



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: June 12, 2026

Re: Recommendations for the June 18, 2026 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the May 21, 2026 meeting minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the May 21, 2026 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. **WITHDRAWN** The request of **Brora LLC (Owner)**, for property located at **150 Portsmouth Boulevard** requesting Site Plan Review Approval for the construction of three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

- B. **REQUEST TO POSTPONE** The request of **Regan Electric CO INC (Owner)**, and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall Street** requesting Site Plan Review approval. **REQUEST TO POSTPONE**

Planning Department Recommendation

Vote to determine that Items A and B are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section IV of the agenda) and to accept the applications for consideration.

III. PUBLIC HEARINGS – OLD BUSINESS

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

- A. **WITHDRAWN** The request of **Brora LLC (Owner)**, for property located at **150 Portsmouth Boulevard** requesting Site Plan Review Approval for the construction of three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

III. PUBLIC HEARINGS – OLD BUSINESS

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

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

IV. PUBLIC HEARINGS – NEW BUSINESS

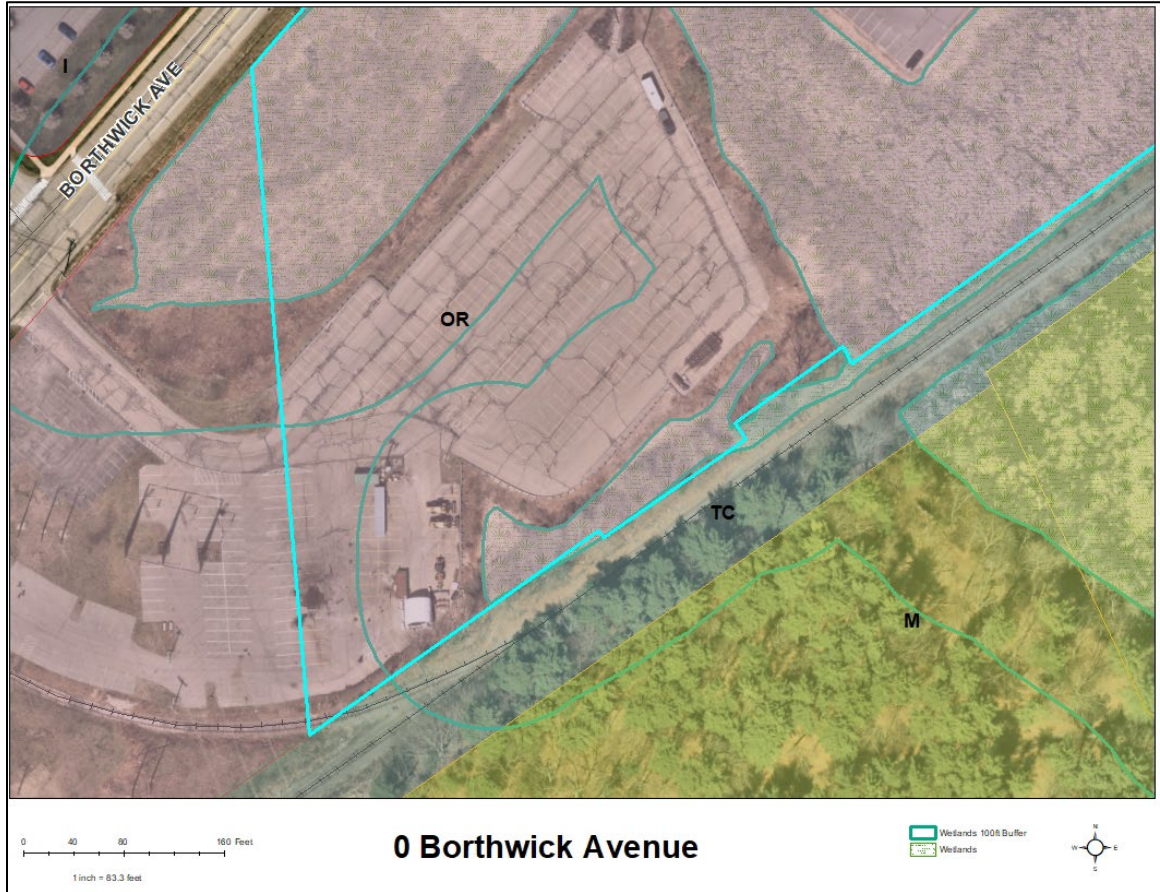
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A.** The request of **Liberty Mutual Insurance Company (Owner)**, for property located at **0 Borthwick Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for maintenance of a stormwater detention pond at the Liberty Mutual property. This project includes replacement of a failed 24" culvert along with removing 2 feet of sediment from the existing detention pond, unburying two existing culverts which will be cleaned and reset, and removing/trimming vegetation. The total surface area impacts within the prime wetland buffer include approximately 9,500 s.f. of temporary impacts for dredging work, 700 s.f. of wetland buffer disturbance for replacement of the culvert and 225 s.f. of direct prime wetland impacts. Said property is located on Assessor Map 240 Lot 3 and lies within the Office Research (OR) District.

Project Background

The application is for a Wetland Conditional Use Permit for maintenance and repair of an existing stormwater detention pond system located behind the existing Liberty Mutual parking lot. The project includes removal of approximately two feet of accumulated sediment from a 9,500 square foot detention pond, replacement of a failed 24-inch culvert, cleaning and resetting additional outfalls, and selective vegetation clearing, including invasive species removal. The work will restore proper stormwater flow and function to the system. The site is within the 100-foot wetland buffer.

The applicant has indicated that impacts have been minimized to the extent practicable by limiting work to the existing stormwater infrastructure footprint, utilizing erosion and sediment controls, and restoring disturbed areas following construction. The project is exempt from New Hampshire Department of Environmental Services wetlands permitting as maintenance of a man-made stormwater facility; however, a local Conditional Use Permit is required due to impacts within the wetland buffer.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. The land is reasonably suited to the use activity or alteration.

This area is an existing stormwater detention pond with failing culverts and outlet infrastructure. This is considered maintenance work with the exception of a culvert replacement.

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

This area is an existing stormwater system that collects and releases stormwater coming from the parking lots across the street from Liberty Mutual. There is already significant stormwater infrastructure in place both beneath the parking lot and in the area of work that was put in place to remediate sheet flow from the parking lot into the wetland and wetland buffer. Moving this project to a new location outside of the buffer would create an even greater disturbance size to the buffer and prime wetland.

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

If the area of work is contained to the current extent and construction equipment and debris can be cleaned and moved off site to limit the spread of invasive species, it will reduce the risk of harm to the nearby prime wetland. This has been noted on the updated Grading & Drainage Plan (C-103). The project will improve stormwater management by restoring proper flow and treatment capacity, which is expected to benefit wetland functions over the long term.

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

The plans do not detail the existing vegetation on site, but plans propose trimming and removal of vegetation in an area outside of proposed dredging and the removal of 16 trees on site. The applicant should note on plans and in the invasive management plan what the long-term maintenance plans are for these areas (ex. Routine trimming, mowing, planting, leaving undisturbed, etc.). In addition, the applicant should consider planting additional trees along the detention pond as part of this project to offset the loss of trees.

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

This area of work appears to be minimized in order to avoid additional impacts to the prime wetland and wetland buffer. The restoration of the existing failing stormwater system should reduce current impacts from stormwater coming off the adjacent parking lot.

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

Information is lacking on proposed vegetation in this area. The applicant should provide information on the routine vegetation maintenance within 25' of wetland edge. All temporarily disturbed buffer areas will be restored through seeding, mulching, and stabilization measures following construction. Invasive species removal is also proposed, which may enhance long-term vegetative quality.

Project Review, Decisions, and Recommendations

The project was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, [April 8, 2026](#) and the Commission unanimously (7-0) to recommend approval with following condition:

- 1. Applicant shall provide a planting plan to the Planning Board which should replace the number of trees to be removed with the same number of trees to be planted on the parcel.*
- 2. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended for this location that wetland boundary markers be considered along the guardrail or behind the guardrail on top of the bank. These should be placed every 50' within the wetland buffer and should not go outside of the area of site work.*
- 3. The maintenance plan shall be entered into the chain of title for the property in a recorded document, approved by the Planning and Legal Departments, and recorded at the Rockingham County Registry of Deeds.*
- 4. Applicant shall consider a more frequent monitoring schedule to ensure the stormwater system is checked more than once per year.*

The condition above have been added as conditions of approval below.

Planning Department Recommendation

Wetland Conditional Use Permit

1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as amended.

2.) Vote to grant the Conditional Use Permit with the following conditions:

- 2.1 Applicant shall provide a planting plan to the Planning Board which should replace the number of trees to be removed with the same number of trees to be planted on the parcel. The planting plan shall be provided to the Planning &*

Sustainability Department for review and approval.

2.2 In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended for this location that wetland boundary markers be considered along the guardrail or behind the guardrail on top of the bank. These should be placed every 50' within the wetland buffer and should not go outside of the area of site work.

2.3 The maintenance plan shall be entered into the chain of title for the property in a recorded document, approved by the Planning and Legal Departments, and recorded at the Rockingham County Registry of Deeds.

2.4 Applicant shall develop a more frequent monitoring schedule to ensure the stormwater system is checked more than once per year and provide to the Planning & Sustainability Department.

IV. PUBLIC HEARINGS – NEW BUSINESS

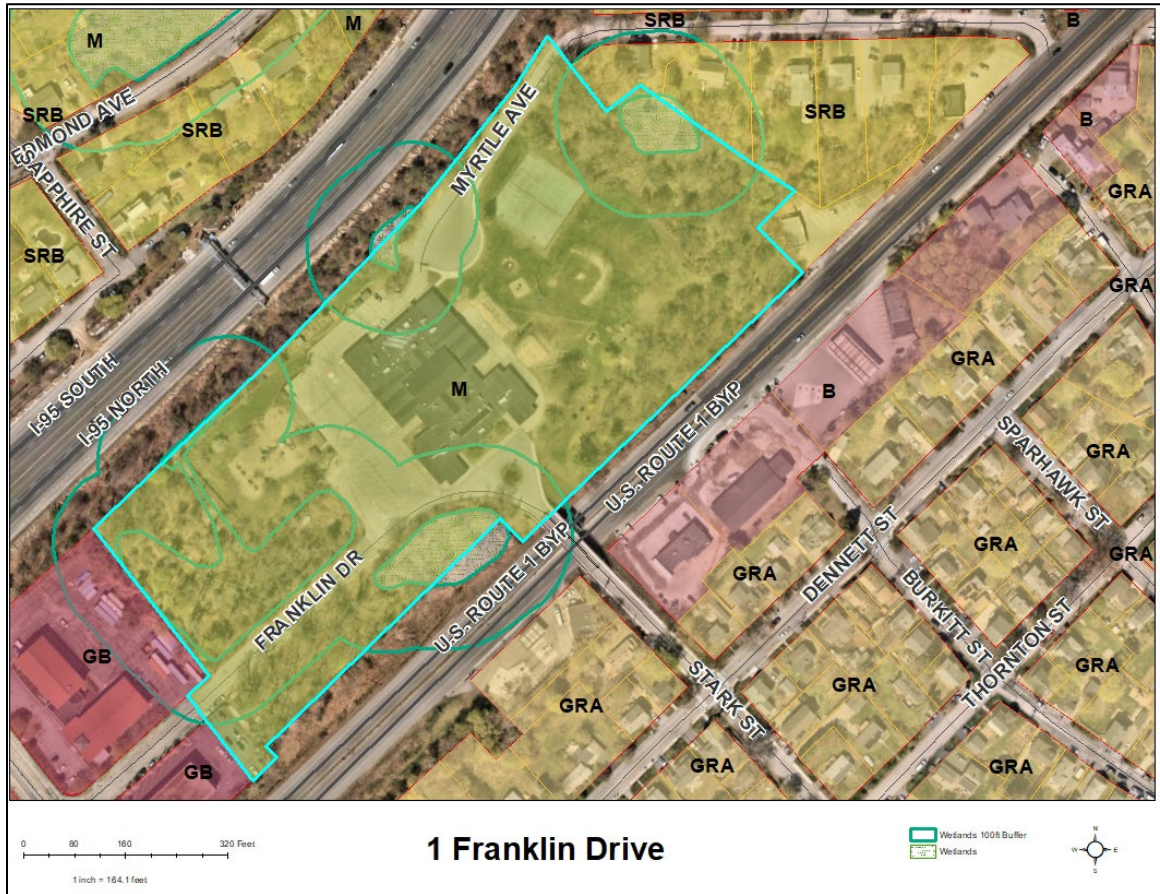
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- B.** The request of **The City of Portsmouth/New Franklin School (Owner)**, for property located at **1 Franklin Drive** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for work within the 100' wetland buffer area in conjunction with building additions to the New Franklin Elementary School. This project proposes a site increase of 535 s.f. of permanent impervious impacts within the wetland buffer area. Additional stormwater infrastructure has been added to offset the increase in impacts within the buffer. Said property is located on Assessor Map 220 Lot 2 and lies within the Municipal (M) District.

Project Background

The City of Portsmouth School Department is seeking a Wetland Conditional Use Permit to support three proposed additions at the New Franklin Elementary School. The project includes the construction of three building additions totaling approximately 8,800 square feet, along with associated site, drainage, accessibility, and utility improvements. A portion of the work is located within the 50- to 100-foot wetland buffer to jurisdictional wetlands on-site, which are already largely disturbed by existing pavement, playground, and maintained lawn. This proposal results in a net increase of approximately 535 square feet of impervious surface within the buffer, primarily associated with building expansion and reconfigured parking; however, parking has been reduced and relocated to minimize impacts.

Stormwater management improvements are proposed with this project, including deep sump catch basins with oil/water separator hoods to capture and redirect runoff away from wetlands. Disturbed buffer areas will be stabilized and restored with a conservation seed mix, and no work is proposed within the 25-foot vegetated buffer.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. The land is reasonably suited to the use activity or alteration.

This is currently a school property and functions as an elementary school. This project is proposing expanding the use of the school into the wetland buffer and a partially existing impervious area.

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

Of the additions, only addition #2 appears to impact the wetland buffer and does so minimally. The majority of impacts appear to be for egress and driving aisles. This is a tight location with minimal maneuverability. Alternative locations for the drive aisles do not appear to be feasible. In addition, porous pavement is required but the applicant has demonstrated that this requirement is not structurally feasible in this location due to impacts from soil saturation.

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

This application proposes a modest impervious surface increase within the wetland buffer. While the applicant is not proposing any plantings to help mitigate these impacts, they are proposing an enhancement of the buffer with a wetland/conservation seed mix within the 25' vegetated buffer.

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

This project appears to be removing a majority of existing disturbed areas in addition to lawn. The applicant should call out on plans any trees or existing vegetation to be removed as part of this project if applicable.

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

This proposal increases permanent impacts to the wetland buffer, but the project is working within a constrained space with minimal alternative locations. A wetland buffer enhancement plan was not provided but applicant has supplemented with a commitment to seed mix and will be implementing a new stormwater management system to capture parking lot sheet flow before entering the wetland. These additional improvements help to mitigate the increased impervious.

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

This application does not increase impervious surfaces within the vegetated buffer strip.

Project Review, Decisions, and Recommendations

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, [May 13, 2026](#), the Commission voted unanimously (7-0) to recommend approval with the following condition:

- 1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended that markers be placed along the existing fenceline that runs alongside the jurisdictional wetland but final*

determination of placement and number of markers shall be done in collaboration with Planning & Sustainability Department staff.

Planning Department Recommendation
Wetland Conditional Use Permit

1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as amended.

2.) Vote to grant the Conditional Use Permit with the following condition:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended that markers be placed along the existing fenceline that runs alongside the jurisdictional wetland but final determination of placement and number of markers shall be done in collaboration with Planning & Sustainability Department staff.

V. OTHER BUSINESS

- A.** The request of **RIGZ Enterprises LLC (Owner)**, for property located at **806 US Route 1 Bypass** requesting a fourth 1-Year Extension to the Site Plan Approval originally granted on June 23, 2022. The third extension will expire on June 23, 2026.

On June 23, 2022, the Planning Board granted Site Plan approval for the project referenced above. The applicant has yet to obtain a building permit and has requested the one-year extension per Section 2.14 of the Site Plan Regulations below. A one-year extension was granted on June 15, 2023. A second extension requires the applicant to go before the Technical Advisory Committee and Planning Board. In May of 2024, the Planning Board granted Site Plan Approval for the adjacent site at 822 Route 1 Bypass. The drainage design for that project resulted in changes for this property, thus the request for amended site plan approval based on the revised drainage design. A second one-year extension and amended site plan approval was granted on June 20, 2024 and third extension was granted on June 18, 2025. The project has not started and is set to expire on June 23, 2026.

The applicant was before TAC at their June 2, 2026 meeting and TAC voted unanimously to recommend another 1-year extension of the project as nothing has changed since the extension and amended plan approval in 2024 with the exception of minor changes including an 8-foot vinyl fence in place of the original chain link fence.

The process for considering a second one-year extension (or additional extensions thereafter) is below from Section 2.14 of the Site Plan Review Regulations. The request cannot be denied without having held a public hearing.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.
3. If additional one (1) year extensions are requested, the owner will be required to have the previously approved plans reviewed by the TAC and the Planning Board. For this review the owner shall provide to the Planning Department the previously approved plans and supporting data.
4. Upon review of a request for an extension, the Planning Board shall have the authority to amend or deny a previously approved application. This review shall not require an application fee; however, the Planning Board and/or TAC may, if deemed necessary by either chair, conduct a public hearing at the owner's expense.

Planning Department Recommendation

Vote to grant a one-year extension of the site plan approval to June 23, 2027.

B. Planning Board Rules and Procedures

Included in the packet are draft revisions to the Rules and Procedures related to requests for a continuance for applications before the Board.

Planning Department Recommendation

Vote to adopted the Rules and Procedures as presented/amended.

C. Chairman's Updates and Discussion Items

D. Board Discussion of Regulatory Amendments and Other Matters

VI. ADJOURNMENT