



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: May 15, 2026

Re: Recommendations for the May 21, 2026 Planning Board Meeting

I. APPROVAL OF MINUTES

- A.** Approval of the April 16, 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 April 16, 2026 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A.** The request of **Jeannette McDonald (Owner)** and **Flippin Bergers, LLC (Applicant)**, for property located at **86 Farm Lane** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into three lots with associated site improvements. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. (LU-26-16)

Planning Department Recommendation

Vote to determine that Item A is complete according to the Subdivision Review Regulations, (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the applications for consideration.

SITE PLAN REVIEW

- A. REQUEST TO POSTPONE TO JUNE** The request of **Brora LLC (Owner)**, for property located at **150 Portsmouth Boulevard** requesting Site Plan Review Approval for the construction of three (3), six (6) story multifamily residential buildings with associated site work including parking, driveway access, utility, drainage, landscaping, and lighting improvements. **REQUEST TO POSTPONE TO JUNE**

- B.** The request of **Jeannette McDonald (Owner)** and **Flippin Bergers, LLC (Applicant)**, for property located at **86 Farm Lane** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into three lots with associated site improvements. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. (LU-26-16)

- C.** The request of **304 Maplewood LLC (Owner)**, for property located at **304 Maplewood Avenue** requesting amended Site Plan approval for a 1,011 square foot addition to the existing office building. Said property is located on Assessor Map 140 Lot 7 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-26-5)

- D.** The request of **Regan Electric CO INC (Owner)**, and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **198 Cornwall Street** requesting Site Plan Review approval.

Planning Department Recommendation

Vote to determine that Items B, C & D are 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 applications for consideration.

III. PUBLIC HEARINGS – OLD 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.

Update since the April 16, Planning Board Meeting

As a result of the discussion at the April 16, 2026 meeting, the applicant filed a variance application to the Board of Adjustment for the changes to the existing drive through. Section VII (4) of the Board of Adjustment Rules & Regulations states the following:

4. The applicant shall be allowed to have only one active application before the Board at any time, including any application for a variance or Special Exception for a property with an application subject to appeal. Additional applications will be rejected by the staff at the time it is submitted for processing.

Because the applicant is currently appealing the October 28, 2025 decision of the Zoning Board, a new application would not be allowed to move forward under this rule and until such time as the appeal process is complete. The appeal was heard in Superior Court on Friday, May 8, 2026 and an order from the judge should be issued soon.

Given the lack of a decision from the Zoning Board of Adjustment, staff would recommend postponing the Site Plan Review application until the Board of Adjustment can hear the new application.

Under RSA 676:4, the Planning Board is required to act on a completed application within 65 days of acceptance, unless the applicant consents to an extension of that timeframe. Continuances of public hearings alone do not suspend this statutory period. The Planning Board has determined that variance relief from the Board of Adjustment is required prior to final action on the application. Given the pending appeal of a prior Board of Adjustment decision and the status of the newly filed application, it is unlikely that this relief will be obtained within the statutory 65-day period.

Staff recommends that the Planning Board seek the applicant's consent to waive the 65-day statutory decision period in accordance with RSA 676:4(f) and continue the application to a future meeting to allow resolution of the Board of Adjustment matter. If the applicant agrees to such a waiver, the Board may continue the application as needed without risk of constructive approval.

If the applicant does not consent to an extension, the Planning Board will be required to act on the application within the statutory timeframe. In that circumstance, and absent the required variance relief, staff recommends that the Board deny the application without prejudice to allow the applicant to resolve the zoning issues and resubmit.

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.

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| <p>ARTICLE VI: REFERRALS TO PLANNING BOARD (Added 12/21/2009)</p> <p>Section 11.601: INTENT</p> <p>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.</p> <p>Section 11.602: REFERRAL AND REPORT</p> <p>A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:</p> <ul style="list-style-type: none">(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. <p>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.</p> <p>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.</p> |
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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.*

The applicant was before the Historic District Commission on [April 1, 2026](#) and received administrative approval for the minor changes that were made since receiving a Certificate of Approval from the Commission in January.

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.

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

2.4) *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.*

2.5) *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.

- 2.6) *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;*
- 2.7) *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. *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.*

III. PUBLIC HEARINGS – OLD 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.

- B. REQUEST TO POSTPONE TO JUNE** The request of **Brora LLC (Owner)**, for property located at **150 Portsmouth Boulevard** requesting Site Plan Review Approval for the construction of three (3), six (6) story multifamily residential buildings with associated site work including parking, driveway access, utility, drainage, landscaping, and lighting improvements and reconstruction of Portsmouth Boulevard in front of the development. Said property is located on Assessor Map 213 Lot 12 and lies within the Office Research (OR) and Gateway Neighborhood Overlay (GNOD) Districts. (LU-25-114) **REQUEST TO POSTPONE TO JUNE**

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 **Jeannette McDonald (Owner)** and **Flippin Bergers, LLC (Applicant)**, for property located at **86 Farm Lane** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into three lots with associated site improvements. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District.

Project Background

The application for subdivision and site plan approval proposes to subdivide the existing lot into three residential lots, one which retains the existing dwelling and the creation of two new buildable lots. The proposal includes construction of a new public roadway within the existing Longmeadow Lane right-of-way to provide access to the new lots.



Project Review, Decisions, and Recommendations

The applicant was before the Board of Adjustment 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, [May 27, 2025](#) seeking relief for the following:

1) Variance from Section 10.521 to allow a) 28-foot rear yard setback where 30 feet is required; and b) 23-foot secondary front yard where 30 feet is required. Proposed lot 1 requires the following: 2) Variance from Section 10.521 to allow a) 10,664 s.f. of lot area where 15,000 s.f. is required; b) 10,664 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Proposed lot 2 requires the following: 3) Variance from Section 10.521 to allow a) 11,250 s.f. of lot area where 15,000 s.f. is required; b) 11,250 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required.

The Board voted 5-1 to grant the variances with the following conditions:

- 1) The approval shall be contingent upon the Planning Board approval of the subdivision and City Council acceptance of fee simple ownership of the new right-of-area proposed; and*
- 2) The subdivision layout may change as a result of TAC and Planning Board reviews if it does not increase the zoning relief required.*

Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, [April 7, 2026](#) and the Committee voted unanimously to recommend approval as presented.

Waiver Request

The applicant has requested two waivers from the Subdivision Ordinance and one from the Site Plan Review Regulations. The applicant provides appropriate rationale for the subdivision waivers in the request and staff supports granting the requested waivers.

The applicant has requested a waiver from the requirement to record an approved site plan based on the conceptual nature of the submitted plan. Staff finds that this request is not comparable to typical waiver requests involving dimensional or design standards found in the Site Plan Regulations. The requirement to record an approved site plan is a procedural and legal

requirement intended to ensure the enforceability of Planning Board approvals and to provide notice to future property owners. As such, it is fundamental to the administration and implementation of the Site Plan Regulations.

While the Planning Board is authorized to grant waivers where strict conformity would pose unnecessary hardship and where such waivers would be consistent with the purpose and intent of the regulations, staff find that waiving a requirement that ensures enforceability would be inconsistent with that purpose and intent.

Planning Department Recommendation
Subdivision Waiver

1) *Vote to grant the requested waivers from Subdivision Ordinance. [NOTE: Motion maker must select one of the following options]:*

a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

[OR]

b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

Planning Department Recommendation
Subdivision

1) *Vote to find that the Subdivision Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Site Plan Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as amended.

2) *Vote to grant Preliminary and Final Subdivision Approval with the following conditions:*

2.1) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*

2.2) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

2.3) *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.*

2.4) *The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

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) *Applicant shall contact DPW prior to any work in the right of way and when working with the Municipally owned utilities.*

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>*

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.*
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IV. PUBLIC HEARINGS – NEW BUSINESS

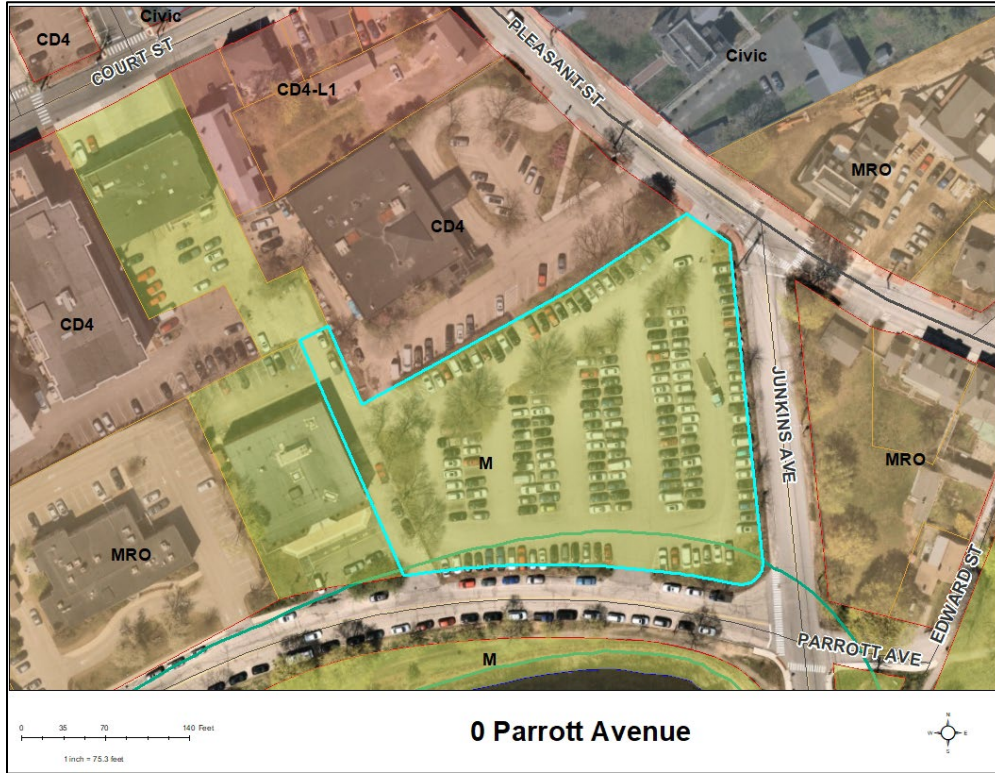
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- B.** The request of **Double MC LLC (Applicant)**, and **The City of Portsmouth (Owner)**, for property located at **0 Parrot Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the installation of a new treated stormwater pipe below the Parrott Avenue parking as part of the redevelopment at 134 Pleasant Street. There will be 601 square feet of disturbance within the wetland buffer area which is located beneath the existing parking lot. Said property is located on Assessor Map 115 Lot 4-1 and lies within the Municipal (M) and Historic Districts.

Because this application is connected to the 134 Pleasant Street project, the Board may want to continue this application in order to act on both the site plan and wetland permit at the same meeting.

Project Background

The application is for a Wetland Conditional Use Permit to allow approximately 601 square feet of temporary disturbance within the 100-foot wetland buffer at the Parrott Avenue municipal parking lot. This work is associated with the 134 Pleasant Street and the proposal involves installation of a stormwater drainage connection to redirect runoff currently entering the municipal sewer system into a separated stormwater system. The work is located entirely within an existing paved area, with no permanent impacts to vegetated buffer areas. The applicant states that there are no feasible alternative locations outside the buffer, and that the project will improve stormwater management while minimizing impacts.



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 property is disturbed with pavement and the proposed activity would return the area of work back to pavement once the new piping is installed.

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 a sewer separation project and in order to split the stormwater from the existing combined line, the stormwater pipe will have to be directed to an existing connection, the closest of which is in the Parrott Avenue lot and within the 100' wetland buffer. An alternative location for the pipe does not seem feasible.

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

The proposed work is within a very small section of the wetland buffer and will occur in mostly existing paved areas. The construction should not have an adverse impact on the South Mill Pond and the new stormwater line should create an improvement to existing conditions by having stormwater treated by a jellyfish filter before entering into the main stormwater system.

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

This project only appears to alter a very small portion of a landscaped area within the parking lot.

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

This project proposes impacting an area that is already impervious surface and the introduction of treated stormwater to this area of our stormwater system should create a positive impact on the water quality in the area.

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

This project does not propose impacts to the vegetated buffer strip (25' buffer).

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, [April 8, 2026](#) and the Commission unanimously (7-0) to recommend approval with following condition:

1) Plans must be stamped, signed and dated by the New Hampshire Certified Wetland Scientist who delineated the wetland resource.

The condition above has been addressed in the Planning Board submittal.

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 as presented.

V. 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 **Regan Electric CO INC (Owner)**, and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall Street** requesting Site Plan Review approval to merge the two lots, demolish the existing buildings, and construct three (3) single-family dwellings with associated site improvements. Said property is located on Assessor Map 139 Lots 1, 8 and lies within the Mixed Residential Business (MRB) District.

Background

The applicant is seeking Site Plan Review approval for redevelopment of 94 Langdon Street and 98 Cornwall Street involving the merger of two parcels totaling approximately 25,107 square feet and the demolition of existing commercial buildings in order to construct three single-family dwellings on the newly merged lot. The development will be served by a shared driveway with access from Langdon Street. The proposal represents a conversion from commercial to residential use within the MRB zoning district, which is consistent with the surrounding neighborhood.



Project Review, Decisions, and Recommendations

The applicant was before the Technical Advisory Committee. See below for details.

Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, [April 7, 2026](#) and the Committee voted unanimously to recommend approval to the Planning Board with the following conditions:

- 1) An easement to the City is required for water metering, valve control, and leak detection. This easement shall have a provision to allow the City to upsize and/or connect the line to Cornwall Street in the future if determined to be necessary.*
- 2) Show existing 10-12" sewer main crossing lot on Cornwall Street and consider sewer connection there. An easement to the City is required for the sewer main pipe crossing the lot on Cornwall Street.*
- 3) Revise the landscaping plan.*
- 4) The driveway will need to be named and approved by City Council.*
- 5) A fire access turning template is required.*
- 6) A 1" water line is insufficient for three single family dwellings, so a common line should be at least 2" in size and that size should be confirmed as large enough by the MEP engineer. All lines to homes must be 1" minimum. If fire suppression is required by the Fire Department, additional or larger water lines will be required.*
- 7) Need air gap between stormwater system and foundation drains. Homes need to be mechanically drained via sumps. Watertight construction required.*
- 8) City suggests slab on grade construction but in no case should there be more than a crawl space with no mechanicals due to high groundwater possible during storms in that area.*
- 9) Sidewalk must be 5.5' in width, excluding curb.*
- 10) Curb must be granite.*
- 11) Brick inverts in sewer manholes are required.*

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

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) *The applicant shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*
- 2.4) *Applicant shall contact DPW prior to any work in the right of way and when working with the Municipally owned utilities.*
- 2.5) *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>*

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.*

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 **Society for the Protection of Forests (Owner)**, for property located at **400 Little Harbor Road** requesting a Wetland Conditional Use Permit from Section 10.1015.50 for the construction of two sections of existing shoreline trails at the Creek Farm Property. The project will rebuild 300 linear feet of eroded trail approximately 5 feet wide for a total of 1,500 square feet of permanent impact area. Said property is located on Assessor Map 203 Lot 8 and lies within the Rural (R) District.

Project Background

This application is for the construction of two sections of currently eroded and degraded shoreline trails at the Creek Farm property. The construction methods propose using a turnpike trail construction method which imports fill material to establish a raised trail surface above the existing trail. In addition to multiple layers of fill and multiple fill types and drainage materials, a shallow ditch will also be constructed on each side of the new trail construction to drain water. This new construction will rebuild 300 linear feet of eroded trail at approximately 5 feet wide, resulting in an estimated 1,500 s.f. of permanent impact area.

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 property has existing trails and is heavily utilized by the public. The area of proposed construction is already being used as a trail. lot is already a developed lot and is suited to the use of exterior stairs.

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 proposing to re-establish existing trail sections that are within the wetland buffer. These areas are already heavily trafficked by the public. This project aims to reduce the erosion, flooding and sediment transport that currently occurs which impacts the adjacent wetland resource.

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

The proposed work aims to reduce the erosion, flooding and sediment transport that currently occurs which impacts the adjacent wetland resource. Although

new fill is being brought in, it should help stabilize the trail areas which will prevent runoff and erosion issues in the future.

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

The applicant is proposing to remove invasives in some areas while also avoiding tree removal. In areas where impacts to tree roots cannot be avoided, the applicant is proposing to add new fill on top of roots.

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

This project proposes impacting an area that is already in trail use. While it involves bringing in additional materials and fill, this project should prevent further damage to the wetland buffer and wetland resource through the mitigation of flooding, erosion and sediment transport.

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

The applicant states that no vegetation clearing will be needed within the 40' vegetated buffer strip.

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, [April 8, 2026](#) and the Commission voted unanimously (7-0) to recommend approval with the following conditions:

- 1. Applicant shall consider mitigating the use of the existing trail along the shoreline in future planning efforts to reduce buffer impacts.*
- 2. Applicant shall consider any opportunities to install or update signage where appropriate to include education on wetland systems and sensitivities.*

Condition #2 has been revised and added to the recommendation below. Condition #1 is more of a suggestion by the Conservation Commission to improve other parts of the trail in the future and has not been added as a condition of approval.

Staff notes that the proposal reviewed by the Planning Board reflects a material increase in the extent of impact compared to the version considered by the Conservation Commission. The application before the Commission included 270 linear feet ($\approx 1,350$ SF) of impacts and the revised Planning Board application increased to 300 linear feet ($\approx 1,500$ SF) of turnpike

This increase results from the applicant's decision to extend the turnpike through an additional 30-foot section that was previously proposed to remain unimproved in order to create a continuous trail surface and avoid creation of a new low point. Staff feels this change does not warrant further review by the Conservation Commission, but if the Planning Board would like input, they can request the applicant return to the Conservation Commission.

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) Applicant shall work with Planning & Sustainability staff to install or update signage where appropriate to include education on wetland systems and sensitivities.

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.

- D.** The request of **304 Maplewood LLC (Owner)**, for property located at **304 Maplewood Avenue** requesting amended Site Plan approval for a 1,011 square foot addition to the existing office building. Said property is located on Assessor Map 140 Lot 7 and lies within the Character District 4-L2 (CD4-L2) and Historic District.

Background

The applicant requests amended site plan approval to remove a portion of the existing rear building and construct an approximately 1,011 square foot one-story office addition at the rear of the structure. The existing one-story commercial building is currently used for office use and is located within the Character District 4-L2 (CD4-L2) and the Historic District. No changes are proposed to site access, circulation, or the number of parking spaces; however, the applicant proposes restriping the parking lot to better define parking spaces. A Shoreland Permit application was submitted to the New Hampshire Department of Environmental Services on April 27, 2026, and is pending approval.



Project Review, Decisions, and Recommendations

The applicant was before the Historic District Commission and the Technical Advisory Committee. See below for details.

Historic District Commission

The applicant was before the Historic District Commission at its regularly scheduled meeting of Wednesday, [February 4, 2026](#) and the Commission voted unanimously to grant the Certificate of Approval as presented.

Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regularly scheduled meeting of Tuesday, [April 7, 2026](#) and the Committee voted unanimously to recommend approval to the Planning Board with the following conditions:

- 1) *Show new fence within property line on plans.*
- 2) *Handicapped parking spots and access aisle will be switched.*
- 3) *Confirm active waterline and remove inactive one from plans.*

TAC conditions have been addressed in the Planning Board application.

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) *Applicant shall contact DPW prior to any work in the right of way and when working with the Municipally owned utilities.*
- 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>*

V. OTHER BUSINESS

- A.** The request of **Sea Level LLC (Owner)**, for property located at **185-187 Wentworth Road** requesting a one-year extension the Wetland Conditional Use Permit granted on June 18, 2025.

The applicant is requesting a one-year extension for the Conditional Use Permit that was granted on June 18, 2025.

Conditional Use Permit approval may be extended for an additional one year as follows:

10.246 Expiration and Abandonment of Approvals

10.246.10 A conditional use permit shall expire unless a **building permit** is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The **Board** may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension of the Wetland Conditional Use Permit to June 25, 2027.*
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- B.** The request of **361 Hanover Steam Factory LLC (Owner)**, for property located at **361 Hanover Street** requesting a one-year extension the Site Plan approval granted on August 21, 2025.

Project Background

On August 21, 2025, the Planning Board granted Site Plan approval for the property referenced above. The applicant is working on post approval conditions in order to obtain a building permit. The applicant has yet to obtain a building permit and has requested the one-year extension per Section 2.14 of the Site Plan Regulations below.

Section 2.14 of the Site Plan regulations allows for an extension:

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension of the Site Plan Approval to August 21, 2027.*

C. Chairman's Updates and Discussion Items

D. Board Discussion of Regulatory Amendments and Other Matters

VI. ADJOURNMENT