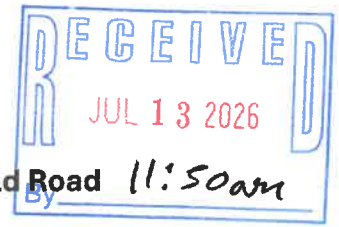


P. Kinky Beall



Public Comment Statement: Opposition to the Rezoning of 375 Banfield Road

To: The Portsmouth City Council / The Portsmouth Planning Board

From: Kelly Shaw, 892 Banfield Road, Resident of Banfield Road Neighborhood

Date: July 13, 2026

Subject: Strong Opposition to City Council Referral: Rezoning of 375 Banfield Road (Industrial to Gateway Corridor G1)

Dear Mayor, Members of the City Council, and Members of the Planning Board,

My name is Kelly Shaw, and I live at 892 Banfield Road. I am here tonight to urgently request that you protect our neighborhood and vote **NOT** to recommend or approve the proposed zoning amendment for 375 Banfield Road from Industrial (I) to Gateway Corridor (G1).

The applicant's filing attempts to frame this high-density residential shift as a natural, "compatible transition" for an evolving corridor. The reality of this land's history, the dangerous proximity to our local school, and the constrained capacity of our narrow road tell a completely different story. Furthermore, using a zoning change to allegedly settle a lawsuit is a dangerous subversion of sound land-use planning—it sets a damaging precedent for our city.

I urge you to consider five critical reasons to deny this rezoning request:

1. Unresolved Environmental Concerns vs. High-Density Housing

The applicant's letter completely glosses over the site's extensive history as a contaminated junkyard, which required state oversight and recent litigation. Just because legal settlements are reached does not mean this land is suddenly appropriate for high-density housing. Putting apartments and families on this footprint introduces unnecessary public safety risks.

Before the city even discusses a zoning change, the applicant must complete all remediation activities required by the New Hampshire Department of Environmental Services (NHDES). The City should not act until it receives an official letter from NHDES confirming that Health Risk Assessment studies at this former hazardous waste site prove the land is entirely safe for residential housing. Until then, the current Industrial zoning serves as a necessary buffer.

2. Rezoning Under Legal Pressure is Bad Policy (The Kane/McIntyre Precedent)

Rewriting our city's zoning map under the pressure of litigation is bad policy and bad planning. This lawsuit was just signed off by the courts on July 7, 2026, and the ink is barely

dry before this massive zoning shift is being rushed through. This new rezoning request was put in writing on June 23, hand-stamped on June 24, and immediately fast-tracked to be included in tonight's City Council meeting on July 13 and the Planning Board meeting on July 16.

This Council previously allowed litigation leverage to dictate zoning outcomes at Commerce Way in relation to the McIntyre lawsuit and repeating that mistake here compromises the integrity of our master planning process. This is a clear case of **spot zoning**, being forced through on a condensed timeline for the benefit of a single property owner rather than the holistic welfare of the neighborhood.

3. Premature Before the Master Plan is Complete

Portsmouth is currently working on its Master Plan. Doesn't it make far more sense to wait until after the comprehensive Master Plan is complete before reviewing an isolated, high-impact spot zoning request like this? Rushing this through now bypasses the community-wide planning process.

4. Voting to Rezone Now Puts the Cart Before the Horse (The Traffic & Historical Precedent)

The applicant argues that this board shouldn't worry about traffic, drainage, utilities, or wetlands right now because those will be handled later during "Site Plan Review." But we already know today that Banfield Road lacks the capacity for this scale of development.

The city has an explicit precedent on this exact issue. Look back at the Board of Adjustment meeting on May 24, 2022, when **Ricci Construction** sought a use variance for high-density apartments at **225 Banfield Road**. That proposal was heavily scrutinized and ultimately blocked because the city recognized the severe infrastructure risk of mixing heavy industrial operations with concentrated residential traffic. The record from that case showed that forcing commuter traffic onto a narrow right-of-way heavily burdened by industrial truck traffic is a public safety hazard.

Now, at 375 Banfield Road, the traffic constraints are even more severe because this site sits just a few hundred yards away from **Saint Patrick Academy at 315 Banfield Road**. City Transportation Engineer Eric Eby has explicitly emphasized that Banfield Road cannot handle vehicle queuing or backing up in the right-of-way, stating the corridor must maintain a "free flowing" state to protect public safety. Layering Gateway-level residential density directly next door will completely shatter any hope of free-flowing traffic. Forcing massive commuter and delivery shifts into this immediate bottleneck will create the exact dangerous gridlock that Mr. Eby warned against and that past city boards rightfully prevented.

5. Workforce Housing Should Not Shield Bad Planning

The application heavily relies on Portsmouth's critical need for workforce and affordable housing to justify this change. While our neighborhood fully supports the city's broader goals for housing production, those units must be built on safe, appropriate parcels. Affordable housing should never be used as a regulatory pretext to fast-track the upzoning of a contaminated former junkyard into an abrupt, high-density intrusion next to an active school zone.

We ask you to look past the polished presentation, refuse to let a hyper-accelerated timeline dictate city planning, and protect the health, safety, and established character of the Banfield Road corridor. (One of the last remaining rural corridors.). Please vote against this rezoning referral.

Thank you for your time and your service.

Sincerely,

Kelly Shaw

Banfield Road



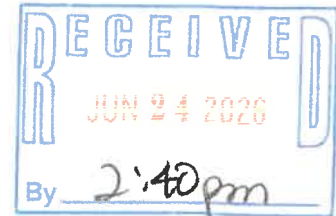
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Christopher B. Kelly
ckelly@hinckleyallen.com
Direct: (603) 545-6136

June 24, 2026

VIA HAND DELIVERY

Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, New Hampshire 03801



RE: Rezoning of 375 Banfield Road (Tax Map 266, Lots 7 and 7-1), Portsmouth, New Hampshire – Industrial (I) to Gateway Corridor (G1)

Dear Members of the Board:

I am writing this letter on behalf of Banfield Realty, LLC (“Banfield”) and Green Valley Realty, LLC (“Green Valley”) (collectively, the “Applicant”) to propose a zoning amendment which would rezone Tax Map 266, Lots 7 and 7-1 (the “Property”), from Industrial (I) to Gateway Corridor (G1) in Portsmouth.

The Property occupies a strategic location along the Banfield Road corridor with direct access to Route 1 Bypass, Interstate 95, major employment centers, healthcare facilities, commercial services, public transportation, and recreational resources. The Property is also located in close proximity to the City’s Community Campus, a significant civic asset that serves as a hub for recreation, education, community services, and public gathering spaces. The Applicant is the current owner of the Property, with Banfield being the owner of Lot 266/7 and Green Valley being the owner of Lot 266/7-1. Applicant’s current desire is to develop the Property for multi-family housing as allowed within the Gateway Corridor, inclusive of workforce and/or affordable housing components as are encouraged within the Gateway Corridor.

While the Property retains development potential under its existing industrial zoning designation, including a previously approved industrial concept, the proposed rezoning recognizes the changing character of the surrounding area and provides an opportunity to establish a land use framework that is more consistent with Portsmouth’s long-term vision. The request is not intended to seek approval of a final development plan. Rather, it seeks to determine whether Gateway Corridor zoning is the most appropriate zoning designation for the Property. Should the rezoning be approved, any future development would return through the City’s Site Plan Review process, where detailed review of architecture, traffic, circulation, stormwater management, wetlands, utilities, landscaping, grading, and other technical matters would occur.

The proposed rezoning is consistent with the goals of Portsmouth's Master Plan as explained below.

1. Housing Production and Workforce Housing Goals

Housing availability and affordability continue to be among the City's most significant planning challenges, and the draft Master Plan identifies the need to expand housing opportunities, diversify housing choices, and support workforce housing throughout Portsmouth. Gateway Corridor zoning would create an opportunity to address these objectives by allowing additional housing in an area that is well positioned to support future residents through access to employment, healthcare, transit, recreation, and community services. The development concept may also include workforce housing components that further advance the City's housing goals.

2. Corridor Redevelopment and Growth Management

The proposed rezoning is consistent with the City's broader efforts to guide growth within existing corridors and activity centers. Portsmouth's draft Master Plan emphasizes the importance of strengthening neighborhood centers, improving mobility options, expanding housing opportunities, and creating stronger connections between residential areas, community amenities, and transportation networks. The Property is uniquely positioned to contribute to these goals due to its proximity to Community Campus, the Seacoast Greenway corridor, nearby COAST transit service, and the concentration of employment opportunities along the Borthwick Avenue and Route 1 Bypass corridors.

3. Land Use Compatibility and Community Benefits

The area surrounding Banfield Road is no longer characterized solely by industrial development. Instead, it functions as a mixed-use environment that includes established residential neighborhoods, St. Patrick Academy, Community Campus, healthcare facilities, employment centers, recreation assets, and commercial services. Gateway Corridor zoning would better recognize and respond to this evolving context by providing a transitional land use that is more compatible with neighboring residential and educational uses than the industrial development currently permitted under the existing zoning.

The conceptual development plan also includes a recreation trail connection and a potential future connection to Community Campus and adjacent properties, which would strengthen pedestrian and bicycle connectivity, improve access to recreation resources, and support the City's ongoing efforts to expand active transportation options throughout Portsmouth.

4. Community Campus Proximity

The Property's proximity to Community Campus is particularly significant. Community Campus serves as one of Portsmouth's primary civic destinations, providing recreational facilities, educational programs, community services, gathering spaces, and access to open space resources. Residential development within walking and biking distance of these amenities creates an

opportunity to strengthen the relationship between housing, recreation, education, and community services while supporting a more active and connected neighborhood environment.

In light of the above, attached please find the following documentation in support of the Applicant's rezoning request:

1. Planning Rationale and Summary of Rezoning Benefits, dated June 23, 2026;
2. Schematic Site Plan, prepared by PROCON, dated June 23, 2026.

We would appreciate the opportunity to further discuss this proposal with the Planning Board, and would ask to be placed on your July 16, 2026 agenda to do so. Please feel free to contact me directly at (603) 545-6136 or via email at ckelly@hinckleyallen.com, with any questions or comments, or if you'd like to discuss further.

Sincerely,



Christopher B. Kelly

#70816551

Planning Rationale and Summary of Rezoning Benefits

375 Banfield Road
Proposed Rezoning to Gateway Corridor

June 23, 2026

The proposed rezoning of 375 Banfield Road to Gateway Corridor would establish a zoning framework that is more consistent with Portsmouth's evolving planning objectives and would create an opportunity for a residential development pattern that better advances the City's housing, land use, transportation, and public realm goals.

The subject property occupies a strategic location along the Banfield Road corridor with direct access to Route 1 Bypass, Interstate 95, major employment centers, healthcare facilities, commercial services, public transportation, and recreational resources. The property is also located in close proximity to the City's Community Campus, a significant civic asset that serves as a hub for recreation, education, community services, and public gathering spaces. This combination of transportation access, community resources, and employment opportunities makes the site particularly well suited for residential development and aligns with the City's broader objective of directing growth to locations that can be supported by existing infrastructure, services, and mobility options.

While the property retains development potential under its existing industrial zoning designation, including a previously approved industrial concept, the proposed rezoning recognizes the changing character of the surrounding area and provides an opportunity to establish a land use framework that is more consistent with Portsmouth's long-term vision. The request is not intended to seek approval of a final development plan. Rather, it seeks to determine whether Gateway Corridor zoning is the most appropriate zoning designation for the property. Should the rezoning be approved, any future development would return through the City's Site Plan Review process, where detailed review of architecture, traffic, circulation, stormwater management, wetlands, utilities, landscaping, grading, and other technical matters would occur.

Master Plan Consistency

A primary benefit of the proposed rezoning is the opportunity to support housing production in a location that is already integrated into Portsmouth's transportation network and community infrastructure. Housing availability and affordability continue to be among the City's most significant planning challenges, and the draft Master Plan identifies the need to expand housing opportunities, diversify housing choices, and support workforce housing throughout Portsmouth. Gateway Corridor zoning would create an opportunity to address these objectives by allowing additional housing in an area that is well positioned to support future residents through access to employment, healthcare, transit, recreation, and community services. The development concept may also include workforce housing components that further advance the City's housing goals.

Received

JUN 24 2026

By _____

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The proposed rezoning is also consistent with the City's broader efforts to guide growth within existing corridors and activity centers. Portsmouth's draft Master Plan emphasizes the importance of strengthening neighborhood centers, improving mobility options, expanding housing opportunities, and creating stronger connections between residential areas, community amenities, and transportation networks. The subject property is uniquely positioned to contribute to these goals due to its proximity to Community Campus, the Seacoast Greenway corridor, nearby COAST transit service, and the concentration of employment opportunities along the Borthwick Avenue and Route 1 Bypass corridors.

The rezoning also supports several of the core themes advanced throughout the Master Plan update, including the creation of attainable housing opportunities, reinforcement of existing neighborhood centers, promotion of active transportation and recreation connections, and investment in locations where infrastructure and public services already exist. By focusing future housing growth in an area adjacent to employment, transit, recreation, and civic resources, the proposed rezoning advances the City's vision for sustainable and well-connected development patterns.

Land Use Compatibility and Community Benefits

The rezoning presents an opportunity to advance a land use pattern that is more compatible with the surrounding mix of residential, institutional, commercial, and employment-oriented uses. The area surrounding Banfield Road is no longer characterized solely by industrial development. Instead, it functions as a mixed-use environment that includes established residential neighborhoods, St. Patrick Academy, Community Campus, healthcare facilities, employment centers, recreation assets, and commercial services. Gateway Corridor zoning would better recognize and respond to this evolving context by providing a transitional land use that is more compatible with neighboring residential and educational uses than the industrial development currently permitted under the existing zoning.

Another significant benefit of the rezoning is the opportunity to create a more connected and community-oriented development pattern. The conceptual development plan includes a recreation trail connection and a potential future connection to Community Campus and adjacent properties. These improvements have the potential to strengthen pedestrian and bicycle connectivity, improve access to recreation resources, and support the City's ongoing efforts to expand active transportation options throughout Portsmouth. Together, these elements help transform the site from an isolated development parcel into a more integrated component of the surrounding neighborhood and civic network.

The property's proximity to Community Campus is particularly significant. Community Campus serves as one of Portsmouth's primary civic destinations, providing recreational facilities, educational programs, community services, gathering spaces, and access to open space resources. Residential development within walking and biking distance of these amenities creates an opportunity to strengthen the relationship between housing, recreation, education, and community services while supporting a more active and connected neighborhood environment.

When compared to the previously approved industrial concept, the proposed Gateway Corridor rezoning presents an alternative development path that more directly advances many of the planning priorities identified in the Master Plan. While the industrial concept remains a viable development option under the existing zoning, the residential opportunity created through Gateway Corridor zoning has the potential to contribute to housing production, workforce housing goals, improved public realm amenities, expanded recreational connectivity, and a development pattern that is more compatible with adjacent residential neighborhoods, St. Patrick Academy, Community Campus, and other nearby institutional uses. As a result, the rezoning offers an opportunity to create a more cohesive and community-oriented transition between the Banfield Road corridor and the surrounding neighborhoods and civic assets.

Conceptual Feasibility

The conceptual development plan has been prepared with consideration of the site's physical characteristics, including wetlands, topography, access constraints, and surrounding land uses. While detailed engineering and environmental review will occur during a future Site Plan Approval process, the current concept demonstrates that residential development can be accommodated while respecting these constraints and preserving opportunities for additional public benefits through future site planning and design.

Conclusion

In summary, the proposed rezoning would establish a zoning framework that better aligns with Portsmouth's adopted and emerging planning policies by creating opportunities for housing production, workforce housing, corridor redevelopment, improved connectivity, enhanced public realm amenities, and context-sensitive development. The property's proximity to Community Campus, regional recreation resources, employment centers, public transportation, and existing neighborhood amenities further reinforces its suitability for Gateway Corridor zoning and residential development.

The request represents an opportunity to transition the property from an industrial entitlement toward a more community-oriented land use pattern that supports the City's long-term vision while preserving full Planning Board review of all future technical and design considerations through the Site Plan Approval process.

Thank you.

ST. PATRICK

SPRING LAKE
(9 and 10)

POSTING TRAIL

A

C

118 UNIT MULTIFAMILY
4-STORIES OVER BASEMENT
11,000 SF

120 UNIT MULTIFAMILY
4-STORIES OVER BASEMENT
12,000 SF

18 GARAGE
PARKING SPACES

25' TO WETLAND
50' TO WETLAND
100' WETLAND BUFFER

WETLANDS

ADJOINING LOT
FORMERLY PART OF
SUBJECT PROPERTY

WETLANDS

Primary Site Entrance

Bankfield Rd

Bankfield Rd

Bankfield Rd

Bankfield Rd

Bankfield Rd

2652A

2668

10