp 2:26:34] Chair Chellman said Mr. Chagnon had said there was an easement to his client's property, which may or not be the case. He asked if the use of the Court Street connection was in the chain before it became City property. Mr. Chagnon said the Parrot Avenue parking lot and the Court House were properties that came to the City. He said an exhibit from an older historic plan showed that right-of-way as Rogers Street. Chair Chellman asked if that was confirmed through research. Mr. Chagnon explained that the plan showed a 44-ft right-of-way and the City deeded the land on the north side, which was the subject parcel. He said he submitted the deed in the package and it included all the information about the right-of-way. He said no one knew exactly what the disposition of that street was. He said the access to the entrance was used for a long time, and part of what needed to happen as the project went forward was if the Planning Board chose an option to recommend to the City Council, they would add the appropriate language and it would all be clear. Attorney McCourt said he largely agreed with Mr. Chagnon. He said he did his own extensive research to try to locate something that obliged the City to keep it open as a right-of-way or something that would benefit 134 Pleasant Street, and he could not find anything. He said it was likely that it was a part of Rogers Street as of 1813, so he thought it was appropriate that some sort of recommendation come out of the Board to the City Council in terms of egress from the parcel. He said there were three options: 1) the two egress options presented by the applicant, one to keep egress in the same place it had been for a long time, 2) relocate it next to the Court House, and 3) recommend that the egress come in and out at Pleasant Street and that it not go over the City parcel at Parrott Avenue. He said there could be a fourth option of whatever the Board could come up with. It was further discussed. Attorney McCourt said he would want to know which plan the Board is approving, and inherent with that would be a recommendation from the Board that the City Council convey a license to the property owner for egress commensurate with whatever option the Board approved. He recommended that the Board come up with an opinion on the egress, either in conjunction with approving the site plan or prior to approving it, or table the site plan approval.

[Timestamp 2:33:04] Vice-Chair Coviello said he didn't know how the Board would move forward because they were trying to look out for the City's and public's best interest. He said he could foresee a deposition of the Court House property in the future for other uses because it was in rough shape and the State could pull back from that use. He asked if the Board would approve the site plan if it was the City's opinion that in the future, all that land would be City property and it would be a one-way site with the drive-thru. He said the Board was moving forward with assumptions of land ownership. Chair Chellman said there were ways to address it. He said the drainage was proposed to go through the center of the Parrott Avenue parking lot and exit by license, and if something happened in the future, the landowner would move it at their expense. He said the access could also be a renewable license, if it were a recommendation. He said a sequential problem was that the applicant was supposed to go to the City Council first and then come back with a recommendation to the Board so that there was better guidance. Attorney McCourt pointed out on the existing conditions plan that there was a jog that went up the west side of the Parrott Avenue parking lot parcel, so either way the egress was over City property and not over the Court House's property. Vice-Chair Coviello said there was a question about

the license of that 44-ft right-of-way on City property and asked if it would be the case if the Board approved the site plan. Attorney McCourt said the owner did not have the ongoing right to egress over the 44-ft right-of-way or out through the current egress.

[Timestamp 2:37:50] Chair Chellman said the Board could make a recommendation for the applicant's two presented options and ask that it be taken to City Council for resolution of those issues and then have it come back to the Board. Mr. Chagnon explained why the ingress and egress would not render the site development impotent. Vice-Chair Coviello said it would not be unreasonable to see a future where the Court House was not there and access would be granted to that parking lot in a different manner. Chair Chellman said Mr. Chagnon felt that there was a solution if the City Council shut off the access, but he said the problem was that the two plans did not show a shutoff, so the Board did not really have a plan to recommend but that they could recommend an idea. Mr. Chagnon said the Staff Memo indicated that either option was acceptable but that the Board could choose another option. He said there would be no additional traffic in the drive-thru. Vice-Chair Coviello said he was referring to the space between the start of the drive-thru and the start of the property. Mr. Chagnon said the two buildings had two average grade plan calculations, and the court case for the BOA's denial was a separate issue. He said the groundwater studies indicated that the groundwater was below the floor elevation proposed. He said it was not included in the presentation but was part of the discussion with TAC and the people in charge of making sure the project was viable from a technical standpoint.

[Timestamp 2:44:36] Chair Chellman said two representations were made in the presentation. He said Mr. Chagnon said the construction would not impact the adjacent buildings due to the groundwater issues, but then he said they were doing a geotechnical analysis of the groundwater. He asked if that was to confirm that or if it was separate. Mr. Chagnon said he felt that it would not impact 118 Pleasant Street because that property was higher and the analysis that was done was part of what is normally done by the engineers who designed the foundation and so on that allowed the building to get constructed and was part of the building permit process. Chair Chellman concluded that the analysis was for the actual construction, but Mr. Chagnon's representation as a licensed engineer was that it would not impact that building. Chair Chellman said that, relating to the abutter's concern, if Mr. Chagnon felt that there was a basis for a concern, the Board may ask for a study by a licensed person to verify it and that it was the basis of how the Board addressed that type of issue. It was further discussed.

[Timestamp 2:46:40] Mr. McNabb said they went over it with TAC. He said they had a drilling rig on the site and knew what the hydrology was and worked it into their design. He said Mr. Desfosses of DPW walked through the existing basement and that it was dry, and they were a good 10 feet lower than the basement of the abutter's above property. He said the hydrology was done by a licensed engineer. Chair Chellman said the concern was more about dewatering. Mr. McNabb said a lot of changes happened after the Planning Board's approval of the site plan. He said they could not get a mechanical permit for rooftop equipment unless it was the right distance back from the lot line. He said a lot of the license agreements came after, as a condition of the Planning Board. He said the dewatering was worked through with DPW and that they would get a dewatering permit if they needed it but it wasn't something they would do now and that he didn't anticipate that dewatering would be needed.

[Timestamp 2:50:10] Mr. Samonas said the public comments included concerns about the heights of the two buildings, the variations in the penthouse height, and the allowable height in CD4. Ms. Kozak said the maximum height in CD4 is 35 feet. She said the height of Building A was 19.3 feet as measured from the average grade to the top of the existing roof. She said the penthouse maximum height allowed was an extra two feet, which brought it to 37 feet. She said they were below that at 30'3" and that it was 11.6 feet less than the 14 feet allowed. She said the 11'6" figure was higher than what the HDC saw in September and that they would go back for approval for it. She said they were allowed 35 feet on the new building and were at 28'7". She noted that the penthouse was dimensioned on the plan. The heights were further discussed. Mr. Samonas verified that the five parking spaces for the Treadwell Mansion would remain.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 2:56:36]

First Round Speakers

Peter Smith of 206 Court Street (via Zoom) said the applicant did not include any of the study data and that the relocation of the pneumatic tube would be an extension of the use. He said there was no hydraulic report and no screening plan for HVACs and no proof that it would meet the 45 decibels requirements from the property line. He said the Board had to make their findings based on fact and not deferrals. He said the public's only recourse was through the Board's meetings and Superior Court, which was only a 30-day window, and if the applicant took more than 30 days to provide the required information, it would take away the public's right to contest.

[Timestamp 3:01:00] Mr. McNabb said he relied on TAC for things like hydrology and that it was addressed adequately at the TAC meeting. He said HVAC equipment was not designed for huge buildings until 6-9 months after Planning Board approval. He said they were held to permit standards at that point for the mechanical inspector to issue and that the inspector would not issue a permit if there was no HDC approval for the actual equipment and the noise.

Ms. Kozak said no pneumatic tube was being added at the new building and that the drawer on the existing building was being changed to a tube in the same location.

Second Round Speakers

Peter Smith said the point was that the architect was making a change. Pertaining to the HVAC equipment, he said he did not believe Mr. McNabb, who did not have a certified engineering degree. He said Mr. McNabb said he did not want to provide that information because they weren't at that stage that would allow the public to determine whether the lot line would be at 45 decibels or less for industrial HVAC equipment at night.

Mark McNabb said he had a degree in mechanical engineering, which was the discipline that addressed the noise ordinance. He said they would meet the noise ordinance at the lot line but had to get a building permit, which was the way it was done on every project in Portsmouth.

Third Round Speakers

Peter Smith said he had a degree in audio engineering. He said without an established barrier, an industrial HVAC system with a masonry wall behind it could not be attenuated.

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

DISCUSSION OF THE BOARD [Timestamp 3:06:00]

Mr. Giuliano said the question before the Board was whether the application procedurally met the requirements of the 19 evaluation criteria and Section 2.9, and if it did not, he asked which criterion was not met and why. Chair Chellman said he made some notes on the findings of fact and saw that the traffic was one that was in the applicant's favor. He said instead of saying that the City Traffic Engineer did not have a comment, the relative point was that the applicant projected that the trip generation would be reduced. He said the protection of historical features on the site was a Board question and that it was not uncommon to have an archaeologist look things over. He said the noise question would be addressed at the building permit stage. Mr. Giuliano said the noise issue in the evaluation criteria was protection from external noise sources, and what was brought up was the noise that would be produced by the project and whether the occupants would be protected from it. Chair Chellman said external noise was bedroom to/from a bedroom and mechanicals on the roof. Mr. Samonas said it could be a gray area to the public where historically the Planning Board reviewed mechanical components as they related to historic elements in the HDC and knew exactly where they would be in the site plan. He asked how much the Board relied on the HDC's subsequent approval of the change in the penthouse and added screening, and whether it hindered the Board from voting that evening. Chair Chellman said it could be a condition, and if the HDC created a change, it could become an iterative process. He said there were two plans in front of the Board, both of which were dependent on a property right that they did not have, according to Attorney McCourt, and that they needed City Council approval to get that.

[Timestamp 3:11:38] Vice-Chair Coviello said he liked the project but did not know what he was voting on because he didn't know what the City Council would decide on the access. Chair Chellman said an application could be accepted as complete, which meant there was enough information to consider it, but it did not mean that the Board couldn't ask for more information. Vice-Chair Coviello said he could see a situation where the applicant would have to come back and redo the site plan, so he thought the Board had to look at it in more detail. Chair Chellman agreed that some details had to be worked out but that the applicant deserved a recommendation on one of the two options. It was further discussed.

[Timestamp 3:18:38] Attorney McCourt said the City Council is the only body in the City able to accept or convey out any interest in real estate. By the ordinance under Chapter 11, he said the City Council is generally not permitted to dispute any real estate within the City without a recommendation from the Planning Board but that the City Council was not bound by the Planning Board's recommendation.

DECISION OF THE BOARD

[Timestamp 3:19:48] Chair Coviello said he would move that the Planning Board recommend to the City Council to consider the parcel or whether they want to have a license or not to the applicant for use of that land. He said the recommendation would be that the City preserves all the rights for any future use and can revoke those rights with reasonable notice. Attorney McCourt said it was one thing to revoke a license for trash adjacent to a garage, but it was another to revoke necessary egress for a property as designed. He said the Board could vote on the merits of the application as to the vote for completeness. He suggested other options. The reasons for continuing the application to the April meeting were discussed. Vice-Chair Coviello suggested continuing the application until April, subject to the City Council's review of the parcel and how they want to act. It was further discussed.

[Timestamp 3:28:34] Vice-Chair Coviello amended his motion and moved to continue the application to the April meeting with a recommendation to the City Council that they consider this parcel, the Parrott Ave parking lot, and how they would like to move forward with that parcel in terms of whether they want to license the applicant the use of that land or not. Paul Guiliano seconded. After further discussion, a final motion was reached.

*Vice-Chair Coviello moved to **continue** the application to the April 16th meeting with a recommendation to City Council to determine how the Council would like to move forward with the parcel in terms of whether they want to issue a license to the applicant for egress across the lot. The Board preferred the proposed site plan option for egress over the Parrot Avenue lot.*

Mr. Giuliano seconded the motion. The motion passed with all in favor.

- B.** 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. (LU-25-181)

SPEAKING TO THE PETITION [Timestamp 3:38:26]

Project engineer Antone Almeida was present on behalf of the applicant. City of Portsmouth Director of Buildings and Grounds/Maintenance Ken Linchey was also present. Mr. Almeida said they wanted to upgrade the Little Harbour School playground and the Portsmouth Early Education Program (PEEP) playground. For the PEEP playground, he said they planned to install two play structures, lighting, and site enhancements that would include new plantings, a picnic table, updated fencing, and asphalt walking paths that would minimize impervious surfaces. He said the existing fencing would be extended about 1,000 square feet by adding new fencing. For the Little Harbour School playground, he said they proposed to install new play equipment, relocate the gaga pit, and use a wood-fiber base with bonded rubber connections and a concrete edging. He said it would include a rain garden, asphalt play area/basketball court that

would be moved farther away from the wetland, and a concrete curb/mow strip around the wood fiber areas, a new guardrail, and a bike rack. He said they would add 11 new trees, 48 shrubs, 43 native plantings with the rain garden, and some wildflower mix. He said they were before the Conservation Commission and discussed educational signage, maintenance plans, coordination with the Trees and Public Greenery Committee, 25' wetland buffer markers, and bonded rubber information. He reviewed the anticipated environmental permanent and temporary impacts.

[Timestamp 3:47:15] Mr. Samonas asked why the equipment could not be placed in the large field across from the school. Mr. Linchey said that field was used for several sports, like football and soccer, that gave students who did not use the playground structure space to run and do other activities. He said the City did not want those students to play in the playground area. Mr. Samonas said the report indicated beaded rubber but Mr. Almeida had mentioned bonded rubber. Mr. Almeida said the bonded rubber held tighter. Mr. Bowen asked if the project would have a smaller impact on the buffer. Mr. Almeida agreed.

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 3:49:20]

1) *Vice-Chair Coviello 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) *Vice-Chair Coviello moved 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.

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

Mr. Guiliano recused himself from the following petition.

- 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. (LU-26-4)

SPEAKING TO THE PETITION [Timestamp 3:50:59]

Ilya Voskov of Allan Trant's Exterior Finishing Work was present on behalf of the applicant. He reviewed and petition and said the deck had become a safety concern. He said they would replace it in kind and in the same footprint and location.

The Board had no questions. 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 3:52:04]

- 1) *Vice-Chair Coviello moved that the Board voted 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) *Vice-Chair Coviello moved 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.*

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

V. OTHER BUSINESS [Timestamp 3:52:42]

A. Chairman Updates and Discussion Items

B. Board Discussion of Regulatory Amendments and Other Matters

Chair Chellman said he had comments about the Master Plan but would wait for another time. He said he met with Paul Brean, the Executive Director of Pease, and spoke with Senator Perkins Kwoka and that he would have further discussions and then report to the Board.

VI. ADJOURNMENT

The meeting adjourned at 9:53 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker