PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

7:00 PM Public Hearings begin **June 18, 2026**

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello**,** Vice-Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas**,** William Bowen, Ryann Wolf; and Alternates Frank Perier and Logan Roy

ALSO PRESENT: Peter Stith, Planning Department Manager; Historic District Commission Board (Work Session only)

MEMBERS EXCUSED: None.

WORK SESSION WITH HDC 6:00 pm
REGULAR MEETING 7:00 pm

I. WORK SESSION WITH HISTORIC DISTRICT COMMISSION

The Planning Board met with the Historic District Commission (HDC) for a joint work session. The boundaries in the Historic District were discussed. Chair Chellman said the Master Plan consultant would be working with them to get out a FlashVote poll for public input and that they also wanted photos of the District to place into the Master Plan. He asked HDC Chair Ruedig to have the HDC members take photos of historic properties in the Historic District that they felt were significant and submit them to the Planning Board. He said the best practice to establish the limits of the HD was to follow the general guidelines, property lines, and significant national historic features and to not go through buildings. He said more public meetings were needed. Vice-Chair Coviello suggested having a series of topics, like Historic District 101, so that the public could be educated and know what the rules were. Chair Chellman said it was discussed with the Municipal Association and suggested that there be booklets for the HDC, Planning Board, and Board of Adjustment. He said he would ask the Municipal Association to have a meeting about historic resources. Ms. Ruedig invited the Planning Board to a training session in on October 2. Councilor Moreau said the handbooks should be written plainly so that the public could understand them. She suggested that Middle Street be taken out of the Historic District first and then other streets could be considered. Chair Chellman said it could be either sections of a street or the whole street. He said amendments to the limits of the Historic District would be and the demolition control issue would be addressed the following year. Almeida asked if a heritage district was considered. Chair Chellman said it was on his agenda. He said it was the Heritage Commission and that only 20 municipalities in the State had one and it was mostly advisory and they did not administer an overlay ordinance like the HDC, but they looked at places of historic significance and provided input. He said they could also delay a demolition. He said there might be a way to have land use controls beyond advisory controls if there were enough volunteers and staff to do it. Mr. Samonas said some people who owned historic homes felt that it cost a lot to improve the homes to conform to the Historic District, and he suggested that methods be looked at to help the homeowners while still being compliant, like tax credits. Ms. Ruedig said there was money set aside to have a chapter written on sustainability in their guidelines and that they needed to contract consultants and have public input. It was further discussed. Councilor Cook said fixing the lines on Middle Street was delayed every month, and an adjacent homeowner who was unintentionally in the District had to think about getting permission and being compliant, even though they probably would not be in the District in a few years and it cost them money. She said it was important to move forward quickly for that reason. She said a second issue was that homeowners needed more guidance because the current guidelines were very subjective. She said there could be a booklet outlining acceptable building materials, for example. It was further discussed.

Mr. Almeida said he did not see the HDC guidelines referenced at the HDC meetings. Ms. Ruedig said most applicants went to the online portal application link, but that the Commission members would reference the guidelines a few times during meetings. Mr. Adams said he did not think the online portal enhanced people’s opportunities to utilize those tools. Vice-Chair Coviello said overarching principles were needed, especially by the HDC, because with everything online, most interaction for people meant coming to the HDC meeting. Councilor Moreau said people could type in what they were trying to do and would be taken to the appropriate guideline. HDC Vice-Chair Doering said people should be able to enter data into simple spreadsheets instead of having hundreds of pages of cut sheets, and if someone uploaded an item like vinyl siding, the system would automatically deny it. Mr. Ryan said a lot of things should be defined before going before the Board. Chair Chellman asked if the HDC had a pre-application process like the Planning Board did. Ms. Ruedig said they had work sessions but thought it would make sense for the Planning Board and HDC to start having joint meetings or the ability for the applicants to work with both boards at the same time. It was further discussed.

Chair Chellman asked if they should proceed with the modifications to the Historic District boundaries soon. Everyone agreed. Chair Ruedig said the HDC came up with an idea for redrawing the lines but it did not have a chance to go to the public. She said she wanted to ensure that both groups agreed on the methodology used to redraw the boundaries and wanted a good written description of what the decision was. Chair Chellman said the other best practice after following property lines would be to consider a buffer outside it because of the impact an adjacent property could have, and to also include vacant properties because they could have a lot of things put on them. After more discussion, he said the Planning Board could proceed and then get public input and make modifications. Chair Ruedig said the only amending that the HDC could do after the original draft was submitted was to add a few more of the parcels that were currently fully captured by the Historic District that did not fully front on Middle Street. She said there were side properties highly visible from Middle Street that needed to be captured, but the public could weigh in and the HDC could take a second look at it.

Action Item: Chair Chellman suggested a deadline of three weeks for the HDC to come up with something and submit it to the Planning Board.

The Heritage Foundation was further discussed. Chair Chellman said the Foundation did education. Mr. Samonas said education did not trump the expense, responsibility or constraint that went into being in the Historic District for property owners. He asked who that property owner would talk to before being entered into the Historic District. Chair Chellman said it would make sense to notice people in the Historic District to ensure they were informed. Ms. Doering said people had the opportunity to attend the public discussion, and most people were in favor of being in the Historic District. The issue of what the Historic District was trying to preserve was discussed. Ms. Ruedig said the Historic District was added over time, starting in the mid-1970s. She said the modifications and clarifications of the boundaries along Middle Street were not intended to really add any properties, so it should be an easy process. She said they would discuss what areas represented the part of Portsmouth's history that the HDC wanted to continue to protect. Chair Chellman said it was context-sensitive and might be different in different sections. Vice-Chair Coviello asked if it was possible that a homeowner who just wanted a window replacement could just get Staff approval. Ms. Ruedig said the HDC had a list of exemptions, but some items were handled by administrative approval. Councilor Cook said it would be easier to have guidelines for window types. Mr. Almeida said the HDC's prime issue was windows and that the guidelines stated that people were not allowed to switch windows, so he did not think that the window section needed updating but just needed to be enforced.

Action Item: Chair Chellman asked the HDC members to read the section on historic resources in the existing Master Plan and then tell the Planning Board what things were missing or did not need to be included.

REGULAR PLANNING BOARD MEETING [Timestamp 3:00]

II. APPROVAL OF MINUTES

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

*Mr. Giuliano moved to **approve** the minutes as presented, seconded by Mr. Almeida. The motion passed unanimously, with Vice-Chair Coviello recused.*

III. 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. **WITHDRAWN**

The review was withdrawn by the applicant.

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**

Mr. Giuliano moved to ***postpone*** *the request to the July 16th meeting, seconded by Vice-Chair Coviello. The motion passed unanimously, with Councilor Moreau recused.*

IV. PUBLIC HEARINGS -- OLD BUSINESS [Timestamp 4:22]

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. **WITHDRAWN** (LU-25-114)

The petition was withdrawn by the applicant.

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. **REQUEST TO POSTPONE** (LU-25-175)

Mr. Giuliano moved to ***postpone*** *the request to the July 16th meeting, seconded by Vice-Chair Coviello. The motion passed unanimously, with Councilor Moreau recused.*

V. PUBLIC HEARINGS – NEW BUSINESS [Timestamp 5:08]

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. (LU-26-9)

SPEAKING TO THE PETITION

Damon Burt of Fraggle Rock Environmental representing Liberty Mutual was present. He said the invasive species management and stormwater plans were submitted. He said the retention pond had been retained over the years, and the culvert closest to the prime wetland failed. He said they did limited probing and found vegetation and sediment in the buffer, so they would remove about two feet of sediment along with invasive species and would reset the culvert. He said there were inlets to the pond that got covered up, so they would remove some of that material. He said they would remove 15 trees and would work with a contractor to bury the invasive species underground and take some off site.

[Timestamp 12:35] Vice-Chair Coviello asked if the 24" inch pipe was buried. Mr. Burt said they suspected that it was there but could not find it. Vice-Chair Coviello asked if equipment would be used to move the debris out of the area. Mr. Burt said they would do whatever they could from the bank of the retention pond, and that the excavator would likely have to access the culvert area from within the pond. Vice-Chair Coviello asked what would happen with the soil. Mr. Burt said the debris would be buried off site and the soil itself would have the fragmented seeds. Mr. Samonas asked about tree planting. Mr. Burt said 13 native trees would be planted and would likely be red maples and white pines and that they would be mostly along the parking lot. Mr. Bowen asked what the motivation was. Mr. Burt said the property was transferred to Liberty Mutual and then the Department of Public Works realized that the pipe was buried in the pond and asked that it be removed. Councilor Moreau asked if something could be designed to prevent trash from falling in the pond. Mr. Burt said some of the trash resulted from transients in the area. He said the snow management plan was updated, so a lot of the piles previously along the stormwater area would not be there and would be outside the buffer as much as possible. Chair Chellman said he was concerned about the microburst storms that time of year. Mr. Burt said they would do the work during a dry period and that it would only last a few days.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD [Timestamp 21:00]

1) *Vice-Chair Coviello moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact <u>as presented</u>. Mr. Almeida seconded. The motion passed unanimously.*

2) *Vice-Chair Coviello moved to **grant** the Conditional Use Permit with the following **conditions**:*

   2.1) *Applicant shall provide a planting plan to the Planning Department 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.

Ms. Conard seconded. The motion passed unanimously.

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) and Highway Noise Overlay Districts. (LU-26-37)

SPEAKING TO THE PETITION [Timestamp 21:55]

Ken Linchey, Director of Buildings and Grounds for the Portsmouth School District, was present on behalf of the applicant, along with contractor Adam Carignan and Neil Hansen of Tigue & Bond. Mr. Linchey said they were presenting the final phases of the elementary school renovation project. He said the current phase would begin the three-year project to allow shuffling the students around while the project got the school upgraded. Mr. Hansen said the focus of the application was the addition closest to the highway. He said the playground was surrounded by wetlands, and in the area where the addition was going, the drive aisle and the parking were within the 100-ft buffer. He said they did not want to lose any parking on the site, but they had to eliminate four parking spaces so that they would not have any additional impervious surface within the 50-ft buffer. He said there would be a small increase in impervious within the 100-ft buffer because parking on site had to be maintained as well as the drive lane for emergency access. He said they would restore and replant within the 25-ft buffer using a conservation seed mix and would redirect the stormwater away from the wetlands.

[Timestamp 25:05] Mr. Samonas said there was a note on the plans about removing sheds and coordinating it with the owner. He asked if it was a different landowner. Mr. Linchey said the sheds belonged to the City. Mr. Bowen said the letter ended with the sentence "The proposed additional impervious area within the wetland buffer is in the best interests of the public, as the proposed project will address existing student overcrowding issues at the New Franklin School".

He asked if it spoke to the current enrollment at the school. Mr. Linchey agreed and said it also spoke to the current needs of the students in the school. He said several staff members were working in closets and corridor spaces, and the process was meant to get them into educational spaces. Mr. Bowen said he was thinking more about the Master Plan and the capacity and impact of infrastructure to the City. He said the New Franklin School catchment area would include the outer Market St and outer Woodbury St areas, which had two projects. He said there was a population of about 1,000 people within the catchment area of the New Franklin School. He asked if there was a strategy for the significant number of students from the 1,000 people that would be Phase 2 for the school. Mr. Cheney said they would add a four-classroom addition and were working with the Planning Board to see what infrastructure for new housing was coming and to calculate what students were coming in now and in the future. He said they considered what school district the students would be bused to or identified them into part of the redistricting of the school. He noted that they had a separate school committee they worked with and also worked with the City Council. Councilor Moreau said the City Council toured all the schools and worked with the School Board, so when new projects came on they could decide whether it was a good-sized project and if it was going to a specific school. She said out of the three schools, New Franklin needed the most upgrades and expansion. She said they were necessary needs now, so it should be done as soon as possible.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE BOARD

1) *Mr. Giuliano moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact <u>as presented</u>. Ms. Conard seconded. The motion passed unanimously.*

2) *Mr. Giuliano moved 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.

Ms. Conard seconded. The motion passed unanimously.

VI. OTHER BUSINESS [Timestamp 31:51]

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.

Mr. Stith said the project was approved and was going to be the City Retail Market. He said the property next door became available and the applicant bought it, and that was where the City Retail Market establishment would be built. He said drainage improvements tied to that property were done, but the site plan review agreement and the conditions precedent for this project were not satisfied, so the applicant did not vest the project. He said while the project next door was being built, the current project came back for several extensions. He said nothing changed except for adding an 8-ft fence along the rear of the property, but the applicant was moving forward and considering the project as retail. He said the project next door was wrapping up, so he assumed that the applicant could move forward with all the conditions they had to meet and satisfy to vest the project. Councilor Moreau asked if the Board had reason to think that they would have to give another extension to this project, and Mr. Giuliano asked if the Board could grant a fourth and final extension. Mr. Stith said they could grant a fourth but not a fifth. Mr. Giuliano asked if the project would mirror the new one next to it if approved. Mr. Stith said it would not be the same as the one next door but would be retail. Vice-Chair Coviello asked if there was a precedent of renewing extensions to that extent. Mr. Stith said there he did not know of any.

[Timestamp 36:05] Project engineer and surveyor Alex Ross was present and said he did the site plans. He said it was a complex project due to all the utilities for both sites. He said they were working with the City and the Department of Transportation (DOT) on the time-consuming drainage issue. He said the remaining work on the site would be small and the plan was to jump right in, and he did not think there would be a need for a fifth extension. Mr. Almeida said he did not recall the project being a controversial one and thought denying it wouldn't do anyone any good. Chair Chellman asked if the 8-ft fence in the back was installed, and Mr. Ross agreed.

DECISION OF THE BOARD

*Mr. Giuliano moved to **grant** a one-year extension of the site plan approval, now to expire on **June 23, 2027**. Mr. Samonas seconded. The motion passed unanimously.*

B. Planning Board Rules and Procedures [Timestamp 39:08]

a. Draft Revisions for Continuance Applications

The proposed revisions to the Board's rules and revisions were discussed. Chair Chellman explained that if an applicant came for a public hearing and asked for a continuance, it went to the next meeting and there was no additional notice, and it was typical for the abutters not to show up at subsequent meetings. He said some applicants had used that as a divisive way to avoid public input. He said the change was intended to avoid that. He said the rule allowed one continuance if the applicant needed no reason, and for a second continuance, the applicant would have to demonstrate a reason for the Board to vote on. Therefore, the applicant only received two continuances. Mr. Samonas asked if a piece of paper could be placed on the Chambers door noting that something had been postponed and continued so that people in the audience would know. Mr. Stith said they already posted an updated agenda on the door. Councilor Moreau said it was important to make it more formal and explain to the public that anything that was postponed would have a public hearing at the next meeting. It was further discussed. Chair Chellman said the Board could make an additional requirement for re-notice. Vice-Chair Coviello asked if there was an option to continue it to a future meeting instead of the next meeting. Chair Chellman said the Board could put in a provision that the application would get renotified. Mr. Almeida said sometimes during a meeting, a resident would have a comment that the applicant would hear and then say that they could address it by continuing the application to the next month. He said it was a tactic that could be used to benefit the applicant. It was further discussed. Chair Chellman said it was a good reason for another continuance.

[Timestamp 46:26] Chair Chellman said the question was whether the Board could require additional notice. Vice-Chair Coviello said it would not harm the public if the applicant wanted 2-3 months to work on his application, as long as the applicant renotified the public. Councilor Moreau said if the applicant wanted to go three meetings out, they had to re-notice, but as long as they were going to the next meeting and the public was there and knew that, she thought it was okay as long as the rules conveyed it.

Councilor Moreau summarized that the suggested change was to ensure that if an applicant was going to postpone to any point beyond the next meeting instead of continuing to the next month's meeting, they would have to re-notice. Mr. Stith said the City Staff indicated that in the second-to-last sentence, "the applicant may withdraw the application without prejudice and resubmit the application when it and the applicant area ready to proceed." He said the Board should make it clear in that case that the applicant would have to pay new application fees. Mr. Stith suggested that after the phrase "ready to proceed", the phrase "and is subject to all associated fees" could be added. Chair Chellman verified that the applicant would resubmit the application with all associated fees. Mr. Almeida said someone could come to the podium and see which members were present and predict the vote, and at any time during the presentation, if the applicant felt that their application was out of favor, they could say that they wanted to stop presenting and instead continue to another time. Chair Chellman said the applicant had the right to do that as long as the public hearing had not been closed. Mr. Stith said the Board of Adjustment had a provision that said if the application has been read into the record, the applicant could postpone it, but as soon as the public hearing began, the applicant could not postpone it. It was further discussed. Chair Chellman said the Board could consider that.

DECISION OF THE BOARD

Councilor Moreau moved that the Board adopt the Rules and Procedures as amended, seconded. by Ms. Conard. The motion passed unanimously.

C. Chairman Updates and Discussion Items (Timestamp 51:53**)**

Chair Chellman said the Board would have a meeting about zoning amendments including site plan revisions and parking. He said the Master Plan consultant was currently working on a video overview of the draft plan recommendations and that it would be posted on the website at the end of June. He said there would be FlashVote surveys in July and August or additional public input regarding Master Plan questions. He said Historic District issues would be addressed and the Master Plan consultant was working on plan text and layout in preparation for publication of the full draft in the Fall and was also asking for photos of the Historic District.

D. Board Discussion of Regulatory Amendments and Other Matters

There was no discussion.

VI. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker