From:	Erin L. Proulx
To:	Planning - Info - Shr; planning@portsmouthhnh.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 Strawbery 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 Strawbery 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 Strawbery 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 Strawbery 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 Strawbery Banke Sensor Network (sbm-sensors.sr.unh.edu/data). NOAA tidal data from Station 8423898 (Portsmouth Harbor).

Julie Quast Brittell
71 Meadow Road
Portsmouth, NH 03801
860-748-8887
julie.quast@gmail.com

May 19, 2026

Portsmouth Planning Board
c/o Peter Stith, Assistant Planning Director
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Objection to Subdivision and Site Plan Review Application, 86 Farm Lane (Map 236, Lot 74), LU-26-16, Hearing of May 21, 2026

Dear Chair Chellman and Members of the Planning Board,

I am an abutter who received notice of the May 21, 2026 Planning Board hearing on this application. My property at 71 Meadow Road is located approximately 150 feet from the subject parcel, within the 200-foot abutter notification zone and within the broader drainage and infrastructure area affected by the proposed development. I write to formally object to the application as submitted and to request specific findings and conditions. My property at 71 Meadow Road sits downgradient of this parcel, and my concern is straightforward: the land as proposed is not fit for this development, and the infrastructure serving this neighborhood cannot support it.

Summary

I urge the Board to take five actions:

1. **Deny Waiver C** (the Site Plan recording waiver). Staff has already recommended denial. I support that recommendation.

2. **Require a Certified Wetland Scientist delineation** before approval. The 100-foot wetland buffer comes within approximately 62 feet of the parcel boundary, and project improvements extend in that direction. The applicant's "no wetlands" representation relies on GIS approximation alone.

3. **Require a CCTV inspection and capacity analysis of the existing sewer infrastructure** before approval. The applicant's own engineer has stated in

the submission that the existing sewer mains cannot be located or characterized.

4. **Require an engineering capacity study of the receiving City drainage culvert at POA #4.** The applicant proposes 3.44 cfs of new stormwater discharge into infrastructure the City has publicly acknowledged is overwhelmed during sub-design storms.

5. **Grant only Preliminary approval at this hearing and require a separate Final Plat hearing**, given the unresolved issues above.

The detailed basis for each request follows.

---

1. The Site Plan Recording Waiver Should Be Denied

Staff has recommended that this waiver be denied. I support that recommendation in full and write to reinforce, not duplicate, staff's analysis.

The applicant requests a waiver from the requirement under Site Plan Review Section 2.13 to record an approved Site Plan at the Rockingham County Registry of Deeds. Staff's analysis correctly identifies this as a "procedural and legal requirement intended to ensure the enforceability of Planning Board approvals and to provide notice to future property owners" and concludes that "waiving a requirement that ensures enforceability would be inconsistent with that purpose and intent."

I add only this: as an abutter, the recorded Site Plan is the single binding mechanism by which Planning Board conditions, drainage commitments, tree preservation, and buffer obligations become enforceable against future owners of the two new lots. The applicant's justification, that "the people who purchase the lots and build the homes are not yet identified," is precisely why the recording requirement exists. Future homeowners need notice of conditions running with the land. Future abutters need an enforcement mechanism. Without a recorded Site Plan, every commitment in the conceptual plan is voluntary.

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2. The Project Sits Within 62 Feet of the 100-Foot Wetland Buffer, and No Delineation Has Been Performed

The applicant's plans state, on Sheet C-1, "WETLAND BUFFER: NONE (WETLAND LESS THAN 10,000 S.F.)" and, on Sheet C-2, "NO WETLANDS WERE IDENTIFIED WITHIN THE LIMITS OF THE PROJECT AREA, BASED ON THE CITY OF PORTSMOUTH GIS." The applicant's March 2026 Green Statement similarly claims the project does not impact wetlands or wetland buffer.

Using PortsmouthMaps with the Wetlands (2025 Update) and 100-foot Wetland Buffer layers active, I have measured the distance from the parcel boundary to the buffer line. **The buffer comes within approximately 62 feet of the parcel.** (Exhibit A.) The regulated wetland itself, which is part of a connected wetland complex extending west to the Spaulding Turnpike, Hodgson Brook, and the larger marsh system, is well over 10,000 square feet. (Exhibits B and C.)

The proposed Longmeadow Lane pavement extension, the two bioretention ponds, and the stormwater discharge point at POA #4 are all located west of the existing parcel boundary, in the direction of the buffer. (Exhibit D.) Their actual distance from the buffer is less than 62 feet, and the project improvements may extend into regulated buffer area.

Four points follow:

First, the application is incomplete. Section IV of the Subdivision Rules and Regulations requires identification of "significant physical features, including bodies of water, watercourses, wetlands... and important vegetation." A connected, regulated wetland system within 162 feet of the parcel is a significant physical feature. The applicant's reliance on GIS approximation rather than a field-verified delineation does not satisfy Section IV.

Second, the application has not been reviewed for compliance with Article 10 of the Zoning Ordinance. The Conservation Commission has not been consulted, and no Wetland Conditional Use Permit has been requested under Section 10.1017.50. The City's own published educational materials on wetland buffers state plainly: "New construction, ground disturbance and fill or removal of soil are not allowed in the Wetland buffer without a City Conditional Use Permit." (Exhibit E.)

Third, the contrast with another item on the May 21 agenda is worth noting. The 0 Parrott Avenue Wetland CUP application (Item IV.B), proposing 601

square feet of disturbance in an already-paved area within the wetland buffer, was reviewed by the Conservation Commission, which conditioned approval on submission of plans stamped, signed and dated by a NH Certified Wetland Scientist who delineated the wetland resource. That condition was satisfied. The 86 Farm Lane application proposes roughly 56,000 square feet of disturbance immediately adjacent to a larger wetland complex without any Certified Wetland Scientist involvement. The same standard should apply.

Fourth, the City's prior Vernal Pool Inventory did not cover this area. The City of Portsmouth has previously commissioned a Vernal Pool Inventory (West Environmental, Inc., October 2008) that identified 33 potential vernal pools across 10 focus areas. The Farm Lane neighborhood was not within the focus areas surveyed. The report explicitly notes that "A complete vernal pool survey was not possible" and that significant portions of the city were excluded from review. Given the proximity of regulated wetlands and a connected wetland complex to the project site, and the absence of any site-specific vernal pool or wetland habitat assessment, a Certified Wetland Scientist site evaluation is warranted before approval. Vernal pool habitat, if present, triggers additional buffer protections under the City's Wetland Buffer Ordinance: a 50-foot No Cut Zone and a Limited Cut Area extending from 50 to 75 feet.

In correspondence with staff in advance of this hearing, Assistant Planning Director Peter Stith confirmed that the buffer measurement of approximately 62 feet from the parcel boundary is consistent with the City's GIS mapping tool. Staff concluded that the project does not require a Wetland Conditional Use Permit because, in their assessment, the project is "well outside the buffer." I respectfully note that the 62-foot measurement is from the parcel boundary, while the proposed roadway pavement, bioretention ponds, and stormwater discharge point at POA #4 extend west of the parcel boundary in the direction of the buffer. The actual distance from these project improvements to the 100-foot buffer is therefore less than 62 feet. No field-verified delineation by a NH Certified Wetland Scientist appears to have been performed.

The infrastructure improvements the applicant proposes to install, including sewer connections and stormwater drainage features shown on Sheet C-6, extend well beyond the lot boundaries into the Longmeadow Lane right-of-way. Several of these proposed improvements appear, based on overlay with PortsmouthMaps, to fall within the 100-foot wetland buffer. At least one stormwater drainage feature appears to fall within the wetland itself. Each of these improvements involves ground disturbance, excavation, and permanent below-grade construction in a regulated area. Under Section 10.1017, this work requires a Wetland Conditional Use Permit, which has not been requested.

The ZBA variances granted on May 27, 2025 addressed dimensional requirements under Section 10.521. They did not address wetland buffer encroachments. If buffer encroachment is required, that is a form of relief the applicant has never sought.

---

3. The Applicant Cannot Locate or Characterize the Existing Sewer Infrastructure

The applicant's own Existing Conditions Plan (Sheet V-2) contains this admission:

> "THE UNDERGROUND SEWER LINE AND ASSOCIATED MANHOLE COULD NOT BE LOCATED AT THIS TIME DUE TO SIGNIFICANT TRASH AND DEBRIS OBSTRUCTING THE AREAS WHERE THESE UTILITIES ARE BELIEVED TO BE SITUATED BASED ON CITY OF PORTSMOUTH GIS DATA. PRIOR TO CONSTRUCTION ADDITIONAL CLEARING AND CLEANUP OF THE SITE WILL BE REQUIRED PRIOR TO FURTHER INVESTIGATION AND VERIFICATION OF THE SEWER INFRASTRUCTURE OR ADDITIONAL DATA FROM THE CITY OF PORTSMOUTH, NH SEWER DEPARTMENT."

A second note on the same plan describes another sewer manhole near Clover Lane as "APPROX. SMH BASED ON GIS DATA NOT FOUND." (Exhibit F.) This is a pattern of unverified utility data across the project area, not an isolated issue.

This admission has four implications:

1. The applicant cannot physically locate the sewer mains the new homes will connect to. 2. The applicant has not commissioned a CCTV inspection of the receiving pipes. 3. The applicant has no characterization of pipe material, age, or structural condition. 4. The applicant proposes to resolve all unknowns "prior to construction" rather than prior to approval.

The Farm Lane neighborhood was developed in the late 1940s and early 1950s (per plan references in the application to deeds and plans from 1951 and 1954). Sewer pipes of that era have a documented service life of approximately 50 years, which has long since been exceeded.

This concern is not hypothetical. A direct neighbor on this street recently experienced a catastrophic sewer lateral failure: a tree root grew through the deteriorated original pipe and caused a sewage backup into the home. When the pipe was excavated, the original material was found to be so degraded that it had

collapsed under root pressure. The neighbor's entire front yard had to be excavated to replace the lateral out to the main City sewer line. This documented failure occurred in infrastructure of the same age and likely the same materials as the system the applicant proposes to connect two new dwelling units to.

Section VII.2 of the Subdivision Rules requires sanitary sewer calculations submitted to the Public Works Director. Section VI.1.B requires that land be usable "without danger to health or peril from... hazard." Neither finding can be made when the receiving infrastructure cannot be physically located or characterized.

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4. The Proposed 3.44 CFS Stormwater Discharge Is Not Supported by Capacity Analysis

The applicant's drainage analysis (March 23, 2026) discloses that the project will introduce new stormwater flows at Point of Analysis #4 where none currently exist:

- 2-year storm: 0.00 cfs pre, 0.18 cfs post
- 10-year storm: 0.00 cfs pre, 1.86 cfs post
- **25-year storm: 0.00 cfs pre, 3.44 cfs post**

(Exhibit G.) This is a new, substantial discharge into a City drainage culvert. The applicant provides no capacity study of the receiving system. The report states only that "Altus Engineering *believes* that the City drainage system can handle the minor increase in flow rate at POA #4."

That belief is contradicted by the City's own documented experience. In a public presentation, the City acknowledged that a rain event of approximately 2 inches over 2 hours on August 18, 2023 caused both the storm drainage system and the combined sewer system to be overwhelmed (Exhibit H). The City identified Maplewood Avenue and Fleet Street, in close proximity to the Farm Lane neighborhood, as priority areas currently undergoing sewer separation and storm drainage improvements to address this overwhelm. A 2-inch, 2-hour rain event is well below the design storm for a 25-year event modeled in the applicant's drainage analysis.

The City is actively spending public funds to *reduce* stormwater loading on connected systems in nearby areas. Approving a new development that *increases* stormwater loading on the same broader system, on the basis of an unsupported engineering belief, runs directly counter to the City's documented direction.

Multiple properties in the immediate area, including my own at 71 Meadow Road, are downgradient of the proposed development and connected to the same City drainage and sewer infrastructure that would receive the new discharge. The Meadow Road neighborhood already experiences localized pooling and has documented sewer failures in vintage infrastructure. Adding new loads to this system without capacity analysis affects neighbors well beyond the immediate property line.

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5. Additional Concerns Regarding Roadway Design and Site Plan Findings

A few additional concerns that I summarize briefly:

The proposed roadway does not comply with the City's adopted Complete Streets Policy. The applicant proposes to pave a portion of Longmeadow Lane, currently an unbuilt paper street, and convey it to the City as a new public road serving the two new lots. Farm Lane, into which Longmeadow Lane connects, is classified as a Neighborhood Connector under the 2017 Complete Streets Design Guidelines. Neighborhood Connectors require a 24-foot cartway, sidewalks, bike facilities, furnishing zone, street trees, lighting, and center line striping. Nearby Woodbury Avenue has recently been upgraded toward Complete Streets compliance. The Guidelines apply, by their own terms, to "all new projects and privately-funded developments, and incrementally to existing streets through a series of small improvements and activities over time." A new public road being added to the City's network is "new construction" by definition, and the policy applies in full. (Exhibit I.)

The applicant frames the new roadway as a short, isolated cul-de-sac serving only two new homes. That framing supports their request for waivers from pavement width, sidewalk, and cul-de-sac requirements. But the road they propose to build will not function in isolation. It is a new segment of a public road network that connects directly into Farm Lane, a Neighborhood Connector that the City has committed to upgrade. The neighborhood context, not the lot count served, is what determines the appropriate standard.

The waivers entrench the existing deficiency on a road segment the City will need to retrofit. Farm Lane currently does not meet its classification standards, but the City's policy commits to incremental upgrade. When Farm Lane is eventually upgraded, the new Longmeadow Lane segment will sit as a substandard appendage that cannot easily be retrofitted to match. Sidewalks at

22-foot pavement width have nowhere to go. A hammerhead turnaround is incompatible with the through-circulation that a properly built Neighborhood Connector extension would support. Building the new segment to standard now is dramatically cheaper than reconstructing it later, and is consistent with the City's stated direction. The applicant's argument that "Farm Lane and the entire neighborhood does not have a sidewalk system, so installing one here would not connect with anything" inverts the purpose of the policy. New construction is exactly where the upgrade begins.

There is also a residential safety concern. Farm Lane currently operates as a higher-speed connector through the surrounding residential neighborhood. Adding a new public road segment without sidewalks, with substandard pavement width, and with a hammerhead rather than a standard cul-de-sac, ties new residential driveways into this network in a way that introduces avoidable risk. The applicant's traffic analysis counts only the approximately 19 trips per day generated by the two new homes and does not address how a new substandard public road integrates with the existing connector network or with the upgraded standard the City is moving toward.

Several findings in the applicant's draft Findings of Fact are contradicted by the application materials themselves. Finding 6 states "The project will be connected to the municipal sanitary sewage collection system" while ignoring the engineer's admission that the system cannot be located. Finding 9 states "No wetlands or wetland buffers will be impacted" while not acknowledging the 62-foot proximity. Finding 11 states traffic will access "from Farm Lane" but the new homes access from the new Longmeadow Lane extension. Finding 16 states a sidewalk is not required because the surrounding neighborhood lacks one, while the Complete Streets policy specifically requires upgrading toward compliance on new construction. The Board should not adopt these findings as drafted.

The applicant has not requested a waiver for overhead utilities, but staff's draft motion includes one. Section VI.9.A requires underground utilities. The applicant's Utilities Plan (Sheet C-6) shows overhead electrical to the new lots. Staff's recommended motion includes language granting a waiver for overhead electrical services, but the applicant's March 23, 2026 waiver letter does not request this waiver. This procedural inconsistency should be resolved before the Board acts.

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6. Procedural Request: Preliminary Approval Only

Given the unresolved technical questions identified above, the request for combined Preliminary and Final Subdivision approval at a single hearing is not appropriate. The Subdivision Rules and Regulations contemplate staged review for a reason: matters of substance that emerge between Preliminary and Final review can be addressed without restarting the process.

I respectfully request that the Planning Board, if it acts on the application at all, grant only Preliminary approval at the May 21 hearing and require a separate Final Plat hearing after:

a. A NH Certified Wetland Scientist has delineated the wetland and buffer, and any required Conditional Use Permit has been obtained;

b. The Engineer of Record has located and characterized the existing sewer infrastructure, and DPW has issued a written capacity and condition assessment;

c. An engineering capacity study of the receiving City drainage system at POA #4 has been completed;

d. Any procedural inconsistencies in the waiver request (including the overhead utilities issue) have been resolved.

Summary of Requests

I respectfully ask the Planning Board to:

1. **Deny Waiver C** (Site Plan recording waiver), consistent with staff's recommendation;

2. **Require a NH Certified Wetland Scientist delineation** of all wetlands within 200 feet of the project area, and require any necessary Wetland Conditional Use Permit before approval;

3. **Require physical location, CCTV inspection, and DPW capacity/condition certification** of the existing sewer mains before approval;

4. **Require an engineering capacity study** of the receiving City drainage culvert at POA #4;

5. **Decline to grant waivers from sidewalk, pavement width, and cul-de-sac standards**, or condition any approval on bringing the new road segment to Complete Streets Neighborhood Connector standards consistent with the surrounding network's anticipated trajectory;

6. **Decline to adopt the applicant's draft Findings of Fact as presented**, given the inconsistencies identified above;

7. **Treat any approval as Preliminary only**, with a separate Final Plat hearing required;

8. **Impose conditions** for a vegetative buffer along shared property lines, tree preservation, construction hour limits, and performance bonding for any work in the Longmeadow Lane right-of-way.

Thank you for your consideration. I have registered to attend the May 21, 2026 hearing and am available to respond to any questions before or during the meeting. If the Board is not prepared to deny the application outright, I respectfully ask it to continue the hearing rather than approve subject to conditions, given how many of these conditions require expert analysis that has not yet been performed.

Respectfully,

Julie Quast Brittell
71 Meadow Road
Portsmouth, NH 03801
860-748-8887

Exhibits included on the follow page

cc: Peter Stith, Assistant Planning Director (pmstith@portsmouthnh.gov) Peter Britz, Environmental Planner (plbritz@portsmouthnh.gov) Planning Department (planning@portsmouthnh.gov)

EXHIBITS

In support of written comment
86 Farm Lane Subdivision (LU-26-16)
Planning Board Hearing, May 21, 2026

Submitted by Julie Quast Brittell
71 Meadow Road, Portsmouth, NH 03801

Exhibit A — PortsmouthMaps GIS Measurement (62-foot buffer distance)

Exhibit B — Regional Wetland Context

Exhibit C — City of Portsmouth Wetlands Map (2025 Update)

Exhibit D — Site Plan Overlay on PortsmouthMaps Wetland Layer

Exhibit E — City of Portsmouth Wetland Buffer Educational Document

Exhibit F — Excerpt from Existing Conditions Plan (Sheet V-1) — Sewer Infrastructure

Exhibit G — Drainage Analysis Table 1 — POA #4 Discharge

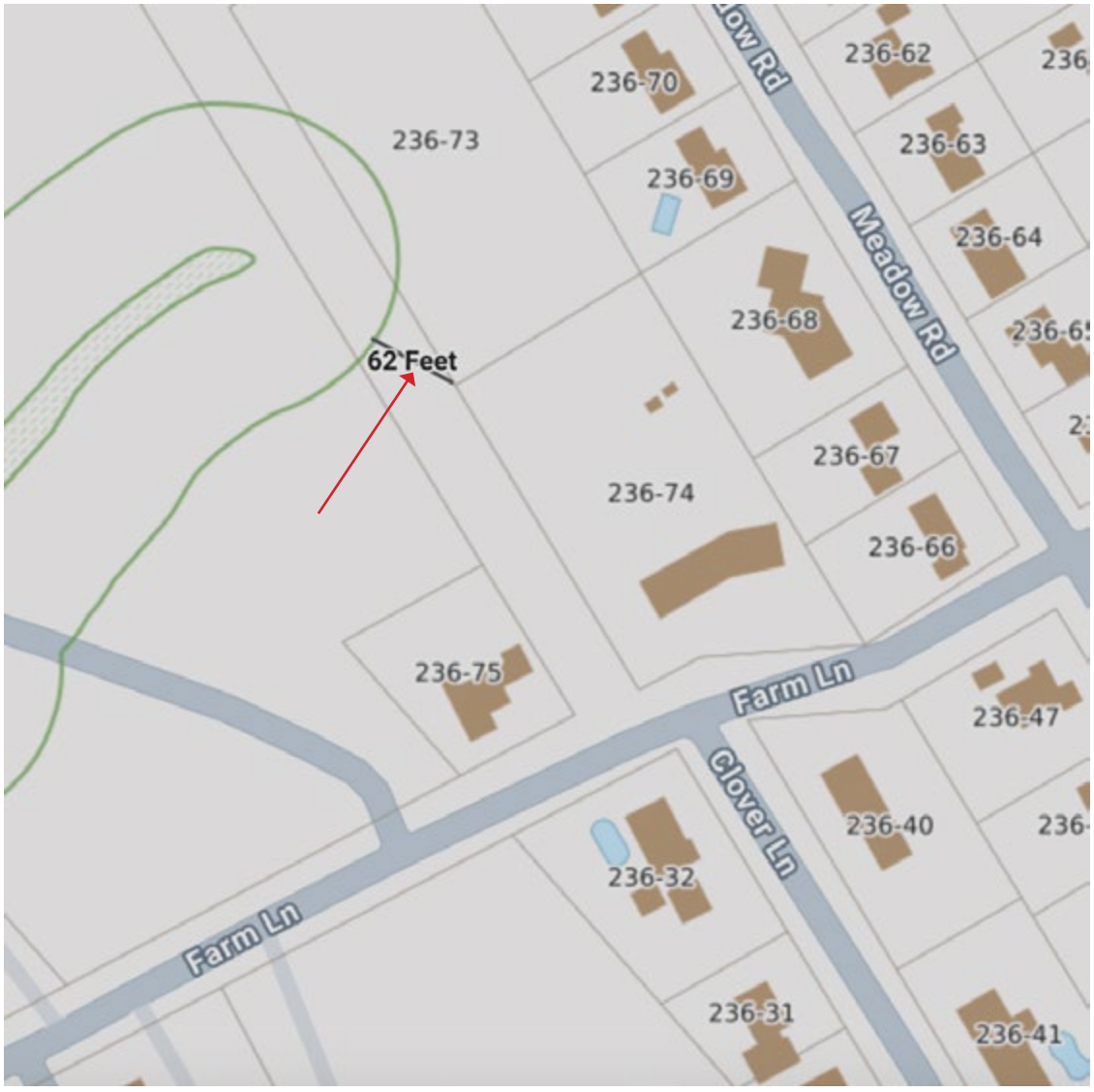
Exhibit H — City of Portsmouth Presentation, August 2023 Intense Rain Event

Exhibit I — Complete Streets Design Guidelines (Neighborhood Connector)

Exhibit J — Portsmouth Vernal Pool Inventory (October 2008)

Exhibit A | PortsmouthMaps GIS Measurement

PortsmouthMaps GIS Measurement
Distance from parcel boundary to buffer: ~62 ft



Source: PortsmouthMaps GIS, accessed May 15, 2026

Layers: Wetlands (2025 Update), 100’ Buffer

Exhibit B | Regional Wetland Context

86 Farm Lane subdivision parcel shown relative to Hodgson Brook and the connected wetland complex

Source: PortsmouthMaps GIS, accessed May 15, 2026

Layers: Wetlands (2025 Update), 100’ Buffer

Exhibit C | City of Portsmouth Wetlands Map

Official citywide wetlands and 100’ buffer map published by the City of Portsmouth

Source: City of Portsmouth Planning and Sustainability Department, Wetlands Map (2025 Update).

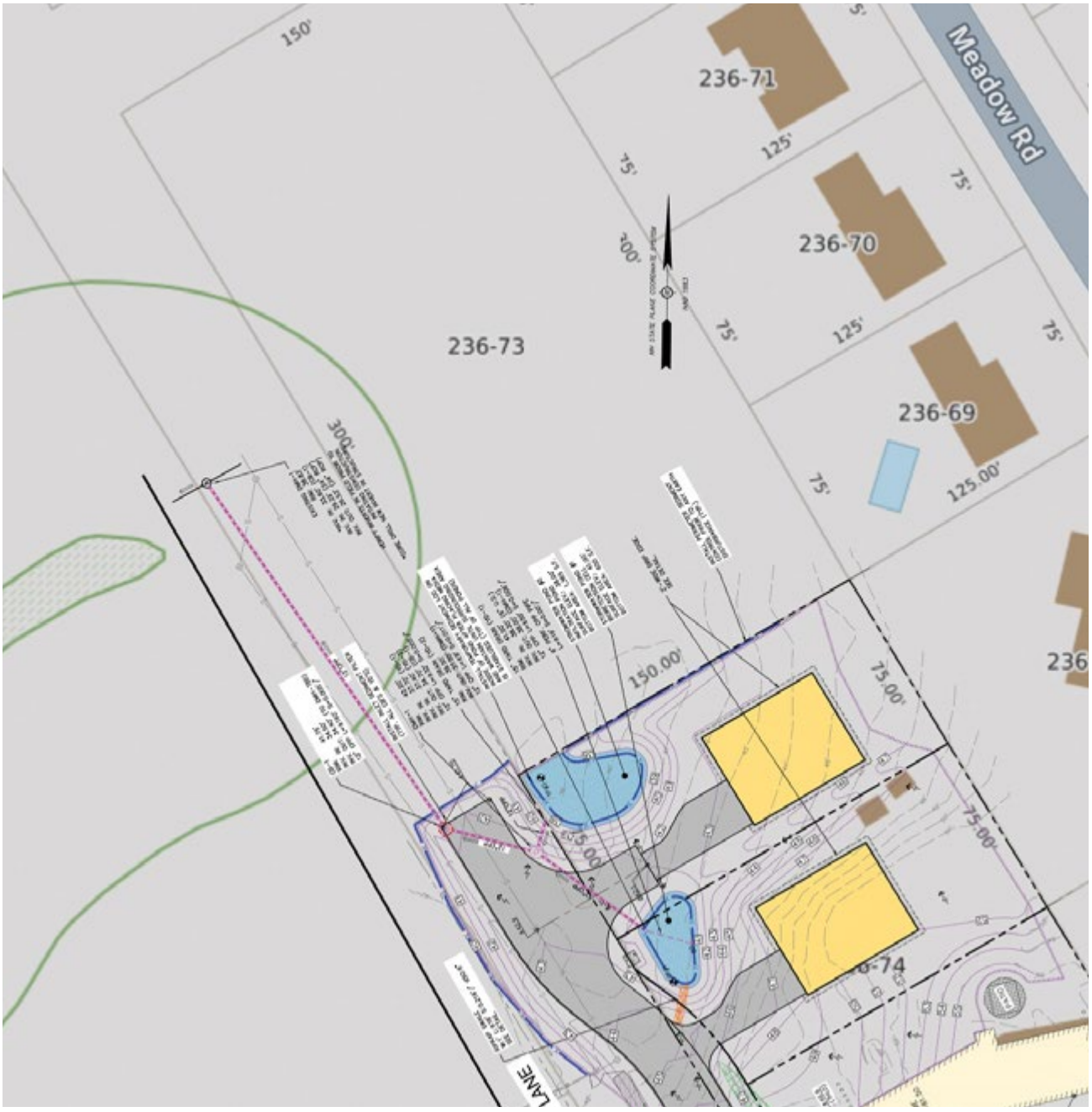
Exhibit D | Site Plan Overlay on PortsmouthMaps Wetland Layer (2025 Update) 1/2

Proposed bioretention ponds, paved roadway extension, and stormwater discharge point shown relative to the 100-foot wetland buffer

Source: Site plan from applicant's submission (Altus Engineering / James Verra & Associates, March 23, 2026) overlaid on PortsmouthMaps GIS viewer. Alignment is approximate, lot lines used as guides.

Exhibit D | Site Plan Overlay on PortsmouthMaps Wetland Layer (2025 Update) 2/2

Proposed bioretention ponds, paved roadway extension, and stormwater discharge point shown relative to the 100-foot wetland buffer (zoom)



Source: Site plan from applicant's submission (Altus Engineering / James Verra & Associates, March 23, 2026) overlaid on PortsmouthMaps GIS viewer. Alignment is approximate, lot lines used as guides.

Official City publication describing Article 10 Section 10.1010 wetland buffer requirements, including buffer zones and Conditional Use Permit requirement

What is a Wetland Buffer?

A wetland buffer is a setback area between a stream, river, or wetland and any upland development. It maintains the natural vegetation cover along the waterway, which is an essential part of the aquatic ecosystem. A wetland buffer is a simple land management practice that is employed by municipalities to protect property and conserve natural resources. In addition to protecting natural resource areas, buffers are the least expensive way for municipalities to protect homes and roadways from flood damage, manage floodwater, and to protect water quality.

The City of Portsmouth has a 100-foot buffer adjacent to all of its wetlands (including most tidal areas) greater than 10,000 square feet or about a quarter of an acre. The City limits what is allowed in this buffer to activities that are compatible with protecting the natural resource value of the buffer and adjacent wetland areas. New construction, ground disturbance and fill or removal of soil are not allowed in the Wetland buffer without a City Conditional Use Permit.

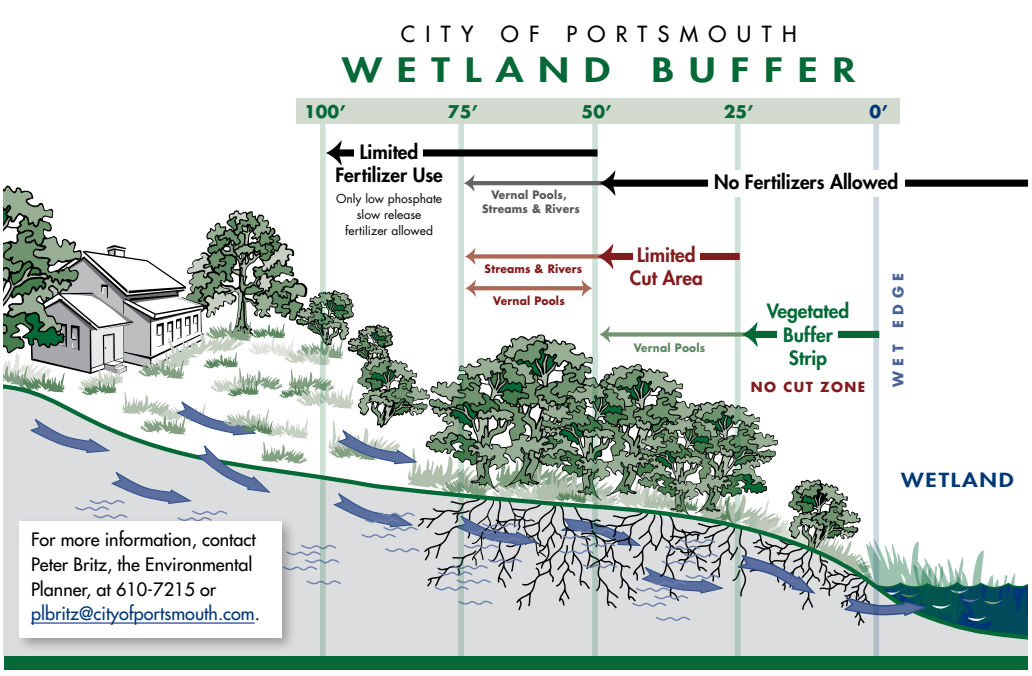
In Portsmouth, the first 25 feet from the edge of a wetland area is known as the Vegetated Buffer Strip (see below). Within this area, cutting and clearing of vegetation is not permitted unless it is to remove invasive species by hand. Between 25 and 50 feet, the City has a Limited Cut Area. In this area, property owners may cut up to 50% of the trees that are greater than six inches in diameter dbh (the diameter of the tree at 4.5 feet up from the ground). The use of fertilizer is prohibited in both the vegetated buffer strip and limited cut area. Beyond the limited cut area, only low phosphate and slow release fertilizers are allowed in the wetland buffer.

If you are planning on doing any work in the wetland or wetland buffer, it is always a good idea to check with the City before going ahead to make sure you do not need a conditional use permit. You can contact Peter Britz, the Environmental Planner at 610-7215 or plbritz@cityofportsmouth.com with any questions.

Additional Wetland Buffer Designations

- As shown below, non-tidal perennial **streams and rivers** have a limited cut area that extends to 75 feet.
- In addition, **vernal pool wetland areas** have a 50-foot vegetated buffer strip with a limited cut area extending from 50 to 75 feet.

The complete Wetlands Protection Ordinance can be found in Article 10 of the City's Zoning Ordinance Section 10.1010. Go to www.planportsmouth.com or direct your smartphone browser to the site by scanning this code:

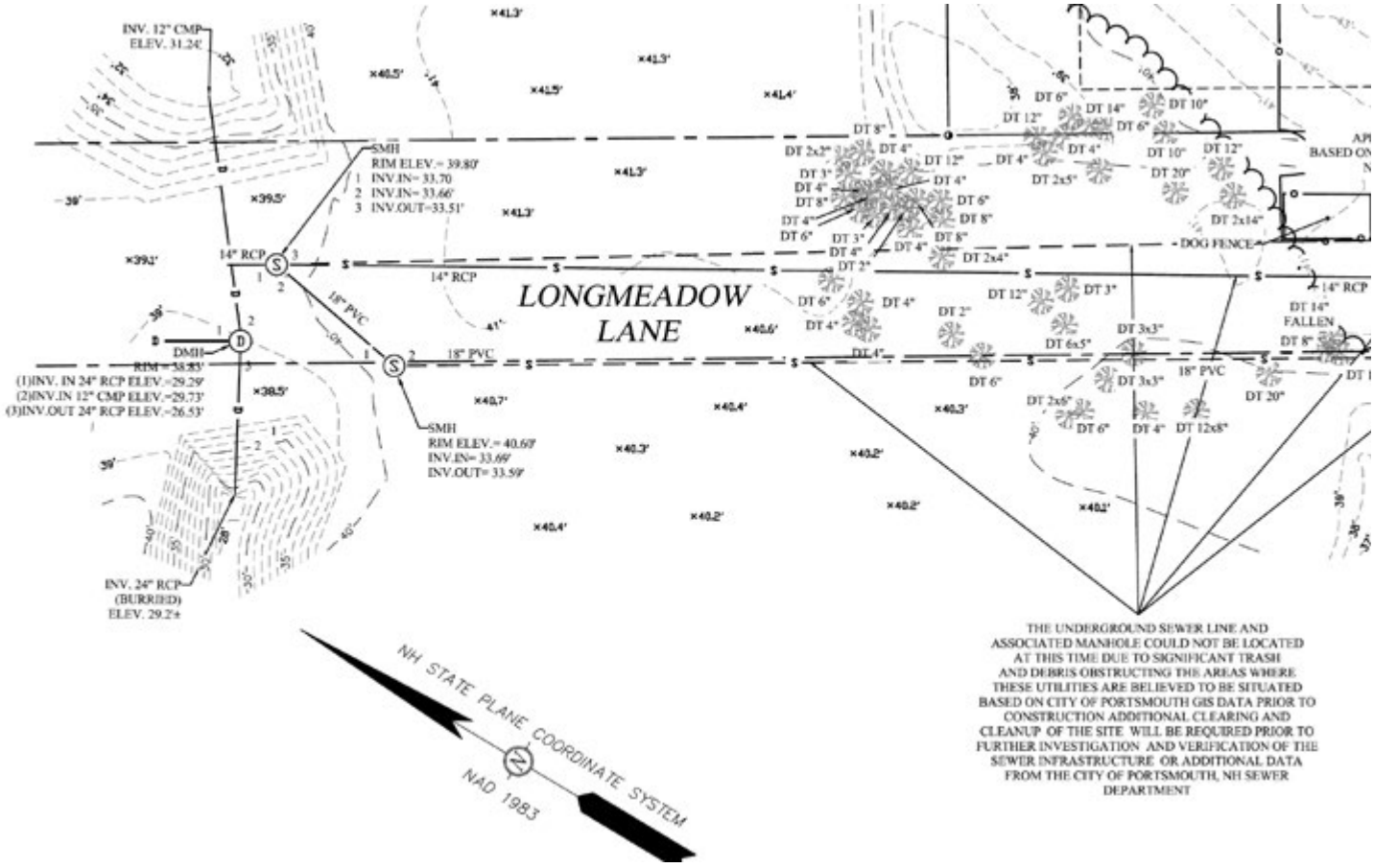


Source: City of Portsmouth Planning Department, Wetland Buffer educational publication.

https://www.portsmouthnh.gov/planportsmouth/wetland-buffer-info-map.

Exhibit F | Excerpt from Existing Conditions Plan (Sheet V-2)

Engineer's note regarding unlocatable sewer infrastructure



86 Farm Lane Subdivision plan set, Sheet V-2, prepared by Altus Engineering and James Verra & Associates, Inc., dated March 23, 2026.

Exhibit G | Drainage Analysis Table 1

Pre- and post-development peak stormwater flows: **0.00 cfs pre-development to 3.44 cfs** post-development in a 25-year storm

Table 1 - Stormwater Modeling Summary
Peak Q (cfs) for Type III 24-Hour Storm Events

	2-Year Storm (3.06-inch)	10-Year Storm (5.59-inch)	25-Year Storm (7.08-inch)
POA 1			
PRE	0.17	0.93	1.49
POST	0.02	0.07	0.11
CHANGE	-0.15	-0.86	-1.38
POA 2			
PRE	0.00	0.05	0.18
POST	0.00	0.02	0.08
CHANGE	0.00	-0.03	-0.10
POA 3			
PRE	0.00	0.00	0.00
POST	0.00	0.00	0.00
CHANGE	0.00	0.00	0.00
POA 4			
PRE	0.00	0.00	0.00
POST	0.18	1.86	3.44
CHANGE	0.18	1.86	3.44

Source: Drainage Analysis for 86 Farm Lane Subdivision, prepared by Altus Engineering, dated March 23, 2026.

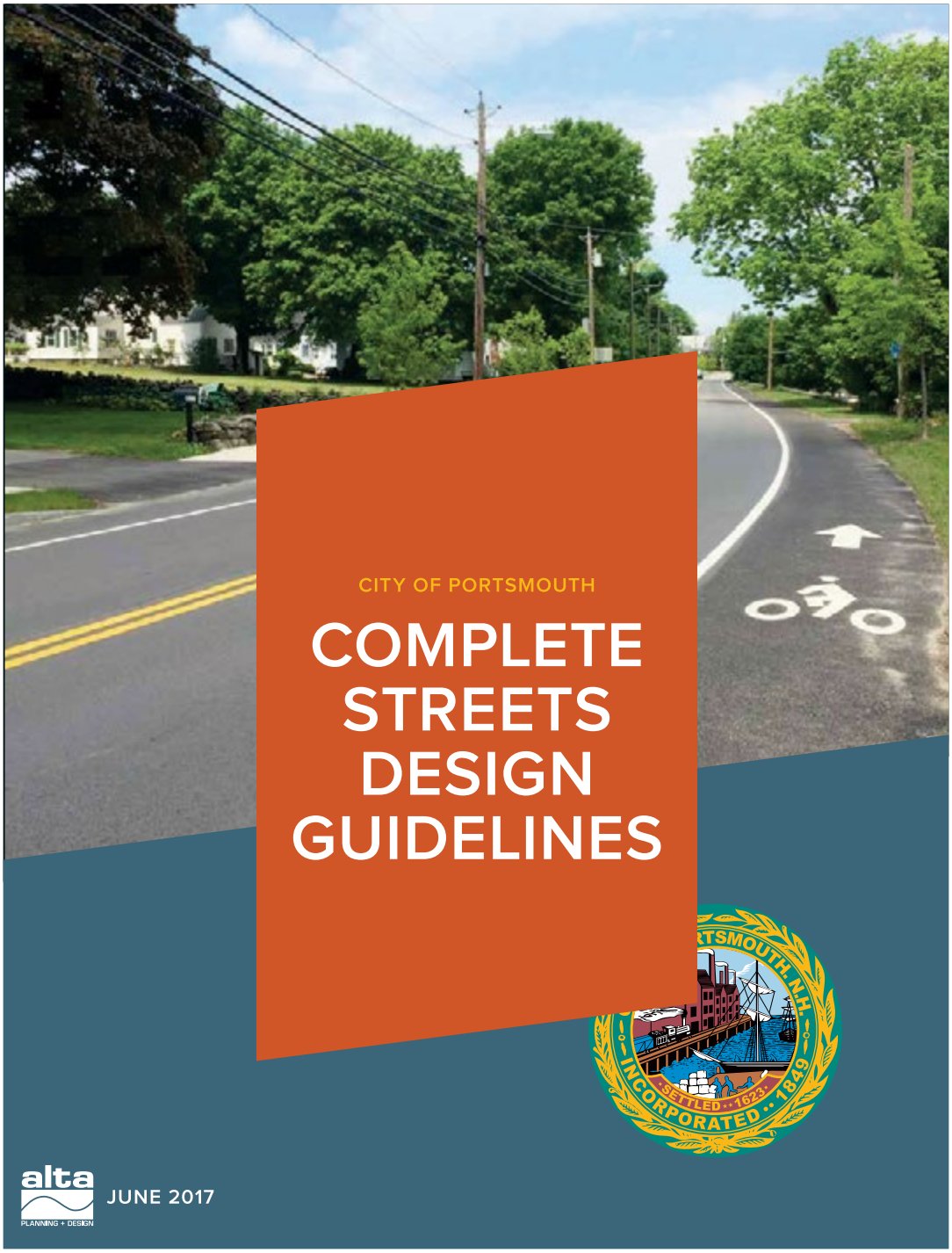
Exhibit H | City of Portsmouth Presentation — August 2023 Intense Rain Event

City acknowledgment that storm drainage and combined sewer systems were overwhelmed during a 2-inch, 2-hour rainfall event, with Maplewood Avenue and Fleet Street identified as priority areas for improvement

Source: City of Portsmouth public presentation on wastewater and stormwater systems, August 2023.

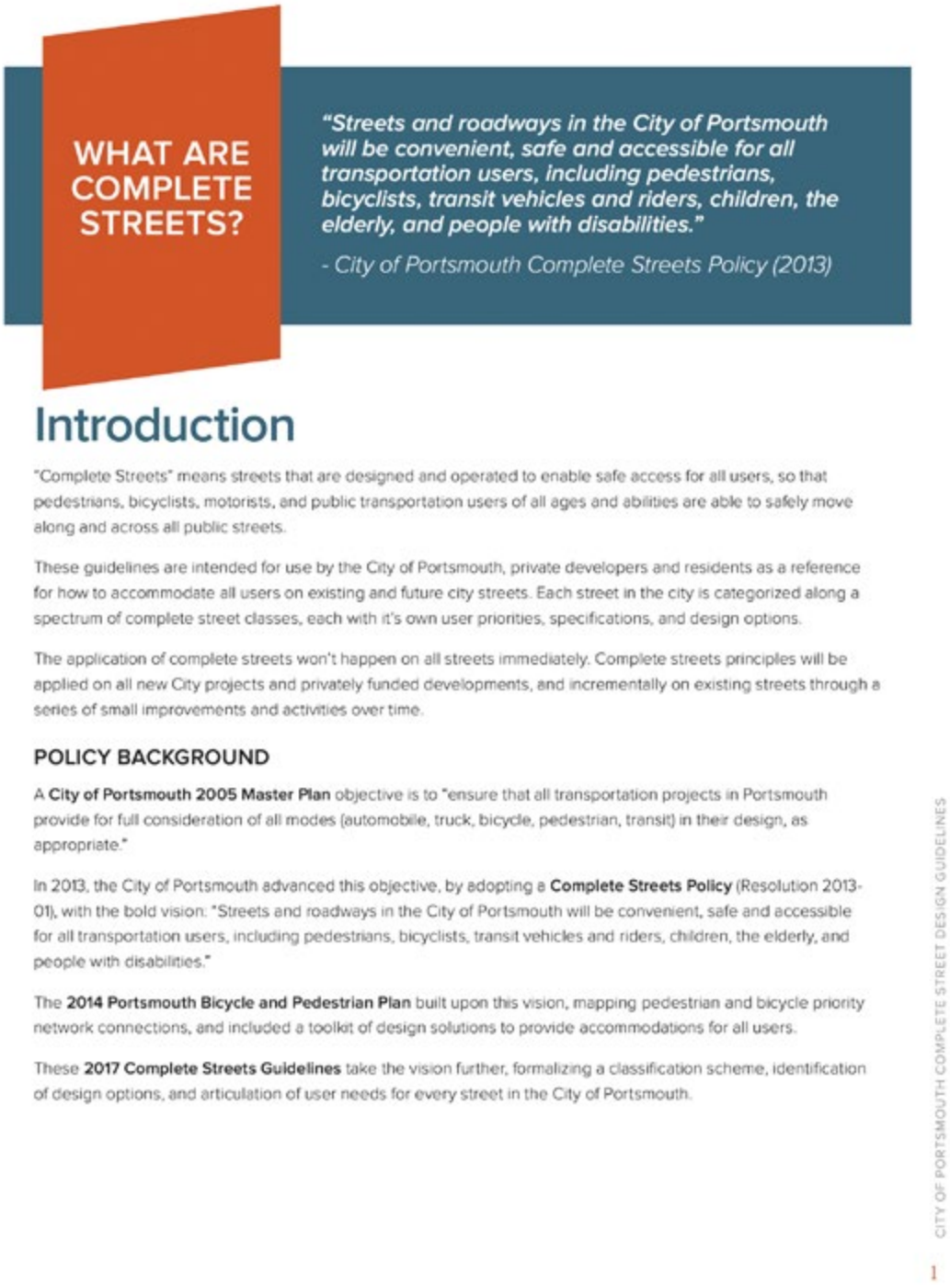
Exhibit I | City of Portsmouth Complete Streets Design Guidelines (2017)

Excerpts showing policy applicability to new development and the Neighborhood Connector classification requirements



Source: City of Portsmouth Complete Streets Design Guidelines, prepared by Alta Planning + Design, June 2017, adopted by City Council Resolution 14-204. Target speed amended by PTS, May 2022.

Excerpts showing policy applicability to new development and the Neighborhood Connector classification requirements



WHAT ARE COMPLETE STREETS?

"Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities."

- City of Portsmouth Complete Streets Policy (2013)

Introduction

"Complete Streets" means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across all public streets.

These guidelines are intended for use by the City of Portsmouth, private developers and residents as a reference for how to accommodate all users on existing and future city streets. Each street in the city is categorized along a spectrum of complete street classes, each with it's own user priorities, specifications, and design options.

The application of complete streets won't happen on all streets immediately. Complete streets principles will be applied on all new City projects and privately funded developments, and incrementally on existing streets through a series of small improvements and activities over time.

POLICY BACKGROUND

A **City of Portsmouth 2005 Master Plan** objective is to "ensure that all transportation projects in Portsmouth provide for full consideration of all modes (automobile, truck, bicycle, pedestrian, transit) in their design, as appropriate."

In 2013, the City of Portsmouth advanced this objective, by adopting a **Complete Streets Policy** (Resolution 2013-01), with the bold vision: "Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities."

The **2014 Portsmouth Bicycle and Pedestrian Plan** built upon this vision, mapping pedestrian and bicycle priority network connections, and included a toolkit of design solutions to provide accommodations for all users.

These **2017 Complete Streets Guidelines** take the vision further, formalizing a classification scheme, identification of design options, and articulation of user needs for every street in the City of Portsmouth.

CITY OF PORTSMOUTH COMPLETE STREET DESIGN GUIDELINES

1

Source: City of Portsmouth Complete Streets Design Guidelines, prepared by Alta Planning + Design, June 2017, adopted by City Council Resolution 14-204. Target speed amended by PTS, May 2022.

Excerpts showing policy applicability to new development and the Neighborhood Connector classification requirements

Street Class:

Neighborhood Connector

Neighborhood Connectors bring residents to and from their Neighborhood Slow Street to other parts of the city or region. They provide an opportunity for road users to transition between the higher-speed Primary Connector and Gateway Corridors to the low-speed character of the neighborhood.

The street design emphasizes smooth traffic flow and dedicated space for bicyclists.

Typical Application

- Collector streets which link neighborhoods to each other and to arterial streets.
- Emphasizes motor vehicle movement, but may serve important bicycle and pedestrian connections where demand exists.

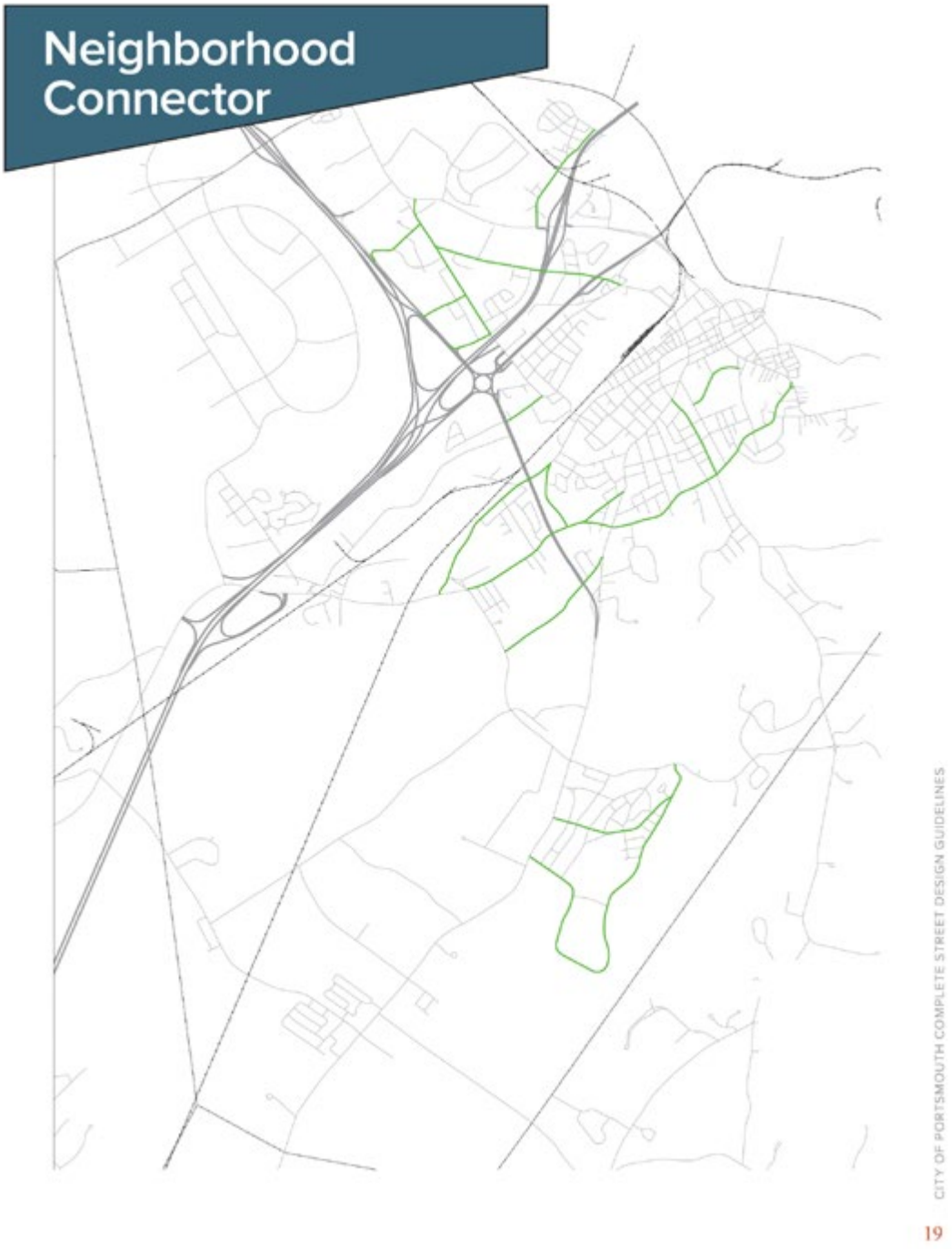
On street parking may be appropriate in areas with adjacent land uses.

CITY OF PORTSMOUTH COMPLETE STREET DESIGN GUIDELINES

18

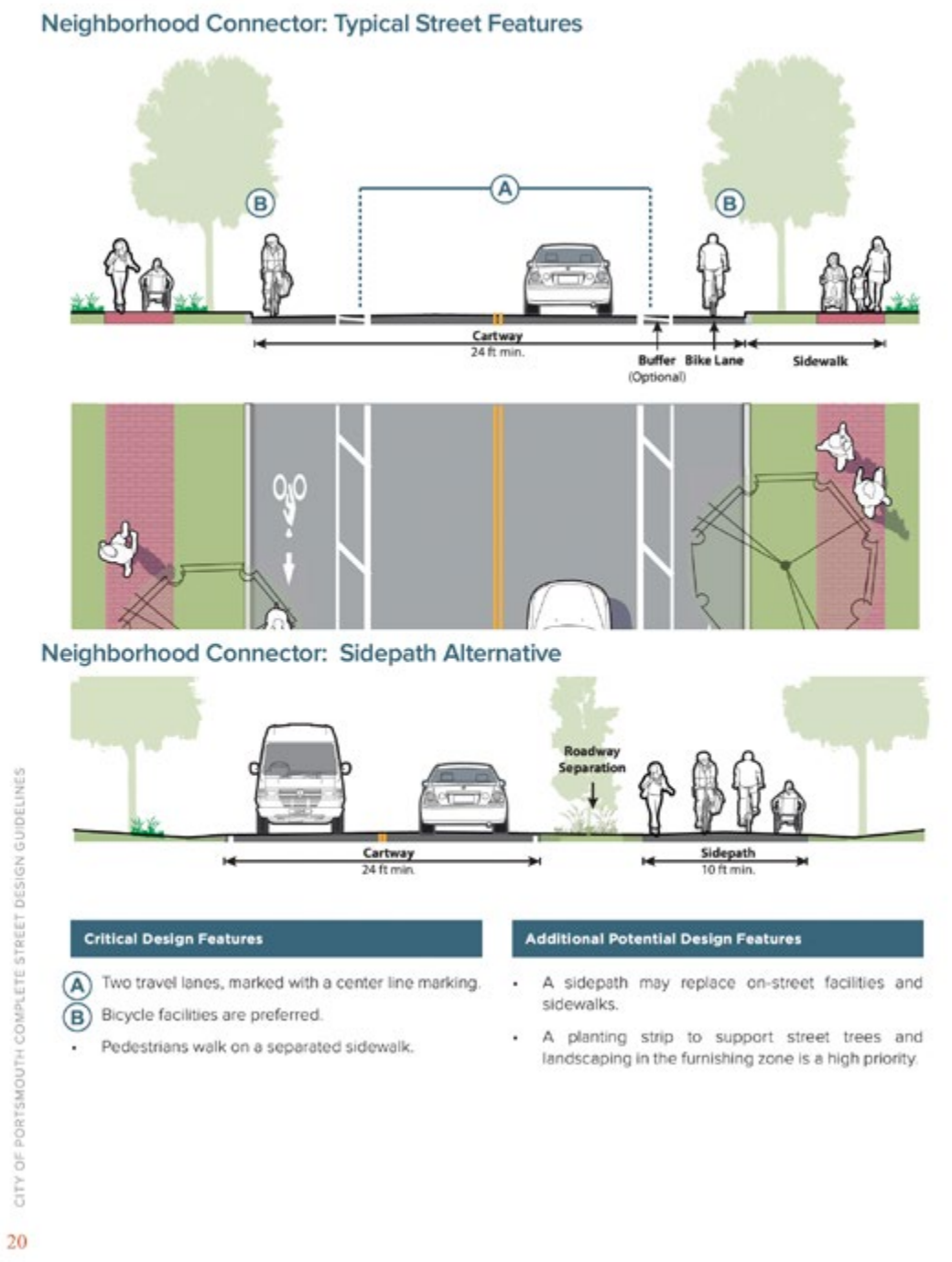
Source: City of Portsmouth Complete Streets Design Guidelines, prepared by Alta Planning + Design, June 2017, adopted by City Council Resolution 14-204. Target speed amended by PTS, May 2022.

Excerpts showing policy applicability to new development and the Neighborhood Connector classification requirements



Source: City of Portsmouth Complete Streets Design Guidelines, prepared by Alta Planning + Design, June 2017, adopted by City Council Resolution 14-204. Target speed amended by PTS, May 2022.

Excerpts showing policy applicability to new development and the Neighborhood Connector classification requirements



Source: City of Portsmouth Complete Streets Design Guidelines, prepared by Alta Planning + Design, June 2017, adopted by City Council Resolution 14-204. Target speed amended by PTS, May 2022.

Excerpts showing policy applicability to new development and the Neighborhood Connector classification requirements

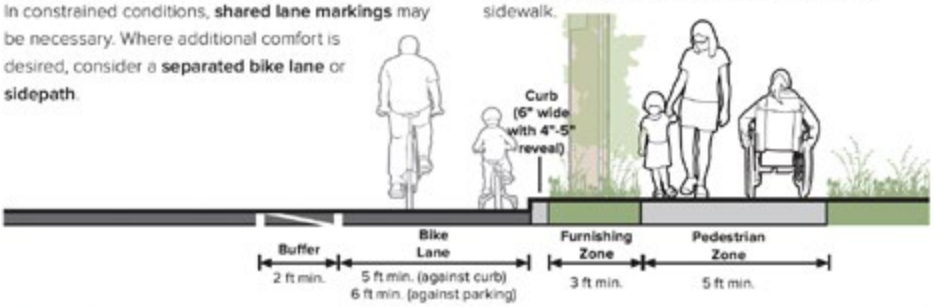
Neighborhood Connector: Design Guidelines

Bicycle Network

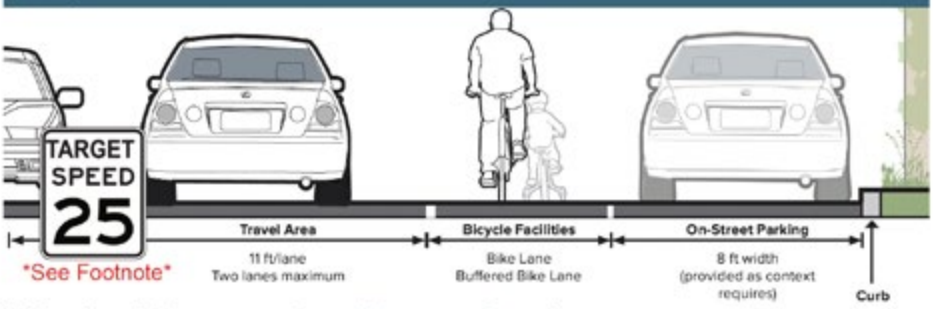
The recommended bikeway on a Neighborhood Connector street is a **bike lane** or **buffered bike lane.** In constrained conditions, **shared lane markings** may be necessary. Where additional comfort is desired, consider a **separated bike lane** or **sidepath**.

Pedestrian Network

Sidewalks are required on Neighborhood Connector streets. A **sidepath** may be provided in place of a sidewalk.



Cartway



Neighborhood Connector: Street Features Overview

	Bicycle and Pedestrian Enhancements	Traffic Calming	Curbside Management	Traffic Management
Required	• Sidewalks	N/A	• Curb	• Center Line Striping (double yellow)
High Priority	• Bike lane • Buffered bike lane	N/A	• Planting strip • Street lighting • Street trees	N/A
Appropriate in Limited Circumstances	• Sidepath • Shared lane markings • Separated bike lane	• Mid-block crosswalk • Bus shelter • Raised speed reducer • Pedestrian Refuge Island • Curb extension / bulb out	• On-street parking • Shoulder • Furnishing zone	• Priority Emergency Route
Not Required	• Bike racks • Bike corral	• Bus pull-off	N/A	N/A
Not Appropriate	• Signed bicycle route • Bicycle boulevard • Shared street	• Chicanes • Yield street	• Median planting strip	• Loading zones • Truck route

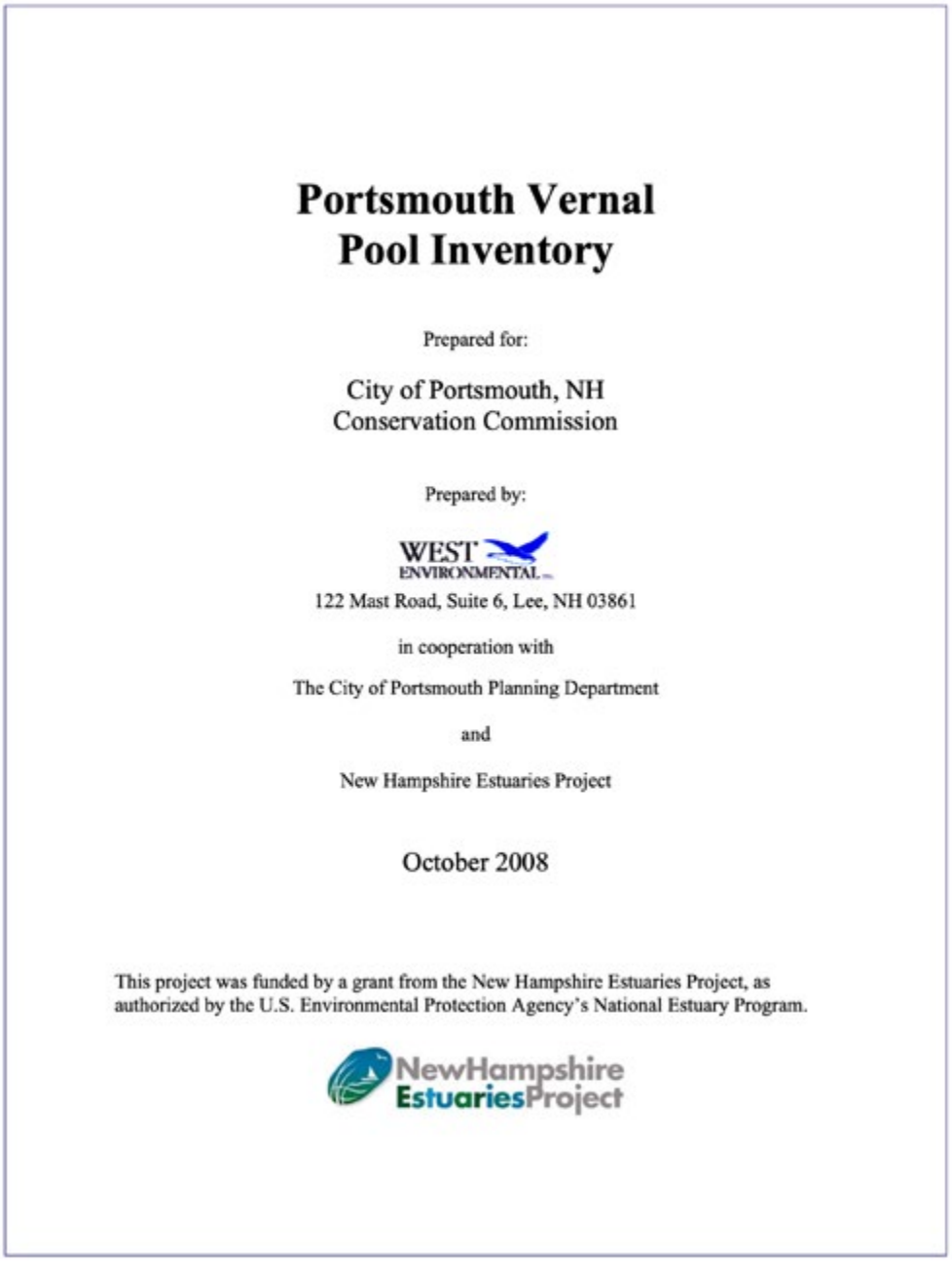
*Target speed amended from 30 MPH to 25 MPH by PTS, May 2022

CITY OF PORTSMOUTH COMPLETE STREET DESIGN GUIDELINES

21

Source: City of Portsmouth Complete Streets Design Guidelines, prepared by Alta Planning + Design, June 2017, adopted by City Council Resolution 14-204. Target speed amended by PTS, May 2022.

City-commissioned study identifying 33 potential vernal pools across 10 focus areas; the Farm Lane neighborhood was not within the focus areas surveyed, and the report explicitly notes that “A complete vernal pool survey was not possible”



Portsmouth Vernal Pool Inventory

Prepared for:

City of Portsmouth, NH
Conservation Commission

Prepared by:

WEST ENVIRONMENTAL

122 Mast Road, Suite 6, Lee, NH 03861

in cooperation with

The City of Portsmouth Planning Department

and

New Hampshire Estuaries Project

October 2008

This project was funded by a grant from the New Hampshire Estuaries Project, as authorized by the U.S. Environmental Protection Agency’s National Estuary Program.

NewHampshire EstuariesProject

Source: Portsmouth Vernal Pool Inventory, prepared by West Environmental, Inc. for the City of Portsmouth Conservation Commission and Planning Department, October 2008.

City-commissioned study identifying 33 potential vernal pools across 10 focus areas; the Farm Lane neighborhood was not within the focus areas surveyed, and the report explicitly notes that “A complete vernal pool survey was not possible”

I. EXECUTIVE SUMMARY

West Environmental, Inc. (WEI) conducted a city-wide Vernal Pool Inventory to locate, document and map vernal pools in Portsmouth. This effort was coordinated with the Portsmouth Planning Department and Conservation Commission to help the City of Portsmouth in vernal pool identification and mapping. The goal of this project was to locate isolated wetlands that provide vernal pool habitat. Currently the City of Portsmouth's wetland regulations exempt wetlands less than 5,000 square feet from the local 100' buffer zone. This study identified smaller wetlands which have the potential to provide vernal pool habitat that may deserve the 100 foot buffer protection. It should be noted that vernal pool habitat can exist in a variety of freshwater wetlands including larger red maple swamps. These areas were also mapped when encountered. A field workshop was held for the Conservation Commission members to give them hands-on training in vernal pool ecology. The results of this Vernal Pool Inventory were presented to the Portsmouth Conservation Commission in July of 2008. Based on the results of this study and the recent revisions to the NHDES Wetlands Bureau regulations which added rules for vernal pool protection, the Portsmouth Conservation Commission has recommended a change to the Article 8 - Environmental Protection Standards of the City of Portsmouth to include vernal pool identification and protection with a 100' buffer.

City of Portsmouth Vernal Pool Inventory Report Page 2

Source: Portsmouth Vernal Pool Inventory, prepared by West Environmental, Inc. for the City of Portsmouth Conservation Commission and Planning Department, October 2008.

City-commissioned study identifying 33 potential vernal pools across 10 focus areas; the Farm Lane neighborhood was not within the focus areas surveyed, and the report explicitly notes that “A complete vernal pool survey was not possible”

II. VERNAL POOLS DEFINED

The NHDES wetlands Bureau defines a vernal pool in their Administrative Rules Env-Wt 101.99 as “a surface water or wetland … which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environment of such pool and which… typically has the following characteristics:

- Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
- Forms a shallow depression or basin;
- Has no permanently flowing outlet;
- Holds water for at least 2 contiguous months following spring ice-out;
- Lacks a viable fish population; and
- Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators”

Primary vernal pool indicators include wood frogs, mole salamanders and fairy shrimp. Secondary indicators include species of aquatic insects including the larvae of caddisfly, dragonfly, and damselfly; fingernail clams and certain aquatic beetles; and other specific species that inhabit vernal pools.

Source: Portsmouth Vernal Pool Inventory, prepared by West Environmental, Inc. for the City of Portsmouth Conservation Commission and Planning Department, October 2008.

City-commissioned study identifying 33 potential vernal pools across 10 focus areas; the Farm Lane neighborhood was not within the focus areas surveyed, and the report explicitly notes that “A complete vernal pool survey was not possible”

III. METHODOLOGY

This inventory utilized the following methodology to identify and map the vernal pools of Portsmouth:

- Establishment of 10 vernal pool focus areas
- Review and implementation of Spring 2006 color aerial ortho photos
- Evaluation of City-wide topographic overlay onto 2006 color aerial photography
- Spring 2008 field reconnaissance
- Collection of vocalization data
- Collection of physical characteristics of each pool (where possible)
- Identification of specific vernal pool species
- A review of existing site evaluations
- Mapping the limits of identified pools

Aerial photos of each focus area were evaluated to locate the presence of standing water and potential pools were identified. Field reconnaissance was conducted during early breeding season and egg laying (4/16 – 5/12/08) when wood frog vocalization was at its peak. Mapping was performed utilizing 2006 city-wide topography over Spring 2006 color aerial ortho photos. Follow up inspections were conducted to verify pool hydrology in mid- to late-June.

Limitations

This study was partially constrained by access to private property and as a result focused on collection of amphibian vocalization in suitable vernal pool habitat. A complete vernal pool survey was not possible; therefore each pool identified in this study is noted as a potential vernal pool. A Vernal Pool Documentation Sheet was completed for each potential vernal pool. However, typical data collected through dip netting including aquatic invertebrate sampling was not performed. A sample of this form is in Section V.

Source: Portsmouth Vernal Pool Inventory, prepared by West Environmental, Inc. for the City of Portsmouth Conservation Commission and Planning Department, October 2008.

City-commissioned study identifying 33 potential vernal pools across 10 focus areas; the Farm Lane neighborhood was not within the focus areas surveyed, and the report explicitly notes that “A complete vernal pool survey was not possible”

V. FINDINGS AND FOCUS AREA SUMMARIES

A key component to function of vernal pools is the presence of suitable dispersal habitat for amphibians in the form of undeveloped forest. A vernal pool is only viable if the surrounding upland provides a woodland community for the adult amphibians to utilize for the majority of the IV life cycle. Significant portions of the City of Portsmouth have been urbanized and do not have suitable forest to support vernal pool species. These constraints were utilized in the identification of focus areas and major portions of the city were not included in this study due to dense urbanization.

A total of 33 potential vernal pools were identified in this study. There are several clusters of vernal pools located within the less developed portions of Portsmouth. These include a cluster in Focus Area 1 in the vicinity of Walker Bungalow Road and Maritime Cottage Road. This cluster appears to be the most important and includes six vernal pools, three of which are large and could support significant numbers of amphibians. A second cluster is located off Jones Avenue which had been previously identified as part of a site evaluation on a city-owned property. This cluster also includes six vernal pools with only one larger pool and several small satellite pools (smaller pools that may not be utilized every breeding season). Both of these clusters have viable supporting upland habitat and may support additional amphibian species including mole salamanders.

Focus Area 3 had five pools, one of which is a large pool located south of Elwyn Road across from the Urban Forestry Center. This pool is limited by its proximity to both the road and adjacent residential subdivision which decreases the ability of amphibians to utilize the supporting upland habitat. There is also a large area of vernal pool habitat within a forested wetland south of Elwyn Road and east of Harding Road.

The remaining potential pools are scattered throughout six other focus areas and they range from very small isolated wetlands to vernal pool habitat in larger forested wetlands. Some of these pools are in suitable forest habitat and others are in locations that are compromised by adjacent development.

A summary of the field work for each focus area follows. Photos of a few vernal pools are also included in this section. Vernal Pool Data Sheets are included in Appendix A.

City of Portsmouth Vernal Pool Inventory Report Page 6

Source: Portsmouth Vernal Pool Inventory, prepared by West Environmental, Inc. for the City of Portsmouth Conservation Commission and Planning Department, October 2008.

Public Comment on Planning Board Site Plan Review Item "D"
94 Langdon Street/98 Cornwall Street

From: David Rheaume, P. E.
81 Langdon Street
To: Planning Board Chair Rick Chellman and Planning Board Members

Request:

I am an abutter to the three-home development that is being proposed to be built on merged lots for 94 Langdon Street (Lot 139-8) and 98 Cornwall Street (Lot 139-1). I request that the Board carefully consider requiring modifications to the proposed driveway access and building layout, specifically changing access for Dwelling Unit 2 and Dwelling Unit 3 to be from Cornwall Street, and requiring the Dwelling Unit 1 to be oriented in alignment with, while maintaining driveway access to, Langdon Street. This concern is related to Site Plan Review Regulations Section 2.9 Evaluation Criteria numbers 2, 8, 11 and 16.

Background:

For full disclosure, I serve on the Zoning Board of Adjustment and my wife, City Counselor Beth Moreau, serves as the City Council Representative to the Planning Board.

An excerpt from the developer's application to Planning Board is shown on page 4. It depicts the planned layout for the three single-family dwelling units, as well as the proposed common driveway that exits onto Langdon Street. It also illustrates that proposed Dwelling Unit 1 is oriented at a right angle to Langdon Street. The common driveway near Dwelling Unit 2 and Dwelling Unit 3 features a curve and vehicle turnout that almost connect to Cornwall Street.

On March 9th, 2026, abutters of 94 Langdon Street who reside or own property at 81, 82, 91 and 101 Langdon Street met with Shawna Sammis of Chinburg and Alex Monastiero of The Gove Group, who explained the project and requested feedback. The project presentation essentially showed the layout that has been provided to TAC. While the abutters, including myself, are in overall support of the project, we did express concerns that all three dwelling units would be accessed via a common driveway exiting onto Langdon Street that would be almost directly across from the driveway at 91 Langdon Street. We also expressed concerns that the orientation of Dwelling Unit 1 would not face Langdon Street, driven in part by this shared driveway. We were informed by the developer's representatives that the single driveway was chosen because they believed access was not possible to Cornwall Street as the portion of the street north of McDonough Street was not an "accepted" city street.

On March 17th 2026, representatives for the developer appeared before the Zoning Board of Adjustment to obtain a variance in support of the project. That variance was granted. As an abutter, I recused from participating in the application, but, as allowed by the Zoning Board Rules and Regulations, I spoke "To" the application and reiterated concerns with the proposed driveway access being solely on Langdon Street.

On April 7th, 2026 representatives for the developer appeared before the Technical Advisory Committee (TAC). In response to questions from TAC members prompted by public input, including input from myself, the representatives again stated that they had originally planned to have access to Cornwall Street for dwelling units closest to that street but decided against this based off a determination from a review by their legal counsel and the "Town Legal Department" that Cornwall Street was a "paper" street that cannot serve as a right-of-way to their lot. It was also stated by a TAC member that the shared driveway will need to classified as a "Private Way".

Status of Cornwall Street North of McDonough Street:

Per my discussion with staff from the Portsmouth Legal Department following the public testimony of the developer's representatives at TAC, there is no record or indication that the legal department ever reviewed or made a determination on the status of the portion of Cornwall Street that is situated north of McDonough Street. Prompted by my discussion, legal staff has generously taken on trying to make a determination on the legal status of this portion of Cornwall Street as time has allowed. While that review is not yet complete, there are strong indications that the City maintains full legal rights to Cornwall Street, including for underground utilities that exist. If such a determination were made, the developer would be free to return to their initial plan.

Independently, I have performed research of several historical maps that would seem to strongly indicate that Cornwall Street has long been viewed as extending to at least to the boundary of Lot 139-1 ("98 Cornwall Street"), and likely farther. Maps from 1850, 1871, 1876, 1892 and 1920 are provided on pages 5 through 9. The 1876 map is particularly illustrative as it depicts property boundaries which include two lots with homes ("J. H. Thompson" and "Wiggin") that could only be accessed if Cornwall Street existed north of McDonough Street. The 1920 Sanborn Map also depicts property boundaries and shows one lot with a structure and one without that similarly require access to Cornwall Street. This map also shows how older lots had likely been merged and reconfigured to support the Portsmouth Ice and Coal Co., Inc., forming the present lots that are under development.

Additionally, circa 2020, a Neighborhood Pilot Parking Program was proposed and ultimately implemented. In both the 2019 and 2021 proposals for action by the City Council, the maps used to depict the affected streets included Cornwall Street north of McDonough Street, as shown by the map on page 10.

Cornwall Street is similar to other streets in the neighborhood that end in a dead end north of McDonough Street, including Cabot Street and Rock Street. Brewster Street and Langdon Street were similarly configured prior to 2017 when, as part of the agreement to create lots and homes on the east side of Langdon Street, Chinburg turned a portion of the property over to the City to allow a connector road (informally called "Railroad Street") to be created between the two dead end streets.

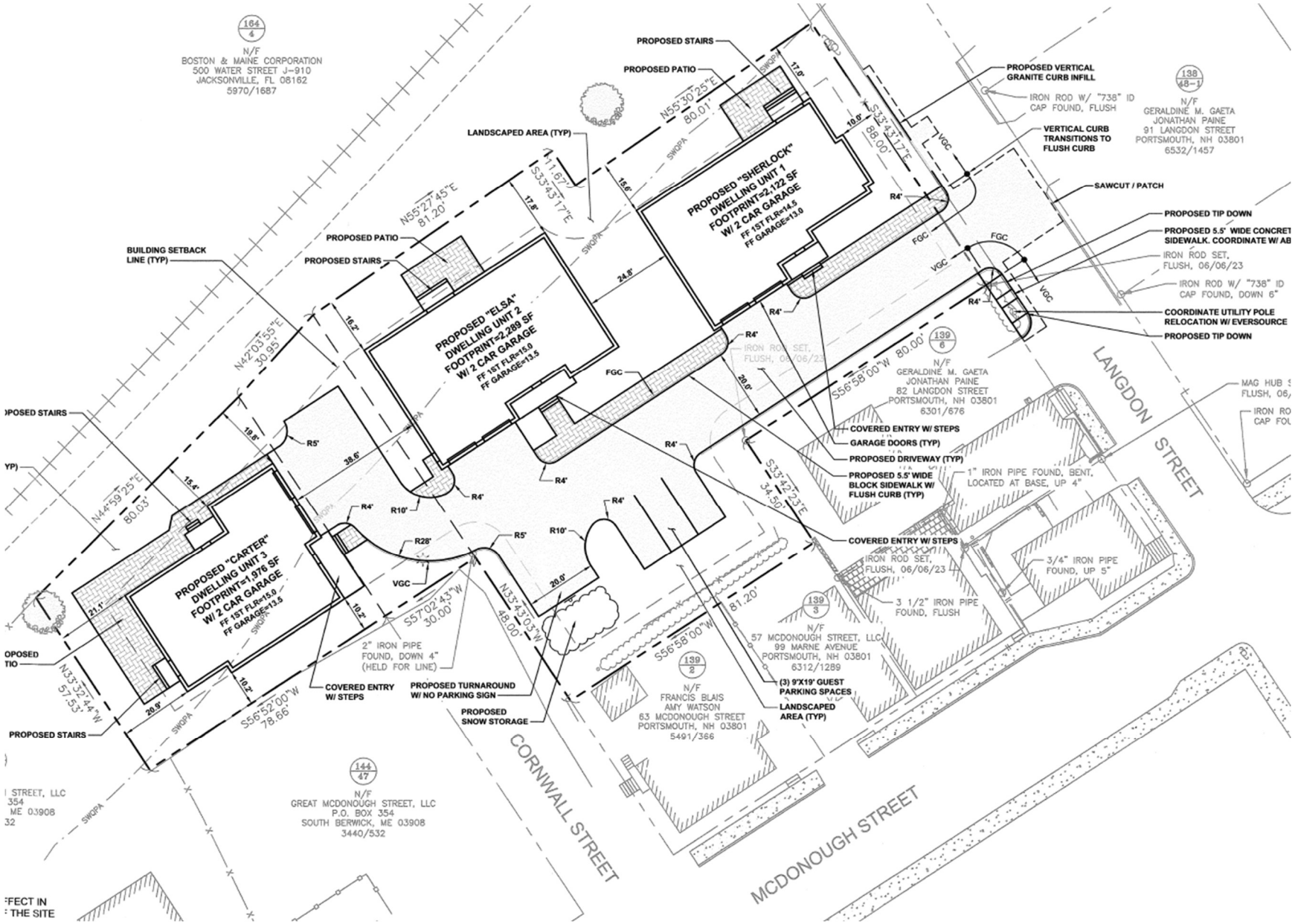
Alternative Driveway Configuration:

The apparent vehicle turnaround shown on the applicant's site plan could be reconfigured to be an ingress from Cornwall Street along the 48 feet of frontage that Lot 139-1 has along the east side of the street. This would leave room at the end of Cornwall Street for snow accumulation due to street plowing in the winter.

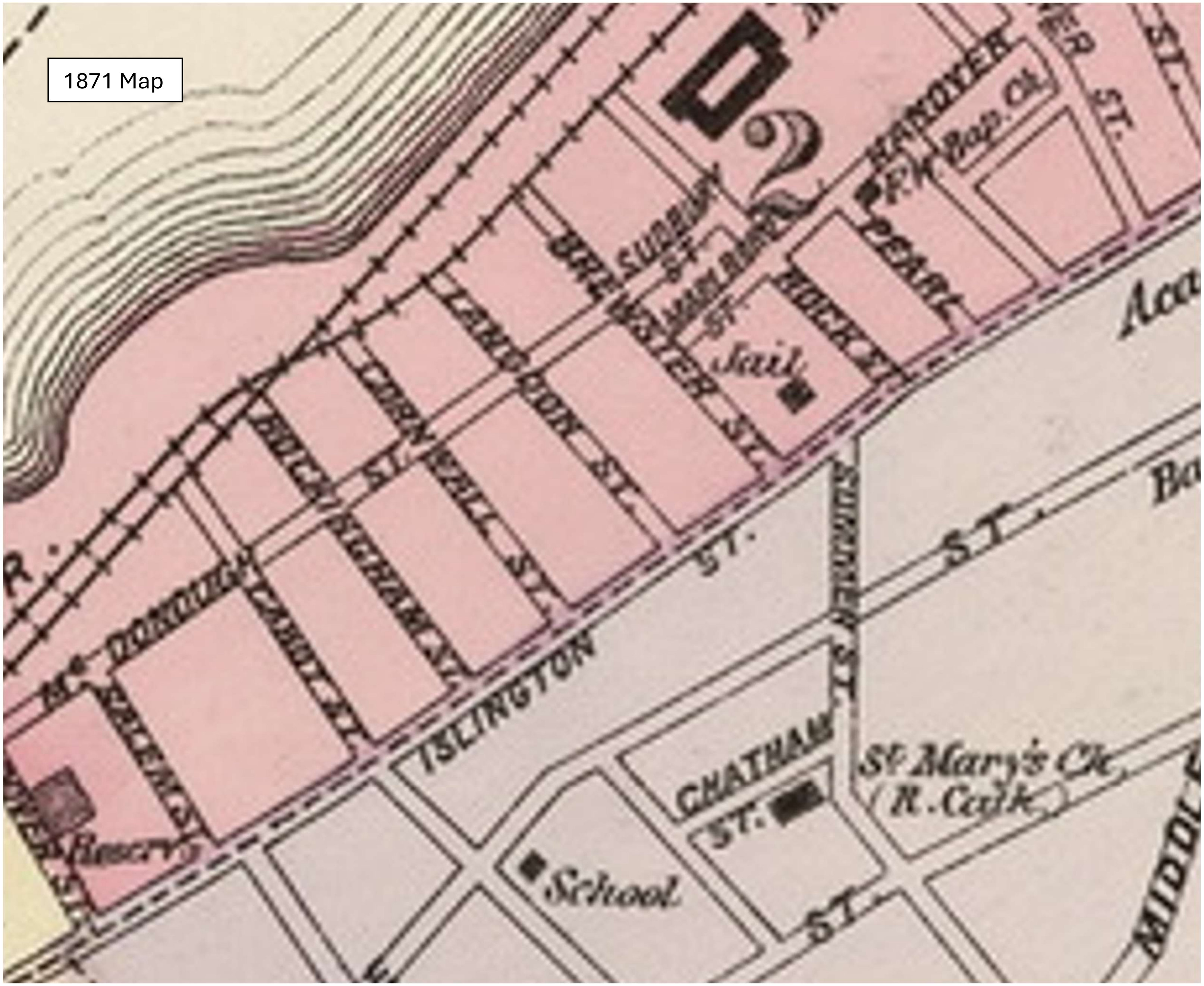
Elimination of the common driveway leading to Langdon Street could allow for a home to be positioned parallel to the street with a driveway having two parking locations in front of a two-car garage, mirroring the current configuration of the homes at 81, 82, 91 and 101 Langdon Street. It should still be possible to include a walking path from Dwelling Unit 2 and Dwelling Unit 3 across Condominium-owned land adjacent to Dwelling Unit 1 to allow pedestrian access for those two units to Langdon Street, facilitating easy walking access to Rock Street Park.

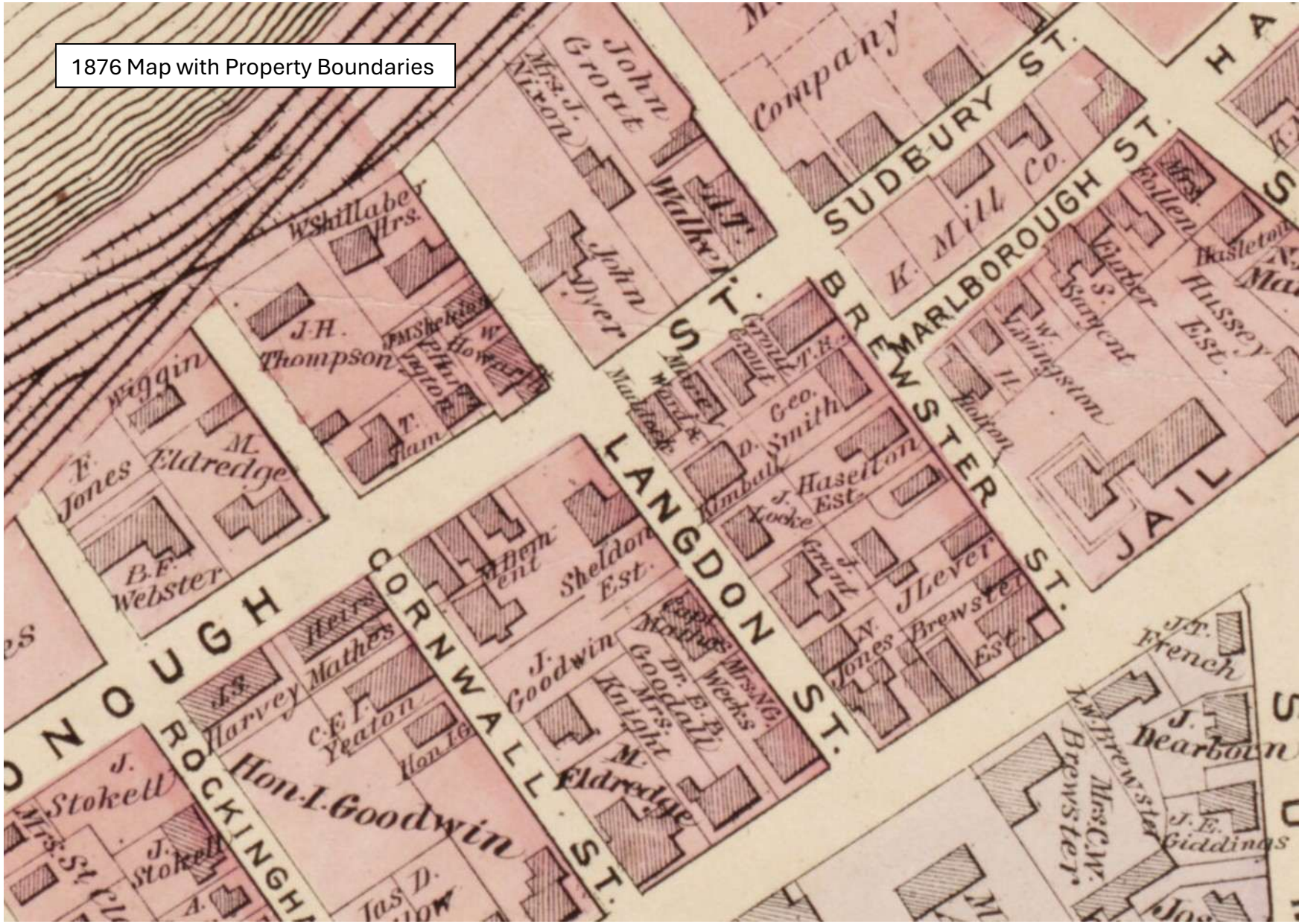
Potential Benefits to the Recommended Reconfiguration:

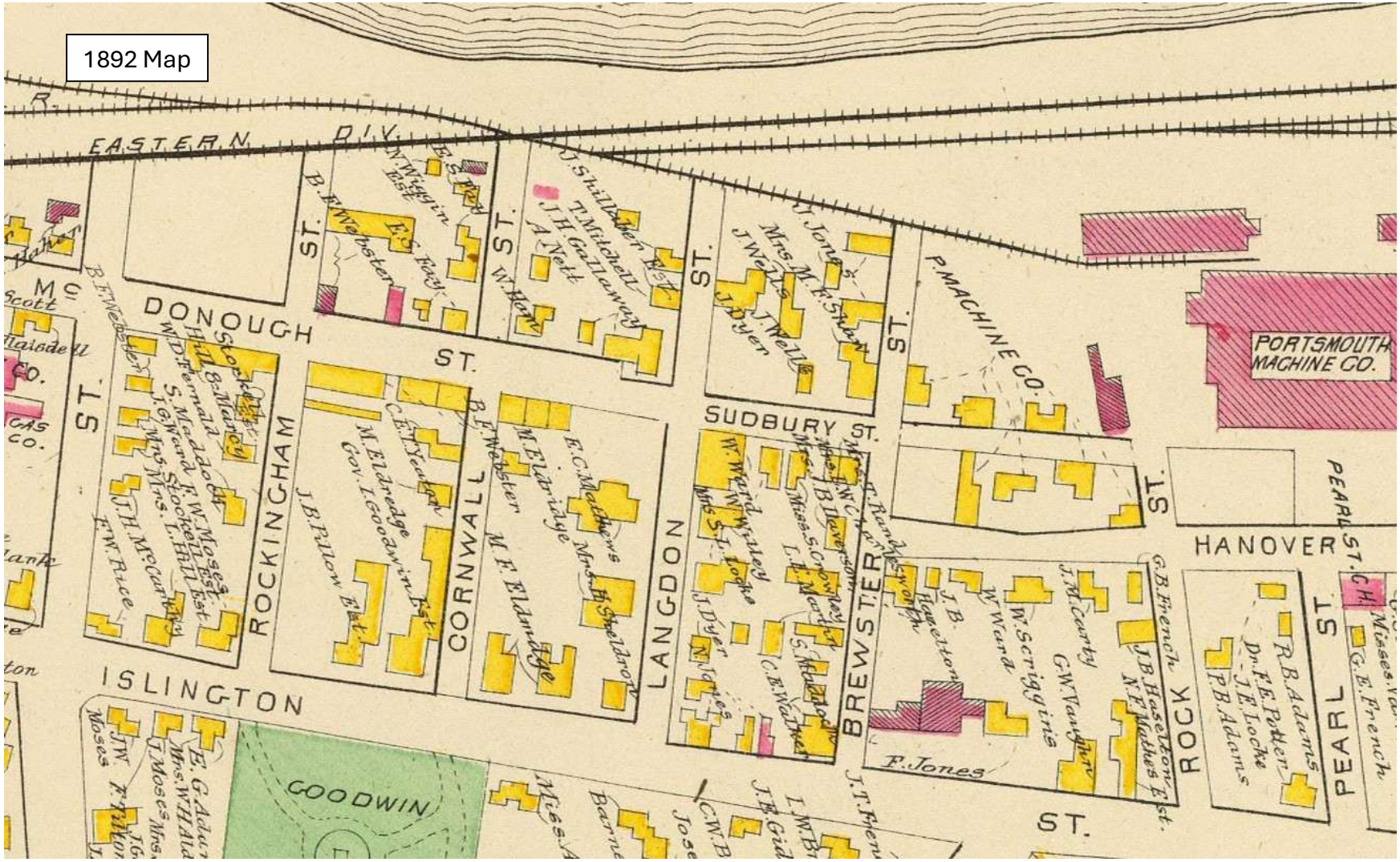
- Improved emergency vehicle access to Dwelling Unit 2 and Dwelling Unit 3
- Increase in greenspace on the condominium lot
- Reorientation of Dwelling Unit 1 to be in conformance with the dominant streetscape of Langdon Street
- Reduction in vehicles entering and exiting onto the narrow portion of Langdon Street, immediately across from the existing driveway at 91 Langdon Street
- Allowing Dwelling Unit 2 and Dwelling Unit 3 to have Cornwall Street addresses more consistent with their location and aiding in 911/emergency vehicle response

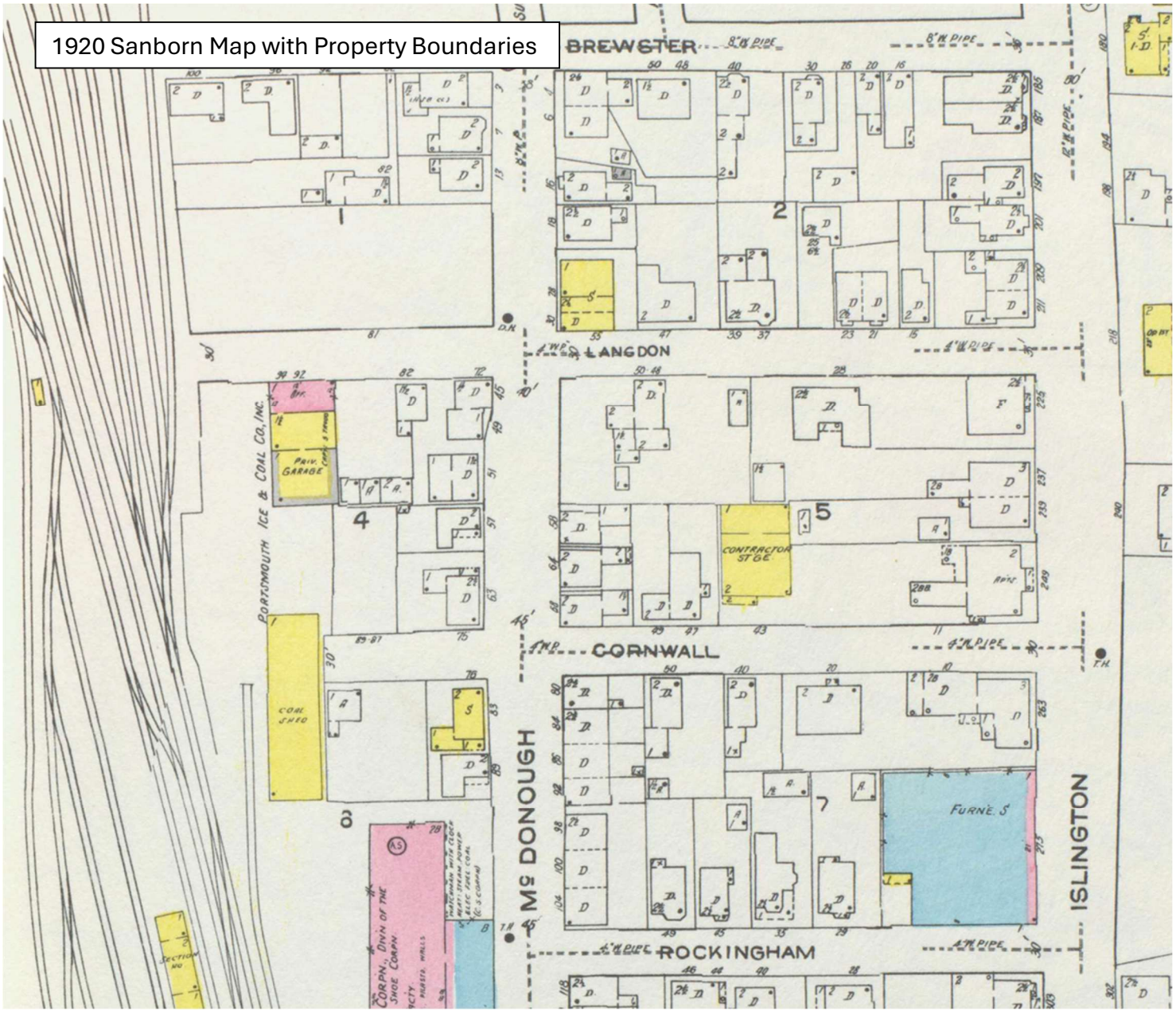

PROPOSED "SHERLOCK" DWELLING UNIT 1 FOOTPRINT=2,122 SF W/ 2 CAR GARAGE FF 1ST FLR=14.5 FF GARAGE=13.0
PROPOSED "ELSA" DWELLING UNIT 2 FOOTPRINT=2,289 SF W/ 2 CAR GARAGE FF 1ST FLR=15.0 FF GARAGE=13.5
PROPOSED "CARTER" DWELLING UNIT 3 FOOTPRINT=1,976 SF W/ 2 CAR GARAGE FF 1ST FLR=15.0 FF GARAGE=13.5
PROPOSED STAIRS
PROPOSED PATIO
BUILDING SETBACK LINE (TYP)
LANDSCAPED AREA (TYP)
PROPOSED VERTICAL GRANITE CURB INFILL
VERTICAL CURB TRANSITIONS TO FLUSH CURB
SAWCUT / PATCH
PROPOSED TIP DOWN
PROPOSED 5.5' WIDE CONCRET SIDEWALK. COORDINATE W/ AB
COORDINATE UTILITY POLE RELOCATION W/ EVERSOURCE
IRON ROD W/ "738" ID CAP FOUND, FLUSH
IRON ROD W/ "738" ID CAP FOUND, DOWN 6"
IRON ROD SET, FLUSH, 06/06/23
COVERED ENTRY W/ STEPS
GARAGE DOORS (TYP)
PROPOSED DRIVEWAY (TYP)
PROPOSED 5.5' WIDE BLOCK SIDEWALK W/ FLUSH CURB (TYP)
1" IRON PIPE FOUND, BENT, LOCATED AT BASE, UP 4"
3/4" IRON PIPE FOUND, UP 5"
3 1/2" IRON PIPE FOUND, FLUSH
2" IRON PIPE FOUND, DOWN 4" (HELD FOR LINE)
COVERED ENTRY W/ STEPS
PROPOSED TURNAROUND W/ NO PARKING SIGN
PROPOSED SNOW STORAGE
(3) 9'X19' GUEST PARKING SPACES
LANDSCAPED AREA (TYP)
N/F BOSTON & MAINE CORPORATION 500 WATER STREET J-910 JACKSONVILLE, FL 08162 5970/1687
N/F GERALDINE M. GAETA JONATHAN PAINE 91 LANGDON STREET PORTSMOUTH, NH 03801 6532/1457
N/F GERALDINE M. GAETA JONATHAN PAINE 82 LANGDON STREET PORTSMOUTH, NH 03801 6301/676
N/F 57 MCDONOUGH STREET, LLC 99 MARNE AVENUE PORTSMOUTH, NH 03801 6312/1289
N/F FRANCIS BLAIS AMY WATSON 63 MCDONOUGH STREET PORTSMOUTH, NH 03801 5491/366
N/F GREAT MCDONOUGH STREET, LLC P.O. BOX 354 SOUTH BERWICK, ME 03908 3440/532
LANGDON STREET
CORNWALL STREET
MCDONOUGH STREET
SWOPA
FGC
VGC
R4'
R5'
R10'
R28'


1850 Map
RAILROAD
Sagamore Mill
SUDBURY
Foundry
MARLBOROUGH
BREWSTER
ST.
Jail
ANN
ST.
CORNWALL
ST.
PENN
ST.
LIME
ST.
DONOUGH
SALEM
STATE
SUMMER
R.S.Shillaber
T.C.Clapham
K.Sheldon
D.Knight
C.W.Brewster
I.Goodwin
L.Barnes
J.B.Pillow
Hart
J.Moses


1871 Map
HANOVER
ER ST.
ST.
Bap. Ch.
F.W.
PEARL
ROCK ST.
SUDBURY ST.
BREWSTER ST.
Jail
LANGDON ST.
CORNWALL ST.
BUCKINGHAM ST.
CABOT ST.
ISLINGTON ST.
SUMMER ST.
ST.
CHATHAM ST.
St. Mary's Ch. (R. Cath.)
School
ST.
R.

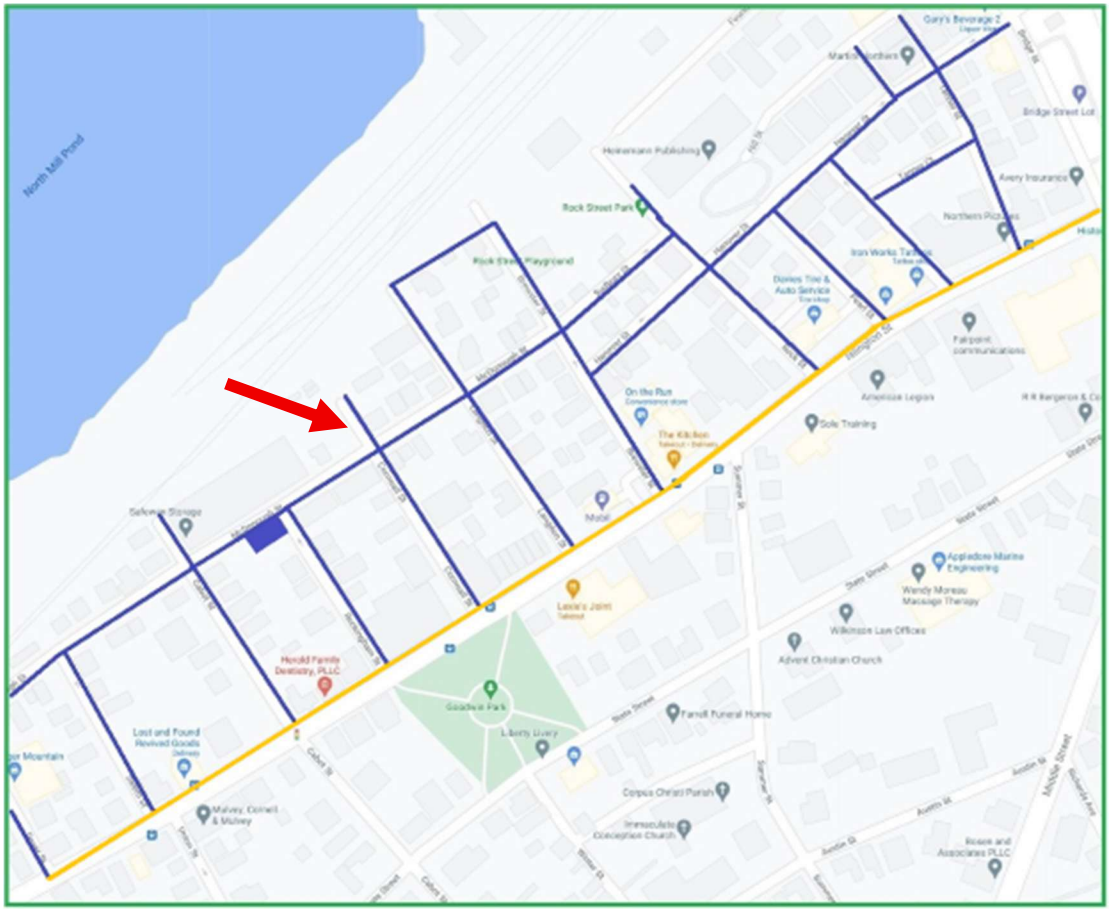

1876 Map with Property Boundaries
SUDBURY ST.
MARLBOROUGH ST.
BREWSTER ST.
LANGDON ST.
CORNWALL ST.
ROCKINGHAM
JAIL
Company
K. Mill Co.
John Grout
Mrs. J. Nixon
John Dyer
W. Shillaber Mrs.
J.H. Thompson
Wiggin
E. Jones
M. Eldredge
B.F. Webster
T. Flam
Geo. Smith
Haselton Est.
Sheldon Est.
J. Goodwin
Hon. L. Goodwin
Harvey Mathes
C.F.T. Yeaton
M. Eldredge
J. Stokell
Jas D.
J. Lever
Brewster Est.
Hosford
W. Livingston
S. Barnard
Hussey Est.
J.F. French
J. Bearborn
Mrs C.W. Brewster
J.E. Giddings


1892 Map
EASTERN DIV.
DONOUGH ST.
ROCKINGHAM ST.
CORNWALL ST.
LANGDON ST.
SUDBURY ST.
BREWSTER ST.
ISLINGTON
HANOVER
PEARL ST.
ROCK
PORTSMOUTH MACHINE CO.
P. MACHINE CO.
GOODWIN
P. Jones


1920 Sanborn Map with Property Boundaries
BREWSTER
LANGDON
CORNWALL
ROCKINGHAM
Mc DONOUGH
ISLINGTON
PORTSMOUTH ICE & COAL CO., INC.
PRIV. GARAGE
COAL SHED
CONTRACTOR STGE.
FURNS.

Map of the 2021 Neighborhood Pilot Parking Program

(Red arrow identifies that portion of Cornwall Street north of McDonough Street was identified by City Staff as being part of the program.)



Re: Abutter Comments – 304 Maplewood LLC Amended Site Plan
Public Hearing Date: May 21, 2026

Dear Chair and Members of the Planning Board,

I am writing as an abutter to the 304 Maplewood LLC project, regarding the Amended Site Plan application. I am an owner of the residential property located at 276 Maplewood Ave, identified as Tax Map 140 Lot 6, directly adjacent to the applicant's Lot 7.

Recent Unreflected Site Changes
Following the April TAC meeting, the applicant removed their existing fence and installed a new fence. The alignment of this new fence differs from what previously existed. Additionally, a new fence was constructed immediately adjacent to the southern edge of my property. These changes are not reflected on the revised site plan.

Proposed Fence along My Western Boundary
In the area between Tax Map 140, Lot 6 and Lot 7 where no new fence construction has yet occurred, the revised plans state: "Existing chain link to remain. New 6' tall wooden stockade fence to be installed in front of it." However, the plan depicts the proposed fence immediately adjacent to my chain link fence and potentially connecting to the existing wooden portion of my fence. The plans also show the proposed fence running between my fence and a mature tree, which is not physically possible without disturbing one or the other.

Additionally, the revised plans show the proposed fence in locations that appear to conflict with three existing metal posts/stakes located close to my fence line and appear in a straight line. Two of these posts are noted on the applicant's own survey and labeled as "metal fence post". These posts align with historical tree locations and correspond more closely to the deed measurements.

Concerns Regarding TAC Condition and Property Rights
At the April TAC meeting, one of the conditions for recommended approval was that the applicant must "show new fence within property lines on plan." This condition was added specifically to protect my property after the applicant previously proposed removing and replacing my fence multiple times.

The current "in front of" proposal along with the fence possibly tapering off into or connecting with my fence raises serious concerns about compliance with the TAC condition. Furthermore, the applicant's survey relies on a damaged/leaning plumbing pipe as a primary control point, notes that "title beyond fences is unclear," and appears to claim approximately 3 feet beyond the deed description. My chain link fence line has been in place for over 40 years, supported by historical documentation I previously submitted to the TAC.

Requested Conditions
I respectfully request that any approval include the following conditions:

1. The applicant must provide written confirmation that my existing fence will remain completely undisturbed, with no attachment, modification, encroachment, or interference of any kind.

2. The new fence (both installed and proposed) must be located entirely within the applicant's property as described in their warranty deed.

3. Prior to final approval, the applicant must update the site plans to accurately reflect all existing fences and resolve any discrepancies with the surveyed boundary line.

4. The proposed fence line shall not disturb or extend beyond the three existing metal posts/stakes along the shared boundary (two of which are identified on the applicant's survey as "metal fence post").

5. My property, including my fence and the land enclosed within, shall not be used by the applicant to be in compliance with any zoning ordinance or site plan regulation, this includes any building setback requirements.

Pictures are included on the following page for reference. I am available to answer any questions or provide further information.

Thank you for your attention to this matter and for protecting abutting property owners.

Sincerely,
Maria Abruzese
276 Maplewood Ave

FENCES

Approximate Fence Lines

Lot 7

Lot 6

Lot 5

For illustrative purposes only. Fence lines are approximate based on visual observation; they are not surveyed or intended to represent exact locations.

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 03/06/2026

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

The circular buffer zone shows a generalized view of the fences for Tax Map 140, Lot 5, 6 and 7 properties. This includes recent fence construction. In addition to survey and deed differences previously noted for Lot 7 (applicant), similar inconsistencies appear for Lot 5 on the applicant's survey. Additional details provided on following pages.

Recent Unreflected Site Changes

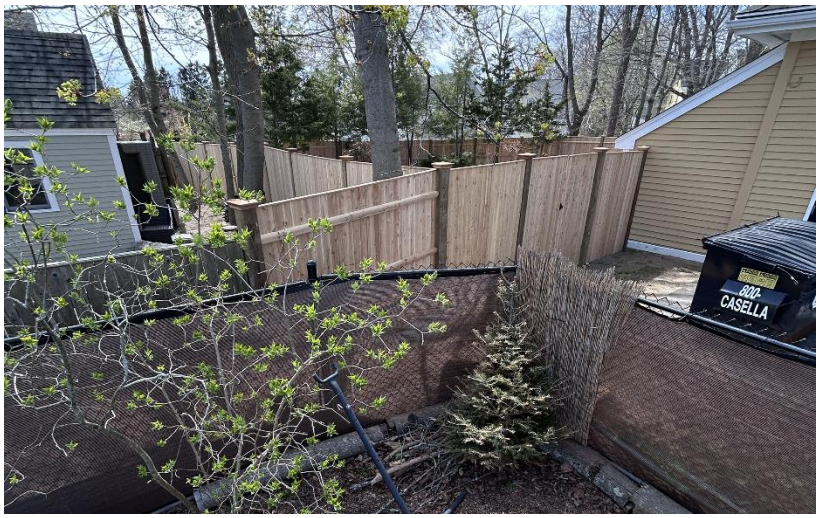
View Facing South

Before: Photo shows applicant's old fence location (wooden fence just beyond the paved area and dumpster). Chain link fence belongs to Lot 6. This picture was taken near boundary of Lot 6 and 7.

After: Photo shows new fence construction. Applicant's new fence extends to Lot 5's privacy panel. Also note, the existing dumpster's close proximity to residential properties along with the trash (artificial tree) placed against Lot 6's fence.

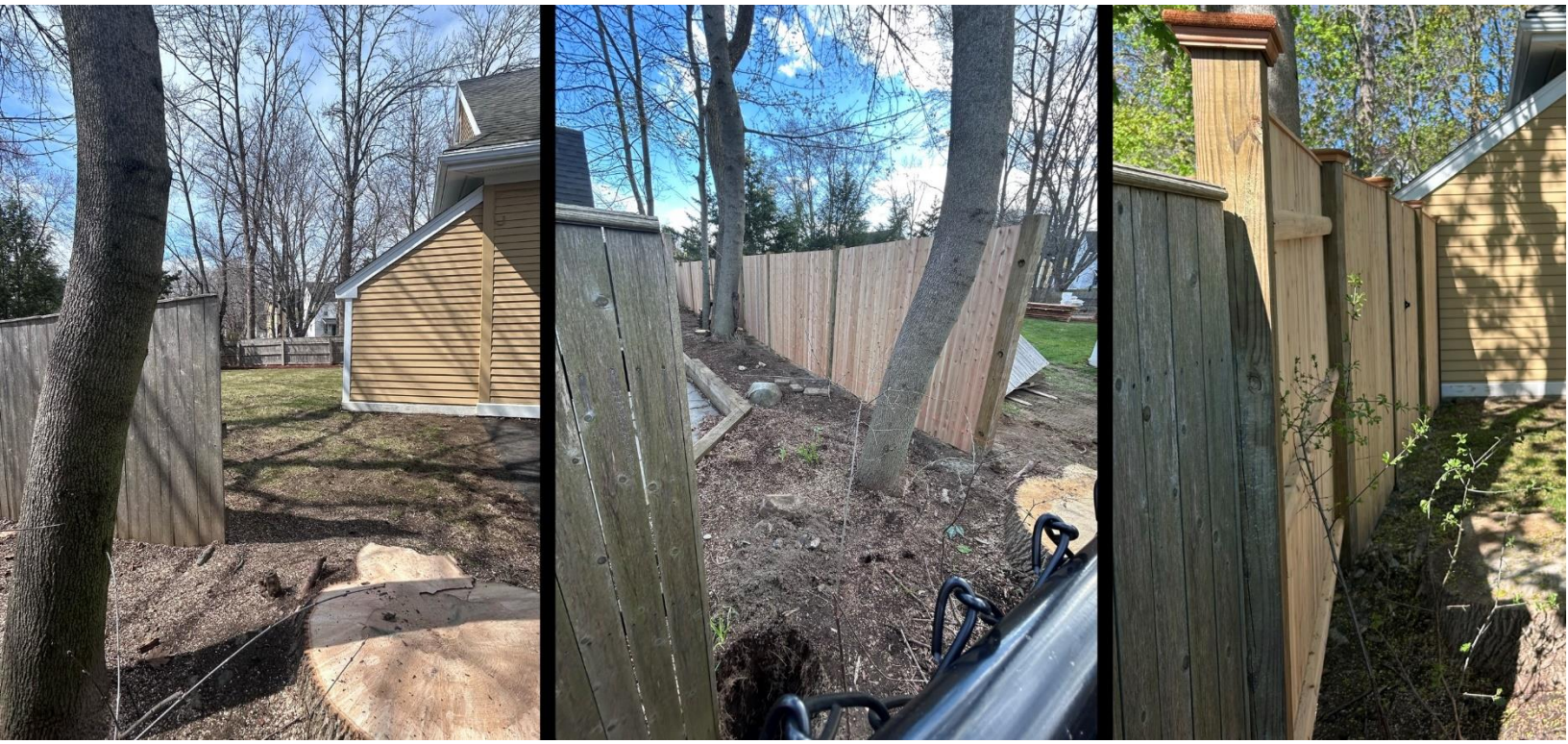
View Facing Southwest

This photo shows previously existing fences.



This photo shows the applicant's newly constructed fence with an additional fence panel that is located outside their property's enclosure.

View Facing West

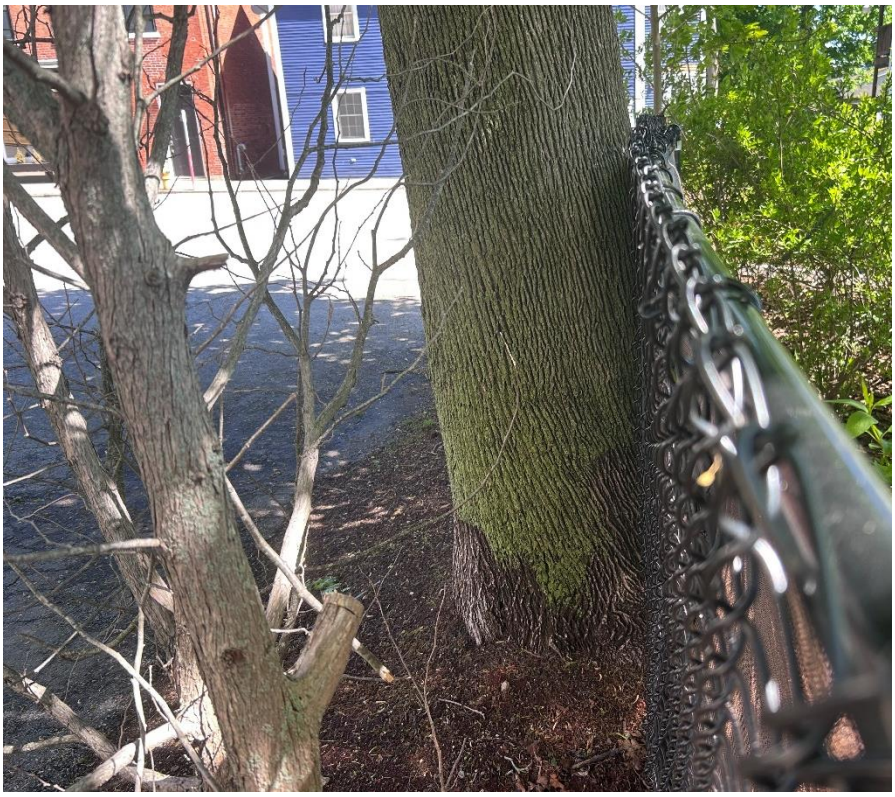


This is a photo of the applicant's old fence. Photo was taken near Lot 5 and 6 boundary.
April 1, 2026.

This photo shows the construction of the new fence including a new post hole next to Lot 5's privacy panel fence (Lot 5 does not have an enclosed fence). April 20, 2026.

Photo taken May 8, 2026, shows the applicant's new enclosed fence including an additional panel extending to Lot 5.

Proposed Fence along my Western Boundary



The applicant's site plan proposes their fence installed in between the mature maple tree and chain link fence shown in the photo. This is physically impossible under existing conditions.

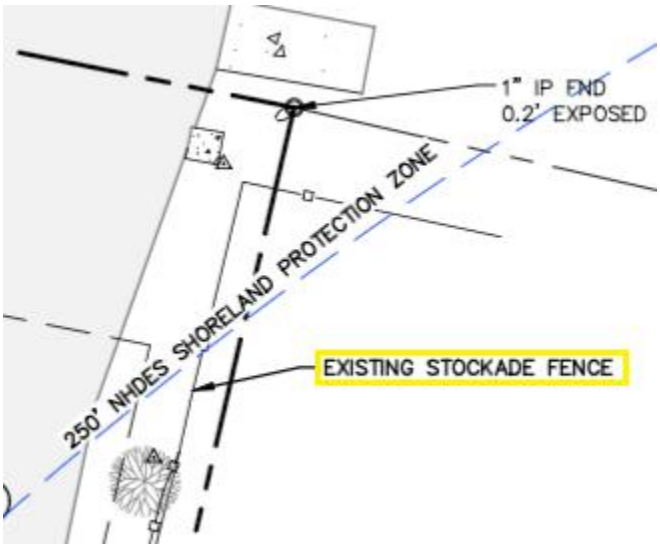
Excerpt from applicant's site plan

This photo shows two metal posts/stakes located near my fence line. These stakes correspond similarly with deed measurements.

Highlighted circles on applicant's site plan excerpt show stakes labeled as "metal fence posts"

This photo shows an additional metal stake (not shown on applicant's survey). It has a similar likeness to the other recorded "metal fence post(s)". This stake is located near the southwest corner of my property (Lot 6).

The blue and orange ties were placed by the applicant's surveyors (Jones & Beach Engineers).



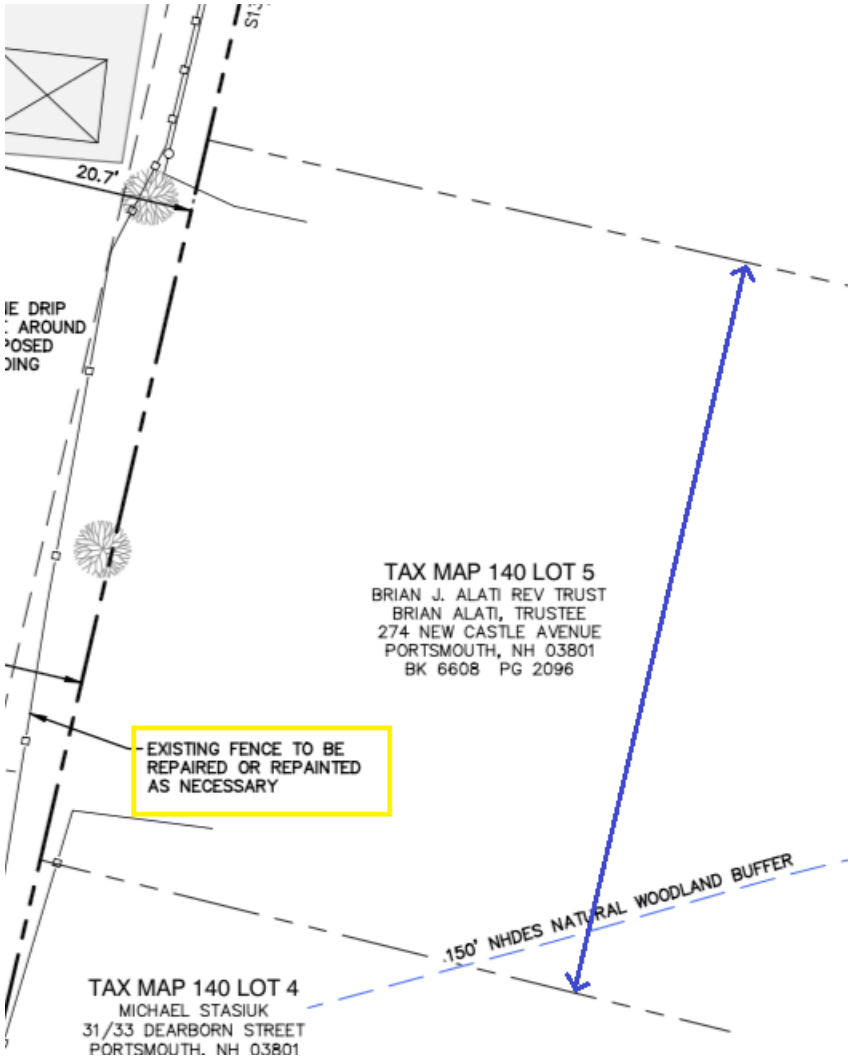
This site plan excerpt shows my wood fence labeled as “existing stockade fence”. It also appears to show the applicant’s proposed fence possibly connecting to this fence.

The applicant does not have consent to use my fence as their own.

14. THE EASTERLY BOUNDARY OF THE SURVEYED PROPERTY WAS DETERMINED USING THE IRON PIPE FOUND ALONG MAPLEWOOD AVENUE. EXISTING FENCES FOR LOTS 5 AND 6 CROSS THIS LINE. TITLE TO LANDS BEYOND THE FENCES IS UNCLEAR.

Excerpt from applicant’s survey noting iron pipe and uncertainty beyond fences along easterly boundary

This is a photo the iron pipe used to determine the applicant’s assumed easterly boundary. No other boundary markers appear to be shown along their northern or eastern boundary lines. Damage, deterioration and lean do not appear to be noted on survey.



This is a site plan excerpt showing Lot 5's property. (see included GIS map labeled "Fences" for an alternative general reference).

The text highlighted in yellow contradicts existing conditions, as the existing fence was completely replaced in April 2026.

The blue line points to the survey's boundaries drawn for Lot 5. These lines appear to measure a distance of approximately 53 feet. The deed references 42 feet.

The applicant's site plan appears to have multiple deed vs. survey discrepancies with recent and proposed construction causing a negative impact on my property and its boundaries.