

From: [Erin L. Proulx](#)
To: [Planning - Info - Shr](#); planning@portsmouthnh.gov; [Planning - Info - Shr](#); [Peter M. Stith](#); [Rick Chellman](#)
Cc: [Ryan Proulx](#)
Subject: 134 Pleasant Street (LU-25-138) — Abutter Comments in Response to Staff Memo
Date: Tuesday, March 24, 2026 3:54:27 PM

Dear Chair Chellman and Members of the Planning Board,

I write as the owner of 118 Pleasant Street, the property immediately abutting 134 Pleasant Street to the north. I have reviewed both Mr. Smith's letter and the Planning Department's March 20, 2026 staff memorandum recommending approval with conditions.

I appreciate the conditions Mr. Stith has proposed, particularly the requirement for a Construction Management and Mitigation Plan (Condition 2.5), an oversight engineer (Condition 2.6), and the City Council referral for the Parrott Avenue egress (Condition 2.3). These are appropriate. However, the staff memo and the proposed conditions do not address several issues that directly affect my property and that I respectfully ask the Board to consider before voting.

****Noise at the Property Line.**** Section 10.1332.20 of the Zoning Ordinance establishes a maximum of 45 dBA at the lot line during nighttime hours. The roof plan (PB0.5, p124) shows mechanical equipment on Building A's flat roof, positioned against the rear building wall and adjacent to the northern property line. The wall behind the equipment will reflect acoustic energy toward my property rather than allowing it to dissipate. The distance from the equipment to the property line appears to be approximately 10 feet. The submission contains no HVAC equipment schedule, no sound power ratings, and no noise assessment of any kind. Section 10.1332.20 is not a guideline; it is a quantitative standard measured at my property line. The space between our buildings forms a partially enclosed courtyard with parallel masonry walls, which creates reverberant conditions that further increase sound levels at receiving properties. I do not see how the Board can make an affirmative finding under Criterion 7 (absence of undesirable noise) or Criterion 18 (adequate buffers for adjacent properties) without a noise assessment that accounts for this specific geometry.

****Underground Garage Exhaust.**** A 58-space underground parking garage requires continuous mechanical ventilation to manage carbon monoxide and other vehicle emissions. The International Mechanical Code requires exhaust outlets to be located at least 10 feet from property lines, operable windows, and air intakes. The submission does not identify the exhaust discharge location on any drawing. If the exhaust discharges on the north or west face of Building A, vehicle fumes will be directed into the courtyard between our properties. This is both a noise concern (continuous fan operation) and an air quality concern. I ask the Board to require the applicant to identify the exhaust discharge location before approval.

****Groundwater and My Foundation.**** My building dates to 1792 and rests on a fieldstone foundation. The proposed underground garage has a floor elevation of approximately 4 to 5 feet NAVD88, which is at or below the water table as measured by the University of New Hampshire's groundwater sensors at Strawberry Banke. Excavation and permanent dewatering at this depth will lower the water table around the excavation site. For historic buildings with shallow foundations, even modest changes in groundwater levels can cause differential settlement and structural damage. The submission contains no geotechnical report and no assessment of dewatering impacts on adjacent properties. I ask the Board to require a geotechnical investigation and a groundwater impact assessment before approving excavation

adjacent to my property.

****Drive-Through Use.**** The staff memo states that the proposed site plan "leaves the drive-through elements unchanged." However, the Level 1 plan for Building B (PB0.2, p121) shows drive-up teller windows in the new building. The teller window is the point of transaction; it is an integral component of the drive-through use. Relocating the transaction windows from the existing building to a new building on a different part of the lot constitutes a "change" to the nonconforming use under Section 10.331, which provides that a lawful nonconforming use "may not be extended, enlarged or changed except in conformity with this Ordinance." Section 10.333 separately prohibits extending a nonconforming use "throughout other parts of the building or structure." The BOA denied the variance to relocate the drive-through by a vote of 6 to 1 on October 28, 2025, finding it contrary to the public interest and the spirit of the Ordinance. The Board should satisfy itself that the proposed arrangement does not constitute an extension or change of the nonconforming use before approving the site plan.

****Building Height and Penthouse.**** The applicant's own zoning development standards table (p18) does not demonstrate compliance with the CD4 height limit of 35 feet. The penthouse setbacks required by Article 15 (20 feet from public-place roof edges, 15 feet from other edges) are not dimensioned on any plan sheet. The penthouse height limit (10 or 14 feet depending on roof classification) is also absent. Mr. Stith questioned the penthouse classification at the February 3 TAC meeting. The staff memo does not address building height or penthouse compliance. I do not believe the Board can make a finding on height until the applicant completes the calculation.

****Findings of Fact.**** The staff memo recommends adopting the applicant's findings of fact "as presented." I respectfully suggest that several of these findings are contradicted by the submission itself. Finding 4 states there is "no groundwater withdrawal proposed," yet the foundation detail (SK-1, p148) shows a perimeter drain specifically designed to collect groundwater, and the basement plan (PB0.1, p120) shows four sump pumps. Finding 12 states the City's Traffic Engineer "did not have any comments during the TAC review," but the traffic study is dated March 18, 2026, forty-three days after the TAC met on February 3. The Board should review and amend these findings before adoption rather than adopting them as presented.

I am not opposed to development of 134 Pleasant Street. I am asking that the Board ensure the application addresses the impacts on my property before granting approval. A continuation to allow the applicant to provide a noise assessment, identify the garage exhaust location, complete the height calculation & show proper setbacks required by penthouse zoning, and submit a geotechnical report would resolve these concerns without prejudicing the applicant's project.

Respectfully submitted,

Erin Proulx
118 Pleasant St
Portsmouth, NH

From: [Peter Smith](#)
To: [Planning - Info - Shr](#); [Izak Gilbo](#)
Cc: [Erin L. Proulx](#)
Subject: 134 Pleasant Street, Application LU-25-138
Date: Tuesday, March 24, 2026 1:39:00 PM

Dear Chair Chellman and Members of the Planning Board,

I write regarding Application LU-25-138 for 134 Pleasant Street. I have reviewed the 147-page Site Plan Review submission, the BOA variance record, the HDC approval record, the TAC minutes of February 3, 2026, the applicable sections of the Portsmouth Zoning Ordinance (as amended through February 17, 2026), the SPR Regulations, and publicly available environmental data.

SPR Regulation 2.5.2(4) requires that the application "shall be complete as submitted and provide adequate information for evaluation of the proposed site development." Section 2.5.2(7) requires the applicant to "provide technical information and expertise sufficient for evaluation of the application." Section 2.5.3(2)(b) lists specific studies that shall be submitted as part of the approval process, including "Estimates of noise generation," "Environmental impact studies," "Endangered species and archaeological / historical studies," and "Information on composition and quantity of water demand and wastewater generated." None of these appear anywhere in the 147-page submission. In addition, the applicant's own zoning compliance table (p18) does not demonstrate that the proposed building heights comply with CD4 limits, and the HDC approval that the Board must rely on under SPR Criterion #1 was issued for a different exterior design than the one before the Board. Under RSA 676:3, the Board must make "specific written findings of fact" supporting its decision. The Board cannot make affirmative findings on criteria that depend on information the applicant has not provided.

I respectfully request that the Board continue this application until the mandatory submission items are provided and the issues identified below are resolved. I have also submitted a Right-to-Know request under RSA 91-A for the City's Parrott Avenue groundwater monitoring well data, which will not be available within the statutory response window before this hearing.

I. MANDATORY SUBMISSION ITEMS NOT PROVIDED

SPR Regulation 2.5.3(2)(b) lists specific studies and information that shall be submitted as part of the approval process, "including but not limited to" the items below. Given the scope of this project, each of these studies is directly relevant to the Board's evaluation, and the Board should require them before making findings. The following items are absent from the

submission:

1. **Estimates of noise generation.** The submission contains no noise estimates of any kind. The project includes rooftop HVAC equipment, underground garage ventilation fans operating continuously, a garage vehicle ramp, and sump pumps cycling with tidal patterns, all generating noise at or near the property line.
2. **Environmental impact studies.** No Phase I Environmental Site Assessment has been submitted for a site with over 70 years of continuous commercial use (grocery store since 1952, bank since 1982) where the applicant proposes to excavate approximately 10 feet below grade.
3. **Endangered species and archaeological / historical studies.** The applicant's own site history narrative (p5) describes the Universalist Church and parsonage that occupied this site before the current building. No archaeological investigation has been submitted for a project that proposes to excavate through this historically documented ground.
4. **Water supply/demand studies.** The submission contains no water demand calculations and no wastewater capacity analysis for a project adding 23 residential units and over 24,000 square feet of commercial space to a combined sewer system with documented overflow events at the Parrott Avenue outfalls (10A and 10B).

Section 2.5.2(4) requires the application to "be complete as submitted and provide adequate information for evaluation." The Board cannot evaluate noise impacts without noise estimates, groundwater protection without a geotechnical report, or environmental contamination risk without a Phase I assessment. The information is necessary for evaluation regardless of whether the Board formally orders the studies or the applicant provides them voluntarily.

II. APPROVALS NOT YET OBTAINED

Several approvals and conditions that the SPR Regulations or the TAC require as prerequisites have not been satisfied.

HDC approval does not match the current project. The Historic District Commission has jurisdiction over the exterior appearance of buildings, including height, scale, mass, materials, and architectural details (Sections 10.631.20(2), 10.635.70(1)-(2)). Building A's measured building height increased from 26 feet 2 inches (HDC plans) to 30 feet 2 inches (SPR plans), a difference of 4 feet. The penthouse roof increased from 44 feet 5 inches to

45 feet 8 inches. The penthouse was substantially expanded, resulting in additional windows, additional roof deck area, and a larger roof structure, all of which are exterior changes visible from public ways. Building B's stair tower at 49 feet 9 inches was not dimensioned or discussed at the HDC hearing. No rendering from Court Street or the Heritage Trail was presented, so neither the HDC nor the Board can evaluate the increased massing or the visibility of rooftop mechanical equipment from those public ways. HDC Stipulation #2 states: "Any changes to the approved design shall require review and approval by the HDC." The height increases, the expanded penthouse massing, and the 49-foot-9-inch stair tower are changes to the approved design that fall squarely within HDC jurisdiction. The Board should confirm that the HDC has reviewed these exterior changes before making findings under SPR Criterion #1 (compliance with ordinances) or Criterion #10 (protection of historical features).

DPW drainage approval not obtained. TAC Condition 3 (TAC Minutes, February 3, 2026) required "final approval from DPW before Planning Board submission" for the drainage system design. The applicant's response (p7) states the drainage design "has been coordinated with the Public Works Department." Coordination is not approval. No DPW approval letter appears anywhere in the submission. This was a pre-submission condition, not a condition of approval.

City Council and NH Court approvals not obtained. The primary site plan (C102, p115) requires City Council approval for the Parrott Avenue parking lot reconfiguration and NH District Court approval for access changes. Neither has been obtained.

BOA variance denied. The Level 1 floor plan (PB0.2, p121) shows drive-up banking windows and lanes in Building B, a new building that does not currently exist, located on a different part of the lot from the existing drive-through in Building A. The BOA denied the variance to relocate the drive-through on October 28, 2025, with one member in opposition, and denied rehearing on December 16, 2025.

Eversource capacity confirmation is for a different project. The Eversource will-serve letter (p22, dated January 12, 2026) confirms electrical capacity for "a total of 18 residential units" with "Commercial Space." The current submission proposes 23 residential units, 5 more than the utility confirmed capacity for. The letter also does not account for the electrical load of the 58-space underground parking garage, which requires continuous ventilation fans, lighting, sump pumps, a fire pump, garage door operators, and EV charging stations. SPR Criterion #5 requires the Board to find adequate provision of utilities. The capacity confirmation on file does not correspond to the project before the Board.

III. BUILDING HEIGHT AND PENTHOUSE COMPLIANCE

The applicant's zoning development standards table (p18) does not demonstrate that the proposed building heights comply with CD4 limits. The Planning Manager raised questions at the TAC meeting on February 3, 2026 about whether the penthouse classification meets the intent of the ordinance. The CD4 height limit is "2 stories with short 3rd = 35' max" per Map 10.5A21.B. The Board cannot make a finding of height compliance when the submission does not demonstrate compliance and the City's own Planning Manager has questioned the penthouse classification.

Section 10.5A43.32(a) of the CD4 Character District standards provides that "all roof appurtenances and other features that exceed the allowed building height shall not exceed 33 percent of the total roof area." The penthouse level is 5,208 square feet, which is 41% of the 12,675 square foot floor below, as displayed by the architect on plan sheet PB0.4 (p123). This exceeds the 33% limit by 8 percentage points. This is the Zoning Ordinance's own dimensional standard for Character Districts, independent of any building code provision.

The penthouse on Building A (PB0.4, p123) does not demonstrate compliance with the dimensional requirements of Article 15 (p.15-32). A penthouse requires a 20-foot setback from all roof edges adjoining a public place and a 15-foot setback from all other edges. Neither dimension appears on any plan sheet. The penthouse height limit is 10 feet for a flat roof or 14 feet for a gable, hip, or mansard roof. This dimension is also absent. If the penthouse fails to qualify under these requirements, the third level counts as a story under Article 15 (p.15-38), and the building exceeds the CD4 story count limit. The applicant has not stated whether the roof is classified as a flat-topped or hip-topped mansard, a distinction that determines how building height is measured under Article 15 (p.15-9). Section 10.5A43.31 limits penthouses in Character Districts to exceeding the maximum building height by only 2 feet.

NOISE: QUANTITATIVE ORDINANCE LIMITS AND NO NOISE ESTIMATES PROVIDED

Section 10.1332.20 of the Zoning Ordinance establishes maximum permissible sound pressure levels measured at the lot line. For residential and mixed residential districts, the limit is 55 dBA during the day (7 AM to 9 PM) and 45 dBA at night (9 PM to 7 AM). Sound pressure levels are measured at all major lot lines per Section 10.1332.10. The submission contains no noise estimates of any kind, despite SPR Regulation 2.5.3(2)(b) listing "Estimates of noise generation" among the studies contemplated for the approval process.

The physical arrangement at this site makes compliance with the 45 dBA nighttime limit a

serious question. The rooftop HVAC equipment is positioned on Building A's flat roof, against the rear building wall, with the northern property line approximately 10 feet away. Commercial HVAC equipment serving 23 residential units and over 24,000 square feet of commercial space typically generates 60 to 75 dBA at the unit. At 10 feet, free-field attenuation alone would not reduce that level below 45 dBA. The building wall behind the equipment acts as a reflective surface, adding approximately 3 dBA by reflecting sound energy that would otherwise dissipate away from the property line. The roof surface beneath the equipment adds another reflective plane. The combined effect of two reflective surfaces increases sound pressure at the receiver by approximately 6 dBA compared to free-field conditions. In practical terms, the property line receives both the direct sound from the equipment and the reflected sound from the wall and roof behind it.

The measurement point under Section 10.1332.10 is the lot line itself. The reflected energy from the building wall contributes to the total sound pressure level measured at that point. An HVAC unit that might comply with the 45 dBA nighttime limit at 50 feet in open air may not comply at 10 feet with a reflective wall doubling the acoustic energy at the measurement point.

The property line at this location opens into a courtyard substantially enclosed by masonry buildings on three to four sides, including historic Strawberry Banke structures and residences along Court Street. Parallel reflective surfaces in this geometry prevent normal distance-based sound attenuation and create reverberant conditions that further amplify equipment noise at receiving properties.

In addition to rooftop HVAC, the project will generate noise from underground garage ventilation fans operating continuously, garage ramp vehicle traffic (estimated 250 to 350 daily trips through a single-lane ramp), and sump pumps cycling with tidal patterns. Portsmouth Noise Ordinance Section 3.403(Q) separately requires that blowers and power fans be muffled. The Board cannot evaluate compliance with Section 10.1332.20 or make findings under SPR Criterion #7 (absence of undesirable pollution) or Criterion #18 (adequate buffers for adjacent properties) without noise estimates that account for the equipment specifications, the distance to the lot line, the reflective wall behind the equipment, and the enclosed courtyard geometry.

ROOFTOP MECHANICAL EQUIPMENT: VISIBILITY AND SCREENING

Section 10.633.20(7) of the Historic District overlay exempts roof-mounted equipment from HDC review only if it meets three conditions: it is not visible from a public way, it does not exceed 27 cubic feet, and it does not extend more than 3 feet above the roof plane. The

roof plan (PB0.5, p124) shows rectangular elements consistent with mechanical equipment on Building A's flat roof behind the mansard. Commercial HVAC serving 23 residential units and over 24,000 square feet of commercial space will almost certainly exceed all three exemption thresholds.

Court Street and the Heritage Trail are public ways with direct sightlines to the rear of Building A. No HVAC equipment schedule, no screening plan, and no rendering from Court Street or the Heritage Trail appear anywhere in the submission. The HDC evaluated the project solely from the Pleasant Street perspective. The Board should require that rooftop mechanical equipment be evaluated for visibility from all adjacent public ways, and that the HDC review screening from Court Street and the Heritage Trail before findings are made under SPR Criterion #1 (compliance with ordinances) or Criterion #10 (protection of historical features).

HDC APPROVAL DOES NOT MATCH THE CURRENT PROJECT

The Historic District Commission has jurisdiction over the exterior appearance of buildings, including height, scale, mass, materials, and architectural details (Sections 10.631.20(2), 10.635.70(1)-(2)). It does not review interior uses or unit counts. The following exterior changes between the HDC-approved plans (H-series, dated December 29, 2025) and the SPR submission are within HDC jurisdiction and were not reviewed:

Building A's measured building height increased from 26 feet 2 inches (HDC plans) to 30 feet 2 inches (SPR plans), a difference of 4 feet. The penthouse roof increased from 44 feet 5 inches to 45 feet 8 inches. The penthouse was substantially expanded, resulting in additional windows, additional roof deck area, and a larger roof structure, all of which are exterior changes visible from public ways. Building B's stair tower at 49 feet 9 inches was not dimensioned or discussed at the HDC hearing. No rendering from Court Street or the Heritage Trail was presented, so neither the HDC nor the Board can evaluate the increased massing or the visibility of rooftop mechanical equipment from those public ways.

HDC Stipulation #2 states: "Any changes to the approved design shall require review and approval by the HDC." The height increases, the expanded penthouse massing, and the 49-foot-9-inch stair tower are changes to the approved design that fall squarely within HDC jurisdiction. The Board should confirm that the HDC has reviewed these changes before making findings under SPR Criterion #1 (compliance with ordinances) or Criterion #10 (protection of historical features).

UNDERGROUND GARAGE EXHAUST

A 58-space underground parking garage requires approximately 11,000 to 13,500 cubic feet per minute of continuous mechanical exhaust ventilation for carbon monoxide control. The exhaust discharge location is not identified on any drawing in the 147-page submission. It does not appear on the basement plan (PB0.1, p120), the roof plan (PB0.5, p124), either elevation (PB1.1 and PB1.2, pp125-126), the building section (PB3.1, p129), or any civil engineering sheet.

International Mechanical Code Section 401.5 and Section 502.2 require exhaust outlets to be located at least 10 feet from property lines, operable windows, and air intakes. If the exhaust discharges on the north or west face of the building, vehicle exhaust containing carbon monoxide, volatile organic compounds, and particulate matter is directed into the enclosed courtyard toward 118 Pleasant Street and residences along Court Street. This is both a continuous noise issue (fan operation 24 hours a day) and an air quality issue under Section 10.1310 of the Performance Standards.

THE DRIVE-THROUGH

The existing drive-through at 134 Pleasant Street is a lawful nonconforming use in Building A. Drive-throughs were removed as a permitted use in CD4 when character-based zoning was enacted. Under Section 10.331, the use "may continue, but may not be extended, enlarged or changed except in conformity with this Ordinance."

The Level 1 floor plan (PB0.2, p121) shows drive-up banking windows and lanes in Building B, which is a new building that does not currently exist, located on a different part of the lot from the existing drive-through in Building A. This is not a continuation of an existing use. It is the extension of a nonconforming use from one building to a different building on a different part of the lot. Section 10.333 prohibits extending a nonconforming use "throughout other parts of the building or structure." Section 10.334 prohibits extending a nonconforming use "into any part of the remainder of a lot." Placing drive-up teller windows in a new building violates both provisions.

The rendering on page 127 also shows an outdoor terrace at the second floor level with glass panel railings above the ground-level drive-through area. Glass railings are a building code requirement for occupied spaces with fall hazards, indicating this is habitable space constructed above the drive-through lanes. This feature was not part of the BOA variance application, was not reviewed by the HDC in this configuration, and is not described in the narrative text.

The BOA denied the variance to relocate the drive-through on October 28, 2025, with one

member in opposition, finding that the drive-through "cuts the pedestrian flow on the property" and that "the ordinance's intent is to eliminate the allowance for drive-throughs in the CD4 and CD5 zones." The BOA denied rehearing on December 16, 2025, finding "the applicant failed to identify an error in procedure or law." The Planning Board cannot approve a site plan that extends a nonconforming use to a new building when the required variance has been denied.

GROUNDWATER AND THE UNDERGROUND GARAGE

The proposed underground parking garage has a floor elevation of approximately 4 to 5 feet NAVD88, per architectural section PB3.1 (p129). Mean Higher High Water at NOAA Station 8423898 (Portsmouth Harbor) is 4.4 feet NAVD88.

On March 24, 2026, I retrieved groundwater sensor data from the University of New Hampshire's Strawberry Banke Sensor Network (sbm-sensors.sr.unh.edu/data), covering 29,226 readings across 83 days (January 1 through March 23, 2026) from inland groundwater wells approximately two blocks from this site. The Penhallow station shows groundwater at approximately 5.4 feet NAVD88, with a minimum reading of approximately 5.3 feet over the entire 83-day record. This is permanently above the proposed basement floor. The Shapley, Drisco, and Pridham stations show tidal groundwater fluctuation peaking at approximately 4.4 feet NAVD88 on January 4, 2026, which is at the basement floor elevation. These are not storm readings. They are ordinary winter and spring conditions.

Portsmouth's Hazard Mitigation Plan rates flooding as the city's highest-ranked natural hazard and specifically identifies the South Mill Pond area. The Coastal Resilience Initiative Report shows the site is historically filled tidal land, visible on the 1813 Hale Map. The City installed a groundwater monitoring well at the adjacent Parrott Avenue lot in October 2024, one of only ten citywide, because its scientific analysis identified this location as among the most vulnerable for groundwater rise.

The applicant's checklist (p17) marks Special Flood Hazard Areas as "N/A." The submission contains no geotechnical report, no groundwater assessment, no dewatering plan, and no flood emergency plan.

SUMP PUMP DISCHARGE AND COMBINED SEWER IMPACTS

The basement plan (PB0.1, p120) shows sump pumps in the underground garage. The

foundation detail (SK-1, p148) shows a perimeter drain at footing level, confirming the designer anticipates groundwater collection. Given that the UNH sensor data shows groundwater permanently above the basement floor, these sump pumps will operate continuously, cycling with tidal patterns.

The submission does not identify where the sump pump discharge goes. If it enters the combined sewer system, it will exacerbate combined sewer overflow events at the Parrott Avenue outfalls (10A and 10B). The volume of groundwater that must be continuously pumped from a basement below the water table is substantial, and any addition of non-sewage flow to a combined system with documented overflow events is a concern that should be quantified before approval. If the discharge goes to surface water or storm drains leading to South Mill Pond, it requires an NPDES permit.

The submission is silent on this question. SPR Criteria #3 (stormwater management), #4 (groundwater quality), #6 (adequate sewage facilities), and #7 (absence of undesirable pollution) all require the Board to evaluate these impacts before making findings.

The same concern applies to the construction period. Excavation to 10 or more feet below grade in tidal groundwater will require continuous dewatering at an estimated 72,000 to 288,000 gallons per day. The submission does not identify the discharge destination for construction dewatering.

Finding #4 (p2) addresses groundwater by stating: "No groundwater withdrawal proposed as the water supply is city. No nearby production wells." This finding addresses municipal drinking water supply, which is not in dispute. It does not address the continuous removal of groundwater by the sump pumps shown on PB0.1, which is a separate question. The Board cannot adopt Finding #4 as written because it does not address the groundwater condition that the applicant's own engineering details are designed to manage.

DEWATERING IMPACTS ON ADJACENT HISTORIC STRUCTURES

Construction dewatering and permanent sump pump operation create a cone of depression in the water table extending 100 to 300 feet from the excavation, depending on soil conditions. The Strawberry Banke Museum buildings at 118 Pleasant Street, dating from the 17th through 19th centuries with fieldstone foundations, and the Governor John Langdon House National Historic Landmark (NRIS 74000197, designated 1974) at 143 Pleasant Street are within this radius. Lowering the water table beneath historic structures with shallow foundations can cause differential settlement. Even one-quarter inch of differential settlement can crack plaster, shift door frames, and damage the structural integrity of timber-frame buildings that have stood for over 200 years.

The submission contains no geotechnical report, no hydrogeological impact assessment, and no monitoring plan for adjacent properties. SPR Criteria #4 (groundwater protection) and #17 (suitability of land for building) require the Board to evaluate these impacts. Section 10.1330 of the Performance Standards addresses vibration. The FTA Transit Noise and Vibration Impact Assessment Manual establishes a threshold of 0.12 inches per second peak particle velocity for historic and sensitive structures.

STORMWATER: EQUIPMENT DESCRIBED BUT NO ENGINEERING ANALYSIS

The submission describes a Jellyfish stormwater treatment system and Cascade separator (pp146-147, C506-C507) but contains no stormwater calculations. There is no pre-development versus post-development runoff comparison, no water quality volume sizing, and no peak flow analysis. Finding #3 marks stormwater as "Meets" based on a description of equipment, not an engineering analysis demonstrating compliance with SPR Regulation 7.6.

NO TRAFFIC STUDY FOR THE ALTERNATE SITE PLAN

The primary site plan (C102, p115) requires City Council approval for the Parrott Avenue parking lot reconfiguration and NH District Court approval for access changes. Neither approval has been obtained. If either is denied, the project reverts to the alternate site plan (C102A, p116). The submission contains no traffic analysis, no parking analysis, and no fire access analysis for the alternate plan. The applicant characterizes the alternate plan's implications as "minimal" (p5) with no supporting data. If the Board approves this application, it is approving a plan that may revert to an unstudied alternative for which no findings can be made.

TRAFFIC STUDY COMPLETENESS AND TIMING

The GPI traffic study (pp24-67) contains no level of service analysis at any intersection, no field-collected turning movement counts, and no actual traffic data. All trip estimates are derived solely from ITE Trip Generation Manual rates. The study was completed on March 18, 2026, which is 43 days after the TAC met on February 3, 2026. The TAC reviewed and conditionally approved the project without seeing the final traffic study. The applicant's Findings of Fact were prepared on March 19, one day after the traffic study was completed, leaving the Board and abutters 8 days to review the traffic analysis before this hearing.

The pre-filled Finding of Fact for Criterion #12 (p3) states: "The City's Traffic Engineer did not have any comments during the TAC review." The TAC met on February 3. The traffic study is dated March 18. The City's Traffic Engineer could not have reviewed or commented on a study that did not yet exist.

PARROTT AVENUE SIGHT DISTANCE

The applicant's own traffic study (GPI, Table 2, pp30-31 and pp55-58) reports that the intersection sight distance for left turns at the District Court and Fire Station driveway on Parrott Avenue is 130 feet when the adjacent on-street parking space is occupied. The AASHTO requirement is 220 feet, with 280 feet desirable. This is 59% of the required standard. Without a parked car, the sight distance is 305 feet, which exceeds both thresholds. Despite the admitted deficiency when a car is parked in the adjacent space, GPI concludes in bold text: "No additional project-specific mitigation is warranted." The proposed mitigation, a "two-stage left turn," is not an AASHTO-recognized measure.

PHASE 1 WITHOUT BOND OR CONSTRUCTION MANAGEMENT PLAN

The applicant requests that Phase 1, which includes renovations to Building A, driveway modifications, basement access excavation, stair tower construction, and elevator core installation, proceed "without posting a bond" and with a separate building permit (p9). Phase 1 is the most disruptive construction phase, involving deep excavation adjacent to the Portsmouth Fire Station. No Construction Management and Mitigation Plan is proposed for Phase 1. SPR Regulation 2.11 addresses phased projects and bonding requirements. Finding #2 states construction safety "will be developed in the construction process," which is an acknowledgment that no safety plan currently exists. SPR Criterion #2 (provision for safe development) requires an affirmative finding that cannot be made on the basis of a future promise.

PARKING NUMBERS: TWO DIFFERENT CALCULATIONS

The submission contains two different parking requirement calculations. The Haley Ward narrative (p5) states 85 spaces are required, yielding a 6-space surplus. The GPI traffic study (p67) calculates 76 spaces required after bicycle credit, yielding a 15-space surplus. The 9-space discrepancy results from different methodology. The Board must determine which calculation it is relying on for its findings.

The submission also contains three different bicycle parking counts from three different consultants. The Haley Ward narrative (p7) states 25 total. The ARCOVE parking analysis (p19) shows 30 total. The GPI traffic study (pp35-36) states 50 total. The bicycle count drives the automobile parking reduction under Section 10.1116.13. With 25 bicycles, the reduction is 3 spaces. With 50 bicycles, the reduction is 4 spaces.

BICYCLE PARKING ACCESS

The submission shows 40 of 50 bicycle parking spaces located in the basement (PB0.1, p120; GPI pp35-36). While elevator and stair access to the basement exists, the practical access for a cyclist carrying a bicycle is the single-lane curved vehicle ramp, which is approximately 12 to 14 feet wide (C103A, p131). Cyclists would share this curved, sloped ramp with motor vehicles in a single traffic lane. Section 10.1116 contemplates safe and convenient bicycle parking access.

REQUEST

The issues identified above are not matters of opinion or preference. They fall into three categories, each of which independently warrants continuation of this application.

First, the application does not provide adequate information for the Board's evaluation. SPR Regulation 2.5.2(4) requires the application to be complete and provide adequate information for evaluation. Section 2.5.3(2)(b) lists specific studies, including noise estimates, environmental impact studies, archaeological studies, and water demand information, that shall be submitted as part of the approval process. None of these have been provided. The Board cannot make affirmative findings on evaluation criteria that depend on information the applicant has not submitted.

Second, required approvals have not been obtained. The HDC has not reviewed the exterior design changes documented in Section II. The DPW has not issued the drainage approval that TAC Condition 3 required before Planning Board submission. The BOA denied the variance required for the drive-through facilities shown in Building B. The Board cannot find compliance with SPR Criterion #1 (compliance with all City Ordinances and Codes) when these prerequisite approvals are absent or denied.

Third, the substantive concerns raised in Sections III through the remainder of this letter identify specific instances where the applicant's own submission documents contradict the pre-filled Findings of Fact, where evaluation criteria cannot be satisfied on the evidence before the Board, and where the impacts on adjacent properties have not been evaluated. Under RSA 676:3, the Board's written findings must be supported by the record. Findings

that rest on information the applicant admits is incomplete, on studies that do not yet exist, or on assertions contradicted by the applicant's own engineering details will not satisfy that standard.

I respectfully request that the Board continue this application until:

1. The mandatory submission items identified in Section I are provided, including noise estimates, environmental impact studies, archaeological studies, and water demand and wastewater capacity analysis.
2. The HDC reviews the current exterior design per its own Stipulation #2, including the increased building heights, the expanded penthouse massing, the 49-foot-9-inch stair tower, and rooftop mechanical equipment screening from Court Street and the Heritage Trail.
3. The applicant demonstrates that the proposed building heights comply with the CD4 limits, and that the penthouse complies with the Article 15 dimensional requirements and the 33% roof appurtenance limit of Section 10.5A43.32(a).
4. The applicant demonstrates that the drive-up banking windows and lanes shown in Building B on PB0.2 (p121) are consistent with Sections 10.331, 10.333, and 10.334, or obtains the variance that the BOA denied on October 28, 2025.
5. A geotechnical report assesses actual groundwater conditions at this site, the sump pump discharge destination and estimated volume are identified, and the impact on the combined sewer system is evaluated.
6. The garage exhaust discharge location is identified on the plans, and the noise estimates address the enclosed courtyard geometry at the northern property line.
7. DPW provides the drainage approval required by TAC Condition 3.
8. The Parrott Avenue groundwater monitoring well data is made available. I have submitted a Right-to-Know request for this data under RSA 91-A.

None of these requests ask the Board to deny this application. They ask the Board to wait until the applicant provides the information that the SPR Regulations require and that the Board needs to make supportable findings of fact. A continuation imposes no hardship on

any party. An approval on the current record, given the gaps identified above, would not rest on the specific written findings of fact that RSA 676:3 demands.

Respectfully submitted,

Peter Smith
206 Court Street Portsmouth, NH

All page references are to the SPR submission for Application LU-25-138 (147 pages) unless otherwise noted. Ordinance references are to the Portsmouth Zoning Ordinance as amended through February 17, 2026. Groundwater data retrieved March 24, 2026 from the UNH Strawberry Banke Sensor Network (sbm-sensors.sr.unh.edu/data). NOAA tidal data from Station 8423898 (Portsmouth Harbor).