

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

July 16, 2026

AGENDA

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the June 18, 2026 meeting minutes.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. **WITHDRAWN** The request of **Regan Electric CO INC (Owner)**, and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall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. **WITHDRAWN**

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- A. **WITHDRAWN** The request of **Regan Electric CO INC (Owner)**, and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall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. **WITHDRAWN** (LU-25-175)

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 **Griffin Road Realty LLC (Owner)**, for property located at **218 Griffin Rd** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the construction of a new mobile trailer loading dock, new security fencing/gates, and added ADA accessible parking spaces. The project includes removing existing asphalt in the loading dock area and replacing with concrete and installation of a new chain link fence, all within existing impervious areas. This project proposes a permanent impact of approximately 5,181 s.f. within the 100' wetland buffer. Said property is located on Assessor Map 263 Lot 1-5 and lies within the Industrial (I) District. (LU-26-78)

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **St. Nicholas Greek Orthodox Church (Owner)**, for property located at **0 Lafayette Road** requesting Preliminary Conceptual Consultation for the construction of an 11,200 square foot, 15-unit apartment building with associated site improvements. Said property is located on Assessor Map 229 Lot 6A and lies within the Single Residence B (SRB) District. (LUPD-26-3)

VI. CITY COUNCIL REFERRALS

- A. The request of **Banfield Realty LLC (Owner)**, for property located at **375 Banfield Road** requesting to be rezoned from Industrial (I) to Gateway Neighborhood Business (G-1). Said property is located on Assessor Map 266 Lots 7, 7-1.

VII. OTHER BUSINESS

- A. The request of **Giri Portsmouth 505 INC (Owner)**, for property located at **505 US Route 1 Bypass** requesting a 1-Year Extension for the Site Plan approval and Wetland Conditional Use Permit for an electric vehicle charging station originally granted on July 17, 2025.
- B. Board discussion of Regulatory Amendments & other matters
- i. Zoning Amendments
 - ii. Site Plan Regulations

C. Chairman updates and discussion items

i. Article 10 DRAFT

B. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom; a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_skEj_ibKRYWSrQkB6I-k9A



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: July 10, 2026

Re: Recommendations for the July 16, 2026 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the June 18, 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 June 18, 2026 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

- A. **WITHDRAWN** 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. **WITHDRAWN**

Planning Department Recommendation

Vote to determine that Item A is 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 application 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 **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. **WITHDRAWN**

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 **Griffin Road Realty LLC (Owner)**, for property located at **218 Griffin Rd** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the construction of a new mobile trailer loading dock, new security fencing/gates, and added ADA accessible parking spaces. The project includes removing existing asphalt in the loading dock area and replacing with concrete and installation of a new chain link fence, all within existing impervious areas. This project proposes a permanent impact of approximately 5,181 s.f. within the 100' wetland buffer. Said property is located on Assessor Map 263 Lot 1-5 and lies within the Industrial (I) District. (LU-26-78)

Project Background

The applicant is requesting a Wetland Conditional Use Permit to facilitate improvements to the existing FedEx distribution facility at 218 Griffin Road, including construction of a mobile trailer loading dock, installation of new security fencing and gates, and ADA parking improvements. The project will result in approximately 5,181 square feet of disturbance within the City's 100-foot wetland buffer; however, all work is proposed within areas that are already developed and largely impervious.

Staff notes that the wetland buffer impact area increased from 4,753 square feet, as presented to the Conservation Commission, to 5,181 square feet in the Planning Board application. According to the applicant, the increase resulted from expanding the sawcut and pavement transition area needed to accommodate installation of the proposed concrete loading dock pad. The applicant states that the additional impact area is located to the north of the previously proposed disturbance area and does not extend the project closer to the wetland resource. The revised impact area remains entirely within the wetland buffer and does not result in direct wetland impacts or additional impervious surface coverage.

The legal notice for this application referenced the 4,753 square feet and not the 5,181. This is a minimal increase in the area of disturbance and impacts and does not change the overall request of the applicant, especially since the area is already impervious.



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 project is proposed within a previously disturbed area and involves impervious surface replacement and the construction of a loading dock over existing impervious space.

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

This location is previously disturbed and no new impervious impacts are proposed.

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

The proposed work is occurring within a previously disturbed buffer area, but no erosion control devices are proposed. Due to the amount of ground disturbance and construction, erosion controls are needed.

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 replacing existing impervious and not disturbing any previously vegetated areas. Any opportunities to introduce additional buffer planting areas to the site would be beneficial due to the close proximity of the resource to the proposed work.

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

This proposal as designed will have no net increase in impacts to the wetland buffer.

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

This application does not delineate the vegetated buffer strip, but it appears as though this area may have pre-existing impervious impacts.

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, [June 10, 2026](#) the Commission unanimously (6-0) to recommend approval with following condition:

- 1. Please submit plan showing temporary impacts alongside permanent impacts if applicable.*
- 2. Applicant shall have wetland delineation stamped, signed and dated by a NH Certified Wetland Scientist.*
- 3. Applicant shall delineate vegetated buffer strip on plan set.*
- 4. Applicant shall include a note on the plan stating that no constructions materials and/or debris shall be left exposed on site and that the construction site shall be swept after construction activities have finished to limit runoff into the wetland.*
- 5. It is recommended that the property owner should perform parking lot sweeping at least twice per year as part of annual maintenance to prevent sediment runoff into the wetland.*

6. 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.

The conditions above have been added in the Planning Board application.

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 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.

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **St. Nicholas Greek Orthodox Church (Owner)**, for property located at **0 Lafayette Road** requesting Preliminary Conceptual Consultation for the construction of an 11,200 square foot, 15-unit apartment building with associated site improvements. Said property is located on Assessor Map Lot and lies within the Gateway Neighborhood Corridor (G-1) District. (LUPD-26-3)

The applicants have provided a preliminary site plan for their project. As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee. The application does not fall under any requirements for Preliminary Conceptual Consultation, however the applicant would like to get Planning Board feedback prior to submitting an application for site plan review.

Preliminary conceptual consultation is described in the state statute as follows: *[Preliminary conceptual consultation] ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.*

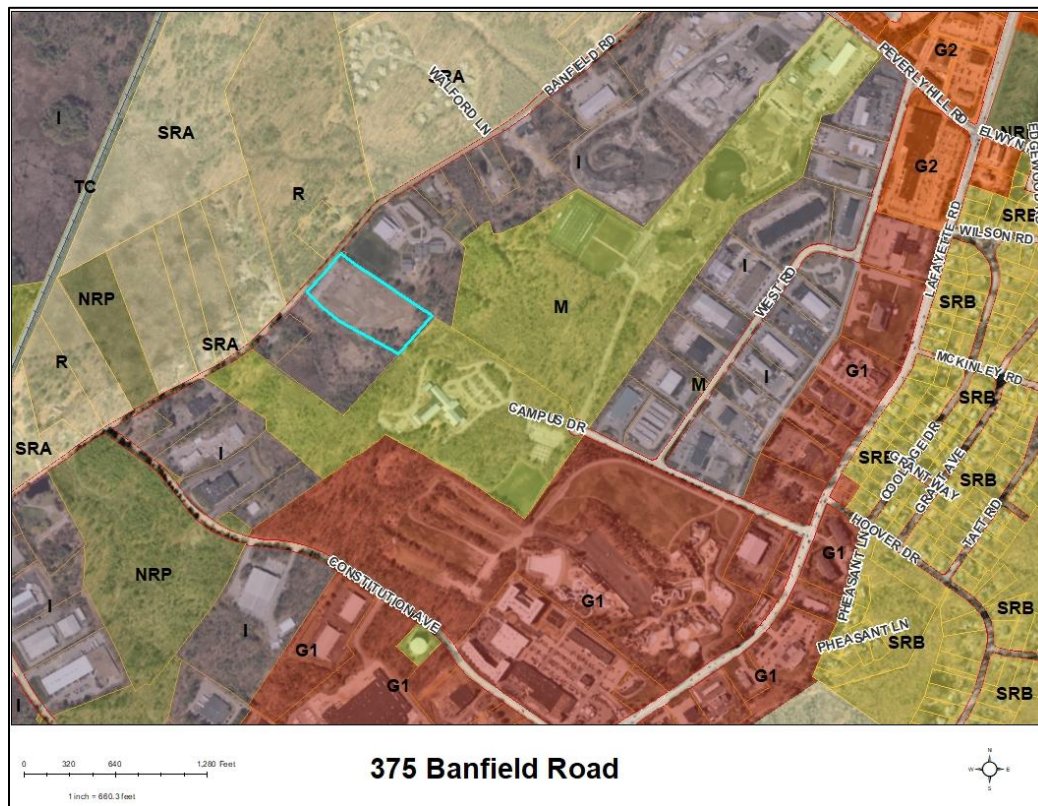
The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

V. CITY COUNCIL REFERRALS

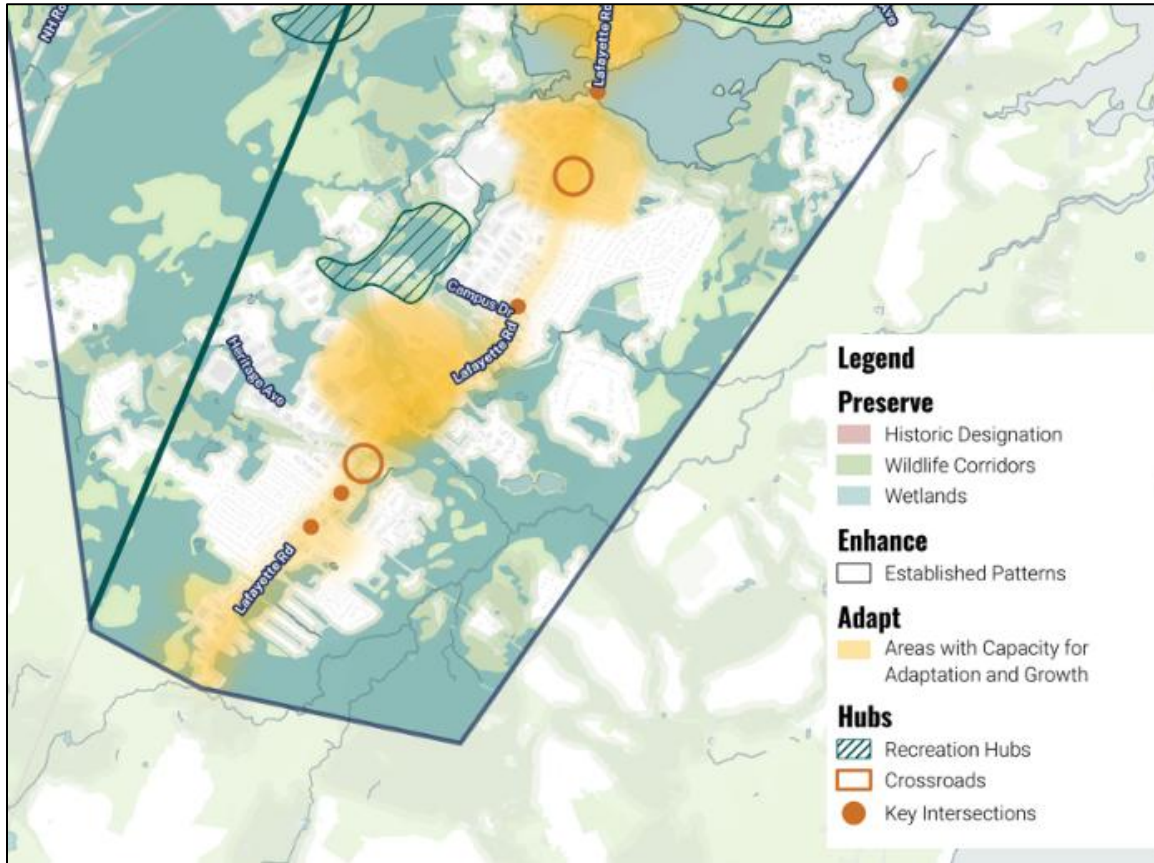
- A.** The request of **Banfield Realty LLC (Owner)**, for property located at **375 Banfield Road** requesting to be rezoned from Industrial (I) to Gateway Neighborhood Business (G-1) Said property is located on Assessor Map 266 Lots 7, 7-1 and lies within the Industrial (I) District.

Project Background

The applicant has requested that the Planning Board consider supporting a zoning amendment to rezone 375 Banfield Road from Industrial (I) to Gateway Corridor (G1) to facilitate future multifamily residential development. A letter was sent to the City Council with the same request in March and the Council accepted the letter and placed it on file. The property is currently zoned Industrial and has an approved site plan for a warehouse development.



The City is currently undertaking a comprehensive Master Plan update, and the Banfield Road industrial area is not presently identified for rezoning consideration as part of that effort. The two images below are from maps produced for the Master Plan update as that show potential growth areas and Banfield Road is just outside of those areas.



Issues & Opportunities

- Lack of NE to SW connections parallel to Lafayette/Rt1
- Lack of connection to Community Campus and Greenway
- Lack of open space and natural assets
- Opportunity for additional multi-family housing development

Place dots on the map:

- Asset
- Issue
- Opportunity

When you're done, find a Planning Team member and tell them about why you placed your dot(s) where you did.



- Focus activity and development on NW side of Lafayette/Rt1
- Create dual mixed-use core with NE to SW connectivity parallel to Lafayette



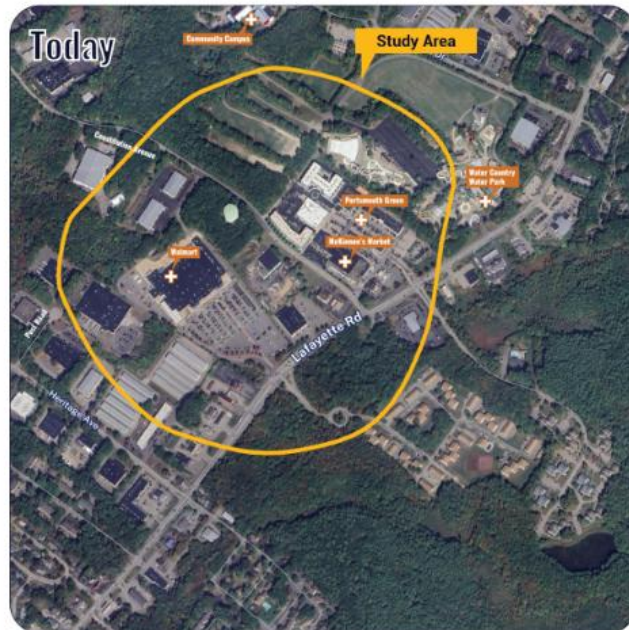
- Increased street network connectivity throughout, with deliberate connections to lower density residential uses in SE
- Reinforce connectivity through commercial anchor parking lots (Walmart, Portsmouth Green)



- Establish greenway network along potential wildlife corridor to connect to Community Campus, enhance ecological restoration, and build community ecological stewardship

What did we miss?

Place your sticky notes here!



Legend

- ↔ Improved Transit Corridor
- ↔ Mixed-Use
- ↔ Multi-Family Residential
- ↔ Roads/Thoroughfares
- ↔ Green Space
- ↔ Multi-Use Pathway
- ||||| Existing Greenway

Four draft motions have been provided below for the Planning Board to consider. The first is to accept the request and place on file.

The second is to take no action but include the Banfield Road corridor in the Master Plan for consideration. Including the Banfield Road corridor in the Master Plan process would allow the City to evaluate the area comprehensively rather than through a parcel-specific zoning request. The corridor includes existing industrial land, nearby residential areas, a school, wetland resources, transportation, and potential infrastructure needs. A Master Plan review would provide an opportunity to consider whether future land use changes along Banfield Road should support additional housing, retain industrial uses, improve multimodal transportation connections, address environmental constraints, and identify any public infrastructure improvements needed to support future development. This broader review would help ensure that any zoning recommendations for the corridor are coordinated with the City's long-term land use goals.

The third option would be to recommend the Council to move forward with the request. The Planning Board may find that rezoning the property to Gateway Neighborhood Business (G-1) is appropriate at this time and that rezoning to Gateway would support the applicant's stated intent to facilitate future multifamily residential development and provide an opportunity to introduce additional housing along the Banfield Road corridor. The Board may also determine that the request is appropriate for City Council consideration if it finds that a transition from Industrial to G-1 zoning could be compatible with the surrounding area. If this is the direction the Board would like to go, staff would recommend looking at other parcels in the corridor for consideration.

The fourth option would be to recommend the Council not move forward with the request at this time. The Planning Board may find that the requested rezoning is premature because the City is currently undertaking a comprehensive Master Plan update and the Banfield Road industrial area has not been identified for rezoning consideration as part of that effort. The Board may also determine that a parcel-specific zoning change should not proceed before the broader Banfield Road corridor is evaluated through the Master Plan process.

Below are Planning Board actions to consider:

-
- 1. Vote to accept the letter from Banfield Realty LLC regarding the request to rezone 375 Banfield Road from Industrial (I) to Gateway Neighborhood Business (G-1) and place the letter on file.*
 - 2. Vote to refer the request from Banfield Realty LLC to rezone 375 Banfield Road from Industrial (I) to Gateway Neighborhood Business (G-1) to the Master Plan process for consideration as part of a broader review of the Banfield Road corridor.*

- 3. Vote to recommend that the City Council approve the requested zoning map amendment to rezone 375 Banfield Road from Industrial (I) to Gateway Neighborhood Business (G-1), and hold first reading of the proposed ordinance at its next meeting.*
 - 4. Vote to recommend that the City Council deny the requested zoning map amendment to rezone 375 Banfield Road from Industrial (I) to Gateway Neighborhood Business (G-1).*
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V. OTHER BUSINESS

- A. The request of **Giri Portsmouth 505 INC (Owner)**, for property located at **505 US Route 1 Bypass** requesting a 1-Year Extension for the Site Plan approval and Wetland Conditional Use Permit for an electric vehicle charging station originally granted on July 17, 2025.

On July 17, 2025, the Planning Board granted Site Plan approval and a Wetland Conditional Use permit 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.

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 and Wetland Conditional Use permit to July 17, 2027.

- B. Chairman's Updates and Discussion Items
- C. Board Discussion of Regulatory Amendments and Other Matters
- I. Zoning Amendments
 - II. Site Plan Regulations

The draft zoning amendments serve three purposes. First, they move off-street parking requirements from the Zoning Ordinance to the Site Plan Review Regulations. This change was referred to the Planning Board by the City Council in September 2025, following recommendations from the Housing Committee. While the location of the parking requirements changes, the substantive parking standards generally remain the same with the main difference replacing the parking conditional use process with a site plan waiver process in the Site Plan Regulations, providing a more streamlined administrative process.

Second, the amendments update public notice requirements for the Zoning Board of Adjustment by replacing locally adopted notice provisions with a direct reference to New Hampshire notice requirements, ensuring consistency with State law.

Finally, the amendments revise Conditional Use Permit extension procedures by aligning CUP approvals with associated site plan approvals so that a CUP remains valid for the duration of an approved site plan, including any approved extensions. For standalone CUPs, the amendments allow an administrative one-year extension by the Planning & Sustainability Director and permit additional one-year extension by the Planning Board following a public hearing when good cause is demonstrated.

Planning Department Recommendation on Zoning Changes

Vote to recommend City Council hold first reading on the proposed zoning amendments as presented/amended.

Planning Department Recommendation on Site Plan Regulation Changes

The proposed Site Plan Review Regulation amendments are intended to take effect at the same time as the corresponding Zoning Ordinance amendments. This effective date ensures that the off-street parking requirements are removed from the Zoning Ordinance and placed in the Site Plan Review Regulations without creating a gap or overlap in the applicable parking standards.

Staff recommend separate motions to distinguish between the parking-related Site Plan Review Regulation amendments, which should be coordinated with the City Council's zoning amendments, and any non-parking-related Site Plan Review Regulation amendments that can be adopted independently.

Vote to adopt the proposed Site Plan Review Regulation amendments related to off-street parking, effective on the same date that the corresponding Zoning Ordinance amendments adopted by the City Council become effective.

Vote to adopt the proposed non-parking-related amendments to the Site Plan Review Regulations as presented/amended, effective immediately.

VI. ADJOURNMENT

**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

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

MEMBERS EXCUSED: None.

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**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 Fraggie 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 as presented. 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 Tighe & 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 as presented. 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



July 1, 2026

Rick Chellman, Planning Board Chair
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Request for Withdraw Site Plan Review Application
94 Langdon Street & 98 Cornwall Street
Land Use Application LU-25-175
Proposed Multifamily Development**

Dear Mr. Chellman and Planning Board Members,

On behalf of Chinburg Development, we respectfully request to withdraw Land Use Application LU-25-175 without prejudice. The project team intends to formally address Cornwall Street ownership before resubmitting the application to the Planning Board at a future date.

We appreciate your understanding and look forward to the Planning Boards's review of this application when resubmitted.

Sincerely,
Haley Ward, Inc.



Shawn Tobey, PE
Southern Maine & New Hampshire Land Development Manager

24 June 2026

Rick Chellman, Chair
City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, NH 03801

Re: City of Portsmouth Wetland Conditional Use Permit | Tax Map 263, Lot 1-5 | FedEx Distribution Center Expansion; Development at 218 Griffin Road, Portsmouth, New Hampshire

Dear Chair Chellman and Planning Board Members:

This letter transmits a City of Portsmouth Wetland Conditional Use Permit application for 5,181 square feet of disturbance within the 100-foot City of Portsmouth Wetland Buffer. We request that we be placed on the agenda for your **July 16, 2026**, Planning Board Meeting. The site is shown on Tax Map 263 as Lot 1-5 and is owned by Griffin Road Realty LLC and is currently used as a FedEx Distribution Facility.

The need for the impact is generated by the site occupant, FedEx, to improve their existing distribution facility and security on site. Improvements to the site include: a new mobile trailer loading dock, new security fencing/gates, and added ADA accessible parking spaces. The impacts to the wetland buffer are resultant from the loading dock and the fencing. The loading dock consists of the replacement of existing paved impervious area with concrete. The proposed mobile trailer loading dock will remain in the existing footprint of impervious surface on site and will result in no change in overall impervious area.

The impacts are associated with the existing building and impervious parking lot footprint where 86,175 square feet of the parcel are within the 100-year Wetland Buffer Zone. The proposed installation of the mobile loading dock and chain-link fence will disturb approximately 5,181 square feet of the Wetland Buffer Zone.

Listed below are applicable sections from the Portsmouth Zoning Ordinance and a demonstration of how the standard has been met.

10.1017.21

1. The site is shown on Tax Map 263 as Lot 1-5 and is owned by Griffin Road Realty, LLC. The existing lot area is 4.55 acres. The site is currently used as a FedEx distribution facility. There are no proposed changes to the use. The proposed activities within the City's 100' Wetland Buffer include the addition of a mobile trailer loading dock, and the installation security fencing. The mobile trailer loading dock will include the replacement of existing paved area with concrete.
2. The locations of wetlands can be seen on the provided drawings.
3. The locations of wetland buffers can be seen on the provided drawings.
4. There are no alterations to wetlands proposed for this development. Improvements within the wetland buffer are described above.
5. Setbacks are shown on the provided drawings.
6. Locations of wetland buffer impact are shown on the provided drawings.
7. The extents of proposed improvements are shown on the provided drawings.
8. There are no buildings or structures proposed for this development.
9. N/A



10.1017.22

1. N/A

2. N/A

3. There will be more than 250 SF of impact within the 100' wetland buffer. Approximately 86,175 square feet of the parcel are within the 100-year Wetland Buffer Zone. Under Existing Conditions, approximately 30,750 SF of this buffer zone is occupied by impervious area. This number will remain unchanged by the proposed development. There is also a manmade stormwater conveyance swale between the perimeter of the existing parking area and the resource, which will remain unchanged. The remainder of the buffer area is undisturbed brush wooded area.

10.1017.23

According to the City of Portsmouth Zoning Ordinance *Article 10.1017.50 Criteria for Approval*, the proposal shall comply with the following criteria:

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

The proposal is to construct a mobile loading dock. This dock will require the replacement of existing paved area with concrete. These details are insignificant changes to the existing use of the area. There will be no impact on previously undisturbed areas as a result of this project. Given that the existing lot use will not change, the land is reasonably suited to the use, activity, or alteration.

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

Due to the configuration of the existing building and the location of the proposed loading dock, changes in existing impacts are insignificant. As mentioned prior, the proposed disturbances are limited to areas which are currently impervious. We believe that the proposed connection location provides a reasonable use and minimizes additional impacts to the wetland buffer.

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

We believe the proposal will not impact the existing wetland resource located adjacent to the site and its current functions and values. The proposed project is constructing a concrete pad within the existing surface area of impervious surface, as well as installation surrounding the pavement. The change of impervious surface will have little to no impact on surrounding wetland function.

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

The proposed project does not include alteration of any naturally vegetated area to accommodate the construction. All construction is in an existing paved area.

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

The project represents the alternative with the least adverse impacts to the buffer areas and environments while allowing development on the existing impervious area. The project provides components which will serve to improve site security and function of the site's industrial use. The mobile dock is required to be located in the southeast corner of the existing facility in order to be accommodated by the facilities' existing interior layout.



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

There are no areas within the vegetated buffer strip that will be impacted or altered by this project.

The Portsmouth Conservation Commission review the project at their meeting on June 10, 2026, and recommended approval, subject to the following revisions to the plans, all of which have been made:

- Addition of Wetland Scientist stamp
- Addition of 25-foot wetland buffer
- Addition of wetland boundary along proposed chain link fence
- Addition of pavement sweeping and other erosion control notes
- Addition of Demolition Plan

Please note that the wetland impact area as presented to the Conservation Commission was 4,753 square feet. This impact increased to 5,181 square feet as a result of providing a larger sawcut area to accommodate the transition of existing pavement to the concrete pad. This added area is to the north and does not encroach closer to the resource than previously presented.

We look forward to Planning Board review of this submission and look forward to an in-person presentation at your meeting.

Sincerely,

Drew Olehowski, PE
Project Manager

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: July 16, 2026

Property Address: 218 Griffin Rd.

Application #: LU-26-78

Decision: ☐ Approve ☐ Deny ☐ Approve with Conditions

Findings of Fact:

Per RSA 676:3, I: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets Does Not Meet	This project is proposed within a previously disturbed area and involves impervious surface replacement and the construction of a loading dock over existing impervious space.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets Does Not Meet	This location is previously disturbed and no new impervious impacts are proposed.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets Does Not Meet	The proposed work is occurring within a previously disturbed buffer area, but no erosion control devices are proposed. Due to the amount of ground disturbance and construction, erosion controls are needed.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets Does Not Meet	This project appears to be replacing existing impervious and not disturbing any previously vegetated areas. Any opportunities to introduce additional buffer planting areas to the site would be beneficial due to the close proximity of the resource to the proposed work.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets Does Not Meet	This proposal as designed will have no net increase in impacts to the wetland buffer.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets Does Not Meet	This application does not delineate the vegetated buffer strip, but it appears as though this area may have pre-existing impervious impacts.
7	<u>Other Board Findings:</u>		



City of Portsmouth, New Hampshire

Wetland Conditional Use Permit Application Checklist

This wetland conditional use permit application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Conservation Commission and Planning Board review. The checklist is required to be uploaded as part of your wetland conditional use permit application to ensure a full and complete application is submitted to the Planning and Sustainability Department and to the online portal. A pre-application conference with a member of the Planning and Sustainability Department is encouraged as additional project information may be required depending on the size and scope of the project. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all wetland conditional use permit requirements. Please refer to Article 10 of the City of Portsmouth Zoning Ordinance for full details.

Applicant Responsibilities: Applicable fees are due upon application submittal to the Planning Board (no fees are required for Conservation Commission submission). The application will be reviewed by Planning and Sustainability Department staff to determine completeness. Incomplete applications which do not provide required information for the evaluation of the proposed site development shall not be provided review by the Conservation Commission or Planning Board.

Name of Applicant: CCB, Inc. Date Submitted: May 27, 2026

Application # (in City's online permitting): _____

Site Address: 218 Griffin Road, Portsmouth, NH 03801 Map: 263 Lot: 1-5

☒	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
☒	Complete application form submitted via the City's web-based permitting program	Online
☒	All application documents, plans, supporting documentation, this checklist and other materials uploaded to the application form in OpenGov in digital Portable Document Format (PDF) . One hard copy of all plans and materials shall be submitted to the Planning and Sustainability Department by the published deadline.	Delivered

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☒	Basic property and wetland resource information. (10.1017.21)	Cover letter and C101
☒	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. (10.1017.22)	Cover letter and C101
☒	Demonstrate impacts as they relate to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way). (10.1017.23)	Cover letter
☒	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. (10.1017.24)	Sheet C101

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☐	Wetland buffer enhancement plan. (10.1017.25)	N/A
☐	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. (10.1017.26)	N/A
☐	Stormwater management must be in accordance with Best Management Practices including but not limited to: 1. <i>New Hampshire Stormwater Manual, NHDES, current version.</i> 2. <i>Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.</i> (10.1018.10)	N/A
☐	Vegetated Buffer Strip slope of greater than or equal to 10%. (10.1018.22)	N/A
☐	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. (10.1018.23/10.1018.24/10.1018.25)	N/A
☐	All new pavement within a wetland buffer shall be porous pavement. (10.1018.31)	N/A
☐	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. (10.1018.32)	N/A
☒	Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. (10.1018.40)	Wetland HOTL depicted on plans
☒	Requested Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
☒	A narrative/letter addressed to the Conservation Commission Chair (if recommended to Planning Board then an additional narrative addressed to the Planning Board Chair at that time) describing the project and any proposed wetland and/or wetland buffer impacts. Please visit the WCUP instruction page for further application instructions.	Cover Letter
☐	If New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill Permit is required for this work, please provide this permit application at the same time as your submission for a Wetland Conditional Use Permit.	N/A

Applicant's Signature: see attached Date: 05/26/2026

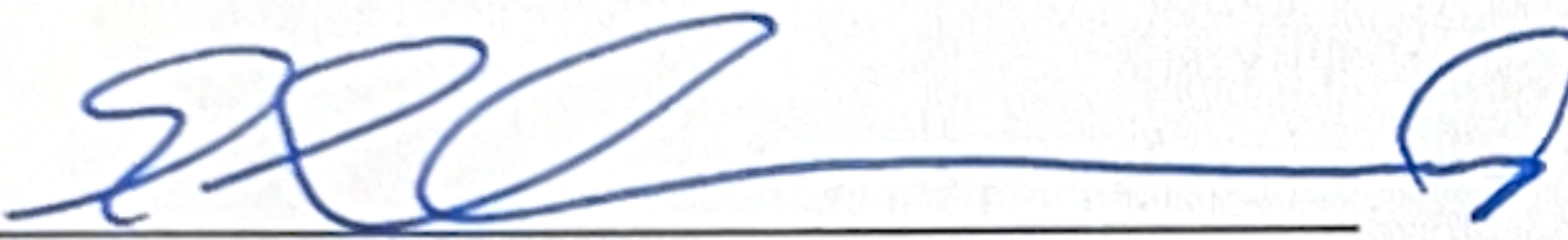


March 30, 2026

To Whom It May Concern:

I, Eric Adamczyk, hereby authorize Haley Ward, Inc., to act on behalf of Federal Express Corporation regarding Municipal, State and Federal permitting matters for the proposed development at the existing FedEx facility at 218 Griffin Road, Portsmouth, NH 03801.

Eric Adamczyk - Manager, Project Engineering
Printed Name and Title


Signature

4/2/26
Date

FedEx | 03.18.2026 | 10457.021



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

CONSERVATION COMMISSION

June 11, 2026

Griffin Road Realty LLC
304 Maplewood Avenue
Portsmouth, New Hampshire 03801

RE: Request for WCUP for property located at 218 Griffin Road, Portsmouth, NH (LU-26-78)

Dear Property Owner:

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, June 10, 2026**, considered your application for a Wetland Conditional Use Permit application for the construction of a new mobile trailer loading dock, new security fencing/gates, and added ADA accessible parking spaces at a FedEx facility in Portsmouth. This proposed work includes removing existing asphalt in the loading dock area and replacing with concrete and installation of a new chain link fence all within areas previously disturbed by impervious surfaces. This project proposes a permanent impact of approximately 4,753 s.f. within the 100' wetland buffer. Said property is shown on Assessor Map 263 Lot 1-5 and lies within the Industrial (I). As a result of said consideration, the Commission voted to **recommend approval** of this application to the Planning Board with the following stipulations.

1. Please submit plan showing temporary impacts alongside permanent impacts if applicable.
2. Applicant shall have wetland delineation stamped, signed and dated by a NH Certified Wetland Scientist.
3. Applicant shall delineate vegetated buffer strip on plan set.
4. Applicant shall include a note on the plan stating that no constructions materials and/or debris shall be left exposed on site and that the construction site shall be swept after construction activities have finished to limit runoff into the wetland.
5. It is recommended that the property owner should perform parking lot sweeping at least twice per year as part of annual maintenance to prevent sediment runoff into the wetland.
6. 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 just off the pavement outside the proposed fence at 50-foot intervals. Applicant shall show the proposed locations for these markers on the plan set.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, July 16, 2026**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning & Sustainability

Department and uploaded to the online permit system no later than Wednesday, June 24, 2026.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

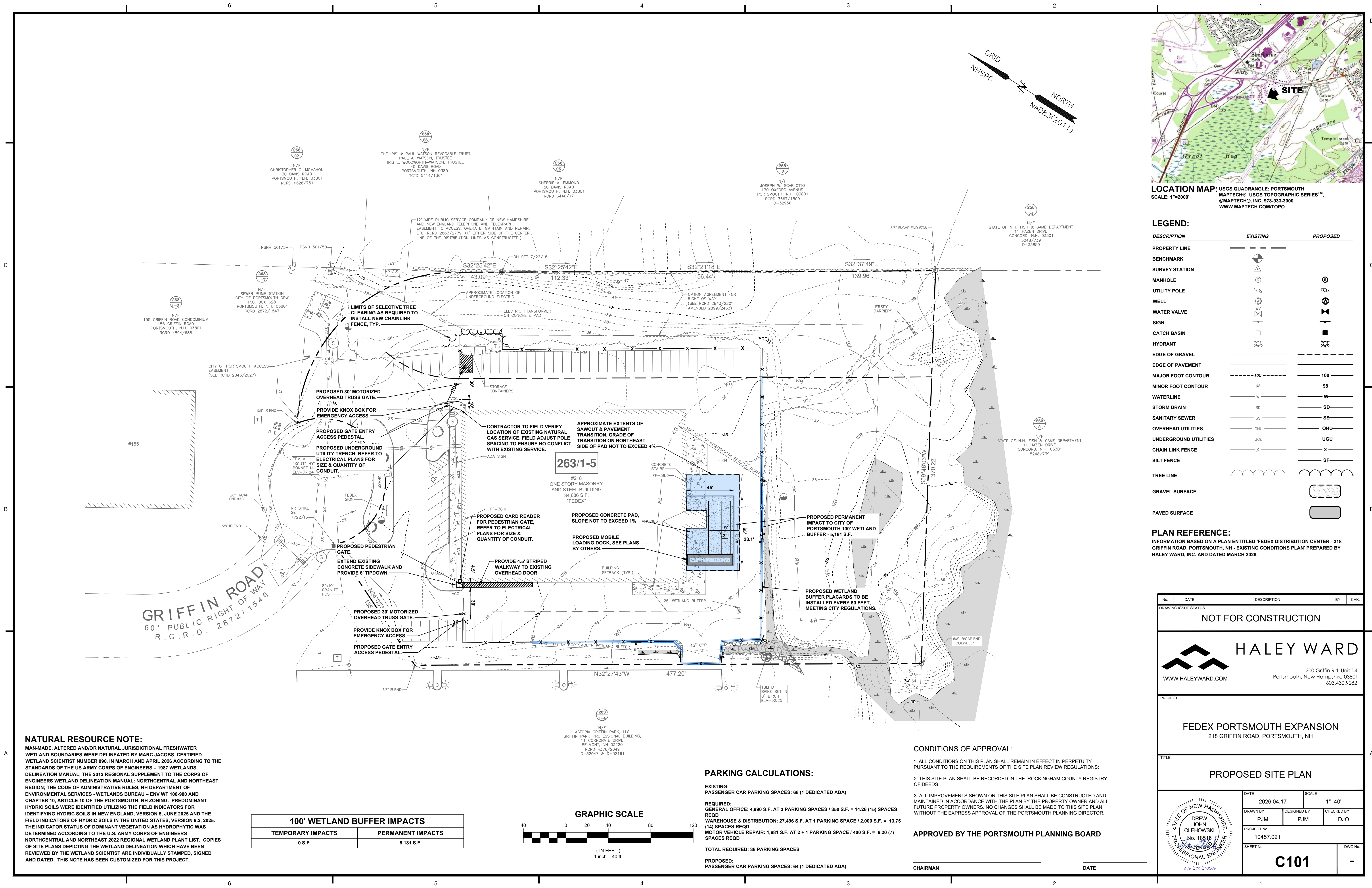
Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Collins', with a stylized flourish at the end.

Samantha Collins, Chair
Conservation Commission

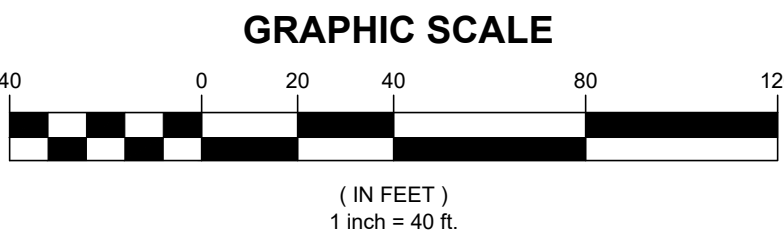
cc:

Drew Olehowski, Project Manager, Haley Ward



NATURAL RESOURCE NOTE:
MAN-MADE, ALTERED AND/OR NATURAL JURISDICTIONAL FRESHWATER WETLAND BOUNDARIES WERE DELINEATED BY MARC JACOBS, CERTIFIED WETLAND SCIENTIST NUMBER 090, IN MARCH AND APRIL 2026 ACCORDING TO THE STANDARDS OF THE US ARMY CORPS OF ENGINEERS - 1987 WETLANDS DELINEATION MANUAL; THE 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION; THE CODE OF ADMINISTRATIVE RULES, NH DEPARTMENT OF ENVIRONMENTAL SERVICES - WETLANDS BUREAU - ENV WT 100-900 AND CHAPTER 10, ARTICLE 10 OF THE PORTSMOUTH, NH ZONING. PREDOMINANT HYDRIC SOILS WERE IDENTIFIED UTILIZING THE FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 5, JUNE 2025 AND THE FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 9.2, 2025. THE INDICATOR STATUS OF DOMINANT VEGETATION AS HYDROPHYTIC WAS DETERMINED ACCORDING TO THE U.S. ARMY CORPS OF ENGINEERS - NORTHCENTRAL AND NORTHEAST 2022 REGIONAL WETLAND PLANT LIST. COPIES OF SITE PLANS DEPICTING THE WETLAND DELINEATION WHICH HAVE BEEN REVIEWED BY THE WETLAND SCIENTIST ARE INDIVIDUALLY STAMPED, SIGNED AND DATED. THIS NOTE HAS BEEN CUSTOMIZED FOR THIS PROJECT.

100' WETLAND BUFFER IMPACTS	
TEMPORARY IMPACTS	PERMANENT IMPACTS
0 S.F.	5,181 S.F.



PARKING CALCULATIONS:

EXISTING:
PASSENGER CAR PARKING SPACES: 68 (1 DEDICATED ADA)

REQUIRED:
GENERAL OFFICE: 4,990 S.F. AT 3 PARKING SPACES / 350 S.F. = 14.26 (15) SPACES REQD
WAREHOUSE & DISTRIBUTION: 27,496 S.F. AT 1 PARKING SPACE / 2,000 S.F. = 13.75 (14) SPACES REQD
MOTOR VEHICLE REPAIR: 1,681 S.F. AT 2 + 1 PARKING SPACE / 400 S.F. = 6.20 (7) SPACES REQD

TOTAL REQUIRED: 36 PARKING SPACES

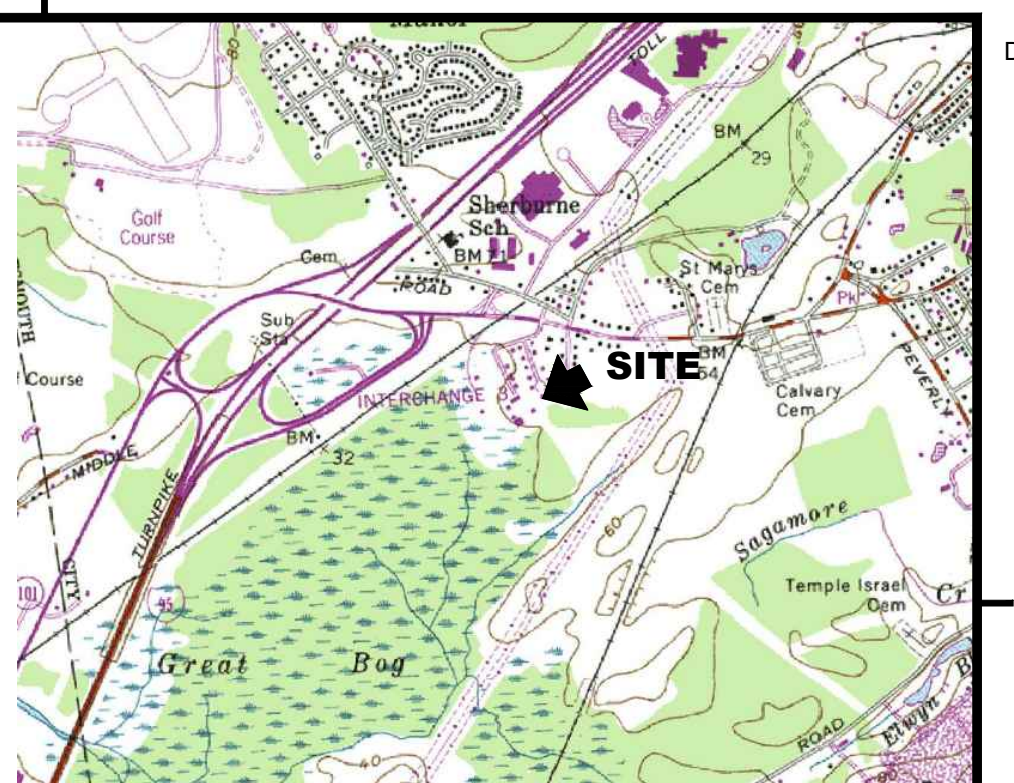
PROPOSED:
PASSENGER CAR PARKING SPACES: 64 (1 DEDICATED ADA)

CONDITIONS OF APPROVAL:

- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



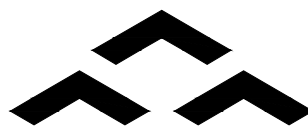
LOCATION MAP: USGS QUADRANGLE: PORTSMOUTH
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LEGEND:

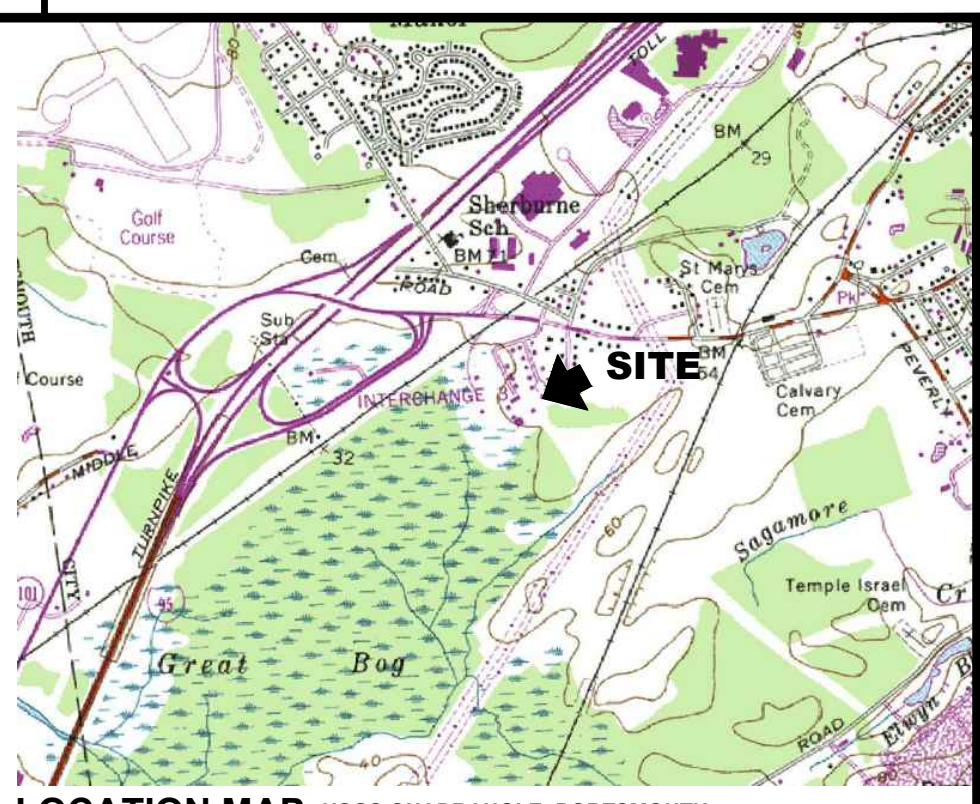
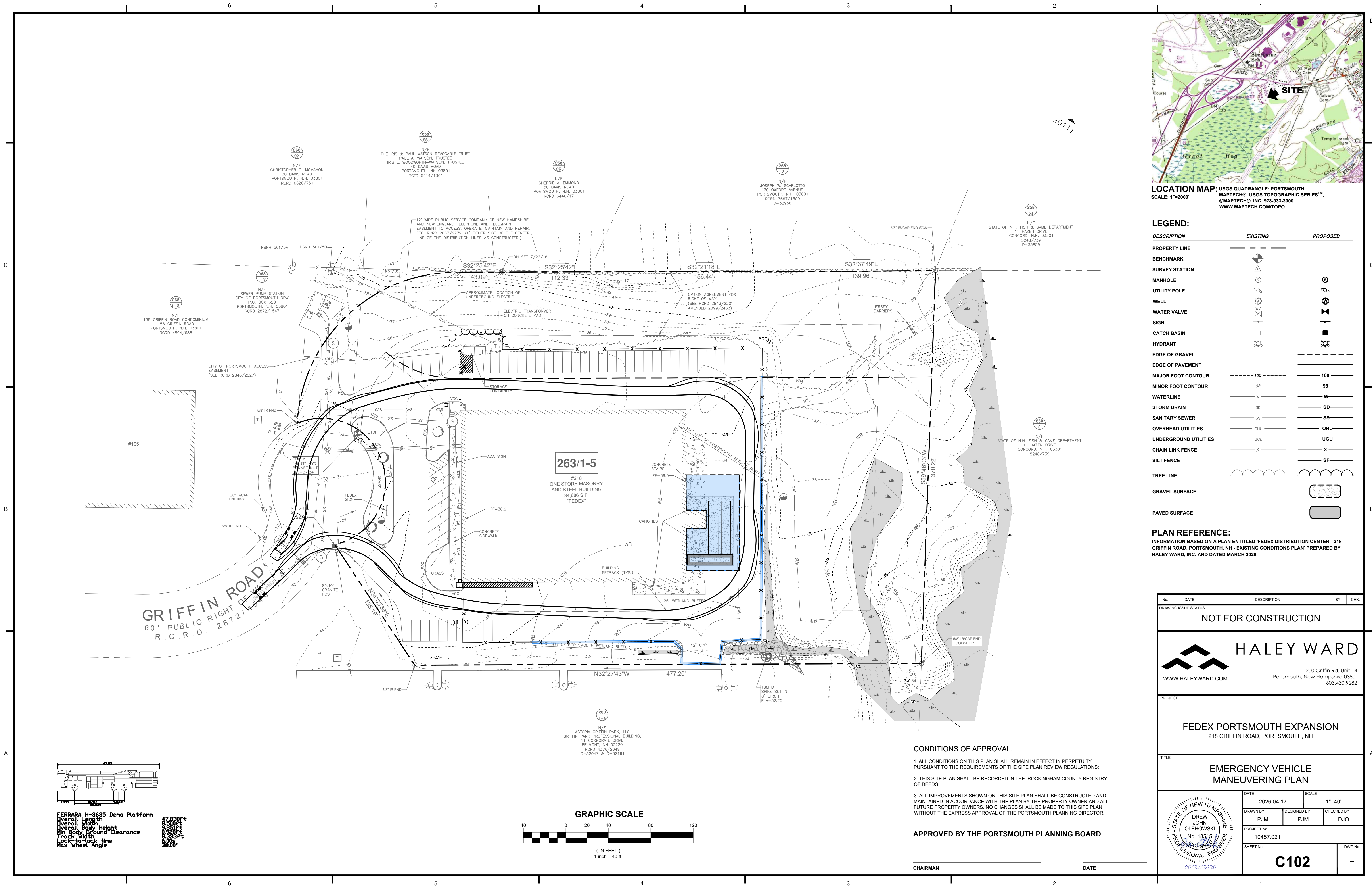
DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
BENCHMARK	BM	BM
SURVEY STATION	ST	ST
MANHOLE	M	M
UTILITY POLE	U	U
WELL	W	W
WATER VALVE	WV	WV
SIGN	S	S
CATCH BASIN	CB	CB
HYDRANT	H	H
EDGE OF GRAVEL	---	---
EDGE OF PAVEMENT	---	---
MAJOR FOOT CONTOUR	100	100
MINOR FOOT CONTOUR	98	98
WATERLINE	W	W
STORM DRAIN	SD	SD
SANITARY SEWER	SS	SS
OVERHEAD UTILITIES	OHU	OHU
UNDERGROUND UTILITIES	UGU	UGU
CHAIN LINK FENCE	X	X
SILT FENCE	SF	SF
TREE LINE	---	---
GRAVEL SURFACE	---	---
PAVED SURFACE	---	---

PLAN REFERENCE:

INFORMATION BASED ON A PLAN ENTITLED 'FEDEX DISTRIBUTION CENTER - 218 GRIFFIN ROAD, PORTSMOUTH, NH - EXISTING CONDITIONS PLAN' PREPARED BY HALEY WARD, INC. AND DATED MARCH 2026.

No.	DATE	DESCRIPTION	BY	CHK.
DRAWING ISSUE STATUS				
NOT FOR CONSTRUCTION				
				
200 Griffin Rd. Unit 14 Portsmouth, New Hampshire 03801 603.430.9282				
PROJECT				
FEDEX PORTSMOUTH EXPANSION 218 GRIFFIN ROAD, PORTSMOUTH, NH				
TITLE				
PROPOSED SITE PLAN				
DATE		SCALE		
2026.04.17		1"=40'		
DRAWN BY	DESIGNED BY	CHECKED BY		
PJM	PJM	DJO		
PROJECT No.				
10457.021				
SHEET No.				
C101				
DWG No.				
-				

06/23/2026



LOCATION MAP: USGS QUADRANGLE: PORTSMOUTH
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LEGEND:		
DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE		
BENCHMARK		
SURVEY STATION		
MANHOLE		
UTILITY POLE		
WELL		
WATER VALVE		
SIGN		
CATCH BASIN		
HYDRANT		
EDGE OF GRAVEL		
EDGE OF PAVEMENT		
MAJOR FOOT CONTOUR	100	100
MINOR FOOT CONTOUR	98	98
WATERLINE	W	W
STORM DRAIN	SD	SD
SANITARY SEWER	SS	SS
OVERHEAD UTILITIES	OHU	OHU
UNDERGROUND UTILITIES	UGU	UGU
CHAIN LINK FENCE	X	X
SILT FENCE		SF
TREE LINE		
GRAVEL SURFACE		
PAVED SURFACE		

PLAN REFERENCE:
INFORMATION BASED ON A PLAN ENTITLED 'FEDEX DISTRIBUTION CENTER - 218
GRIFFIN ROAD, PORTSMOUTH, NH - EXISTING CONDITIONS PLAN' PREPARED BY
HALEY WARD, INC. AND DATED MARCH 2026.

No.	DATE	DESCRIPTION	BY	CHK.
DRAWING ISSUE STATUS				
NOT FOR CONSTRUCTION				
				
HALEY WARD				
200 Griffin Rd. Unit 14 Portsmouth, New Hampshire 03801 603.430.9282				
PROJECT				
FEDEX PORTSMOUTH EXPANSION 218 GRIFFIN ROAD, PORTSMOUTH, NH				
TITLE				
EMERGENCY VEHICLE MANEUVERING PLAN				
DATE 2026.04.17		SCALE 1"=40'		
DRAWN BY PJM	DESIGNED BY PJM	CHECKED BY DJO		
PROJECT No. 10457.021				
SHEET No. C102				DWG No. -

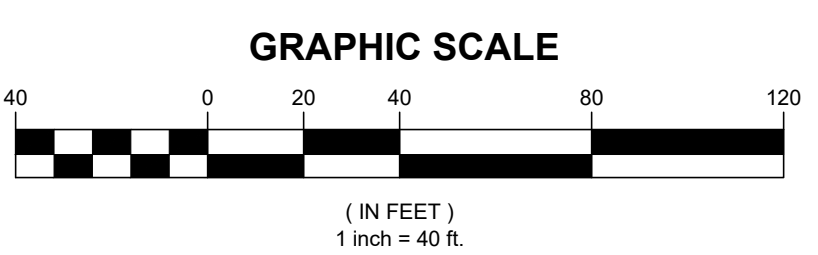
CONDITIONS OF APPROVAL:

- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

FERRARA H-3635 Demo Platform
Overall Length 47.830ft
Overall Width 8.550ft
Overall Body Height 8.550ft
Min Body Ground Clearance 0.550ft
Track Width 6.000ft
Lock-to-lock time 5.000s
Max Wheel Angle 38.00°



CONSTRUCTION SEQUENCE

- DO NOT BEGIN CONSTRUCTION UNTIL ALL LOCAL, STATE AND FEDERAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED.
- INSTALL SILT SOXX TO CONTROL EROSION AND SEDIMENTATION PRIOR TO ANY EARTH MOVING ACTIVITIES.
- REMOVE EXISTING SITE FEATURES TO BE REMOVED.
- CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE.
- CUT AND REMOVE ALL TREES, SHRUBS, SAPLINGS, BRUSH, VINES AND OTHER DEBRIS AND RUBBISH AS REQUIRED.
- STRIP AND STOCKPILE LOAM FROM SITE. STOCKPILES SHALL BE SURROUNDED WITH SILT-SOXX TO CONTROL SEDIMENT RUN OFF.
- ROUGH GRADE SITE. INSTALL AND MAINTAIN EROSION CONTROL DEVICES AS SHOWN ON THE PLANS.
- LOAM AND SEED DISTURBED AREAS IN ACCORDANCE WITH VEGETATIVE PRACTICE AND GENERAL CONSTRUCTION NOTES. CUT AND FILL SLOPES SHALL BE SEEDED IMMEDIATELY AFTER THEIR CONSTRUCTION.
- CONSTRUCT CONCRETE BASE COURSE AND CONCRETE REINFORCEMENT.
- POUR AND FINISH CONCRETE PAD PER CONCRETE SPECIFICATIONS.
- REMOVE TRAPPED SEDIMENTS FROM COLLECTION DEVICES AS APPROPRIATE, AND THEN REMOVE TEMPORARY EROSION CONTROL MEASURES.

PROJECT DESCRIPTION

THE PROJECT CONSISTS THE CONSTRUCTION OF A NEW CONCRETE PAD TO SERVE A MOBILE LOADING DOCK.

THE STORMWATER RUNOFF FROM THE SITE WILL BE DISCHARGED VIA OVERLAND DRAINAGE PATHWAYS WHICH ULTIMATELY FLOW TO EXISTING ON-SITE STORMWATER BMP'S.

GENERAL CONSTRUCTION NOTES

THE EROSION CONTROL PROCEDURES SHALL CONFORM TO SECTION 645 OF THE "STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION" OF THE NHDOT, AND "STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE". THE PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.

DURING CONSTRUCTION AND THEREAFTER, EROSION CONTROL MEASURES ARE TO BE IMPLEMENTED AS NOTED. THE SMALLEST PRACTICAL AREA OF LANDSHOULD BE EXPOSED AT ANY ONE TIME DURING DEVELOPMENT. NO DISTURBED AREA SHALL BE LEFT UNSTABILIZED FOR MORE THAN 45 DAYS.

ANY DISTURBED AREAS WHICH ARE TO BE LEFT TEMPORARILY, AND WHICH WILL BE REGRADED LATER DURING CONSTRUCTION SHALL BE MACHINE HAY MULCHED AND SEEDED WITH RYE GRASS TO PREVENT EROSION.

THE PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.

DUST CONTROL: DUST CONTROL MEASURES SHALL INCLUDE BUT ARE NOT LIMITED TO SPRINKLING WATER ON EXPOSED AREAS, COVERING LOADED DUMP TRUCKS LEAVING THE SITE, AND TEMPORARY MULCHING.

DUST CONTROL MEASURES SHALL BE UTILIZED SO AS TO PREVENT THE MIGRATION OF DUST FROM THE SITE TO ABUTTING AREAS.

IF TEMPORARY STABILIZATION PRACTICES, SUCH AS TEMPORARY VEGETATION AND MULCHING, DO NOT ADEQUATELY REDUCE DUST GENERATION, APPLICATION OF WATER OR CALCIUM CHLORIDE SHALL BE APPLIED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES.

SILT/SOXX SHALL BE PERIODICALLY INSPECTED DURING THE LIFE OF THE PROJECT AND AFTER EACH STORM. ALL DAMAGED SILT/SOXX SHALL BE REPAIRED. SEDIMENT DEPOSITS SHALL BE PERIODICALLY BE REMOVED AND DISPOSED IN A SECURED LOCATION.

ALL FILLS SHALL BE PLACED AND COMPACTED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS.

ALL NON-STRUCTURAL, SITE-FILL SHALL BE PLACED AND COMPACTED TO 80% MODIFIED PROCTOR DENSITY IN LAYERS NOT EXCEEDING 18 INCHES IN THICKNESS UNLESS OTHERWISE NOTED.

FROZEN MATERIAL OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIAL, TRASH, WOODY DEBRIS, LEAVES, BRUSH OR ANY DELETERIOUS MATTER SHALL NOT BE INCORPORATED INTO FILLS.

FILL MATERIAL SHALL NOT BE PLACED ON FROZEN FOUNDATION SUBGRADE.

DURING CONSTRUCTION AND UNTIL ALL DEVELOPED AREAS ARE FULLY STABILIZED, ALL EROSION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH ONE HALF INCH OF RAINFALL.

THE CONTRACTOR SHALL MODIFY OR ADD EROSION CONTROL MEASURES AS NECESSARY TO ACCOMMODATE PROJECT CONSTRUCTION.

ALL ROADWAYS AND PARKING AREAS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE. ALL CUT AND FILL SLOPES SHALL BE SEEDED/LOAMED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.

- AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
- BASE COURSE GRAVELS HAVE BEEN INSTALLED ON AREAS TO BE PAVED
 - A MINIMUM OF 65% VEGETATED GROWTH HAS BEEN ESTABLISHED
 - A MINIMUM OF 3 INCHES OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIPRAP HAS BEEN INSTALLED
 - EROSION CONTROL BLANKETS HAVE BEEN INSTALLED
 - IN AREAS TO BE PAVED, "STABLE" MEANS THAT BASE COURSE GRAVELS MEETING THE REQUIREMENTS OF NHDOT STANDARD FOR ROAD AND BRIDGE CONSTRUCTION, 2016, ITEM 304.2 HAVE BEEN INSTALLED.

STABILIZATION SHALL BE INITIATED ON ALL LOAM STOCKPILES, AND DISTURBED AREAS, WHERE CONSTRUCTION ACTIVITY SHALL NOT OCCUR FOR MORE THAN TWENTY-ONE (21) CALENDAR DAYS BY THE FOURTEENTH (14TH) DAY AFTER CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED IN THAT AREA.

- STABILIZATION MEASURES TO BE USED INCLUDE:
- TEMPORARY SEEDING;
 - MULCHING.

1. ALL AREAS SHALL BE STABILIZED WITHIN 45 DAYS OF INITIAL DISTURBANCE.
2. WHEN CONSTRUCTION ACTIVITY PERMANENTLY OR TEMPORARILY CEASES WITHIN 100 FEET OF NEARBY SURFACE WATERS OR DELINEATED WETLANDS, THE AREA SHALL BE STABILIZED WITHIN SEVEN (7) DAYS OR PRIOR TO A RAIN EVENT. ONCE CONSTRUCTION ACTIVITY CEASES PERMANENTLY IN THESE AREAS, SILT/SOXX, MULCH BERMS, HAY BALE BARRIERS AND ANY EARTHDIKES SHALL BE REMOVED ONCE PERMANENT MEASURES ARE ESTABLISHED.
3. DURING CONSTRUCTION, RUNOFF WILL BE DIVERTED AROUND THE SITE WITH EARTH DIKES, PIPING OR STABILIZED CHANNELS WHERE POSSIBLE. SHEET RUNOFF FROM THE SITE WILL BE FILTERED THROUGH SILT/SOXX, MULCH BERMS, HAY BALE BARRIERS, OR SILT SOCKS. ALL STORM DRAIN BASIN INLETS SHALL BE PROVIDED WITH FLARED END SECTIONS AND TRASH RACKS. THE SITE SHALL BE STABILIZED FOR THE WINTER BY OCTOBER 15.

NO AGGREGATE MATERIAL SHALL BE STORED ONSITE.

SITE AREA SHALL BE SWEEP REGULARLY DURING CONSTRUCTION AND AT LEAST TWICE ANNUALLY POST CONSTRUCTION.

MAINTENANCE AND PROTECTION

THE SILT/SOXX BARRIER SHALL BE CHECKED AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.

SILT/SOXX SHALL BE REMOVED ONCE SITE IS STABILIZED, AND DISTURBED AREAS RESULTING FROM SILT/SOXX REMOVAL SHALL BE PERMANENTLY SEEDED.

THE CATCH BASIN INLET BASKET SHALL BE INSPECTED WITHIN 24 HOURS AFTER EACH RAINFALL OR DAILY DURING EXTENDED PERIODS OF PRECIPITATION. REPAIRS SHALL BE MADE IMMEDIATELY, AS NECESSARY, TO PREVENT PARTICLES FROM REACHING THE DRAINAGE SYSTEM AND/OR CAUSING SURFACE FLOODING.

SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT, OR MORE OFTEN IF THE FABRIC BECOMES CLOGGED.

WINTER NOTES

ALL PROPOSED VEGETATED AREAS THAT DO NOT EXHIBIT A MINIMUM OF 85% VEGETATED GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE. SECURED WITH ANCHORED NETTING ELSEWHERE. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENTS.

ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85 PERCENT VEGETATIVE GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS;

AFTER OCTOBER 15, INCOMPLETE ROAD OR PARKING SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3, OR IF CONSTRUCTION IS TO CONTINUE THROUGH THE WINTER SEASON BE CLEARED OF ANY ACCUMULATED SNOW AFTER EACH STORM EVENT;

CONCRETE WASHOUT AREA

- THE FOLLOWING ARE THE ONLY NON-STORMWATER DISCHARGES ALLOWED. ALL OTHER NON-STORMWATER DISCHARGES ARE PROHIBITED ON SITE:
1. THE CONCRETE DELIVERY TRUCKS SHALL, WHENEVER POSSIBLE, USE WASHOUT FACILITIES AT THEIR OWN PLANT OR DISPATCH FACILITY;
 2. IF IT IS NECESSARY, SITE CONTRACTOR SHALL DESIGNATE SPECIFIC WASHOUT AREAS AND DESIGN FACILITIES TO HANDLE ANTICIPATED WASHOUT WATER;
 3. CONTRACTOR SHALL LOCATE WASHOUT AREAS AT LEAST 150 FEET AWAY FROM STORM DRAINS, SWALES AND SURFACE WATERS OR DELINEATED WETLANDS;
 4. INSPECT WASHOUT FACILITIES DAILY TO DETECT LEAKS OR TEARS AND TO IDENTIFY WHEN MATERIALS NEED TO BE REMOVED.

ALLOWABLE NON-STORMWATER DISCHARGES

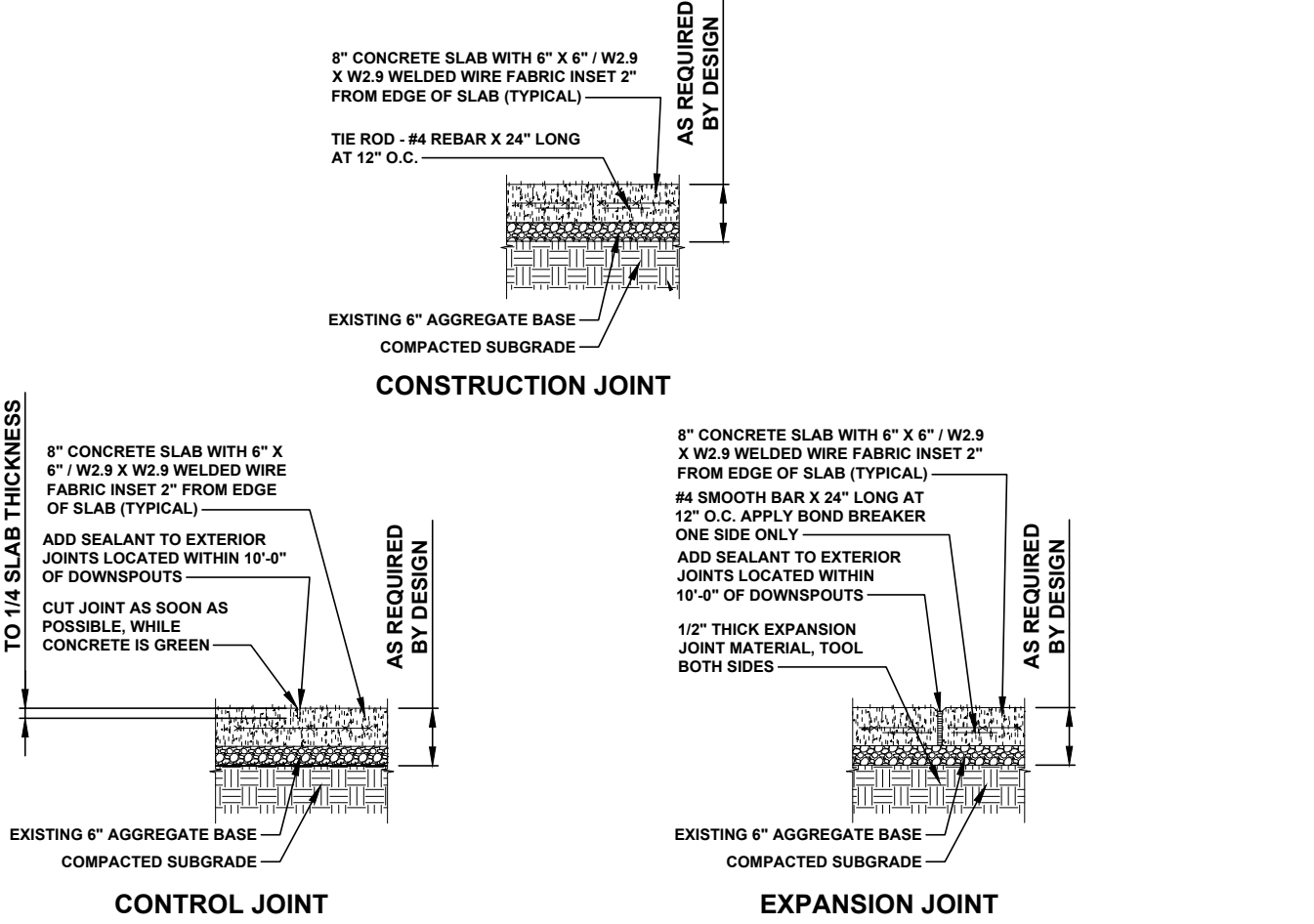
1. FIRE-FIGHTING ACTIVITIES;
2. FIRE HYDRANT FLUSHING;
3. WATERS USED TO WASH VEHICLES WHERE DETERGENTS ARE NOT USED;
4. WATER USED TO CONTROL DUST;
5. POTABLE WATER INCLUDING UNCONTAMINATED WATER LINE FLUSHING;
6. ROUTINE EXTERNAL BUILDING WASH DOWN WHERE DETERGENTS ARE NOT USED;
7. PAVEMENT WASH WATERS WHERE DETERGENTS ARE NOT USED;
8. UNCONTAMINATED AIR CONDITIONING/COMPRESSOR CONDENSATION;
9. UNCONTAMINATED GROUND WATER OR SPRING WATER;
10. FOUNDATION OR FOOTING DRAINS WHICH ARE UNCONTAMINATED;
11. UNCONTAMINATED EXCAVATION DEWATERING;
12. LANDSCAPE IRRIGATION.

WASTE DISPOSAL

1. WASTE MATERIAL
 - ALL WASTE MATERIALS SHALL BE COLLECTED AND STORED IN SECURELY LIDDED RECEPTACLES. ALL TRASH AND CONSTRUCTION DEBRIS FROM THE SITE SHALL BE DEPOSITED IN A DUMPSTER;
 - NO CONSTRUCTION WASTE MATERIALS SHALL BE BURIED ON SITE;
 - ALL PERSONNEL SHALL BE INSTRUCTED REGARDING THE CORRECT PROCEDURE FOR WASTE DISPOSAL BY THE SUPERINTENDENT.
2. HAZARDOUS WASTE
 - ALL HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN THE MANNER SPECIFIED BY LOCAL OR STATE REGULATION OR BY THE MANUFACTURER;
 - SITE PERSONNEL SHALL BE INSTRUCTED IN THESE PRACTICES BY THE SUPERINTENDENT.
3. SANITARY WASTE
 - ALL SANITARY WASTE SHALL BE COLLECTED FROM THE PORTABLE UNITS A MINIMUM OF ONCE PER WEEK BY A LICENSED SANITARY WASTE MANAGEMENT CONTRACTOR.

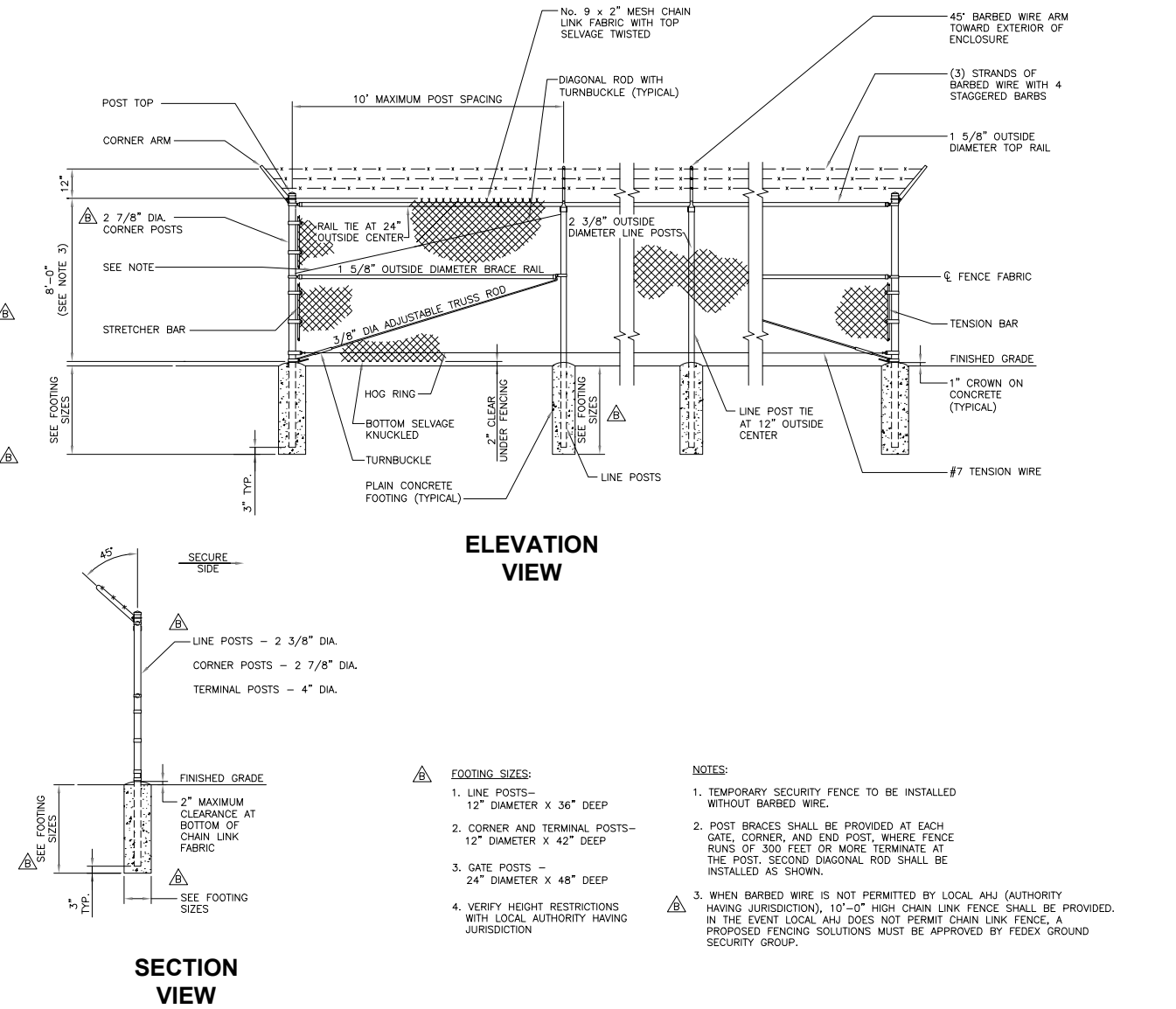
BLASTING NOTES

1. CONTRACTOR SHALL CONTACT THE NHDES AND/OR LOCAL JURISDICTION PRIOR TO COMMENCING ANY BLASTING ACTIVITIES.
2. FOR ANY PROJECT FOR WHICH BLASTING OF BEDROCK IS ANTICIPATED, THE APPLICANT SHALL SUBMIT A BLASTING PLAN THAT IDENTIFIES:
 - WHERE THE BLASTING ACTIVITIES ARE ANTICIPATED TO OCCUR;
 - THE ESTIMATED QUANTITY OF BLAST ROCK IN CUBIC YARDS; AND
 - SITE-SPECIFIC BLASTING BEST MANAGEMENT PRACTICES.



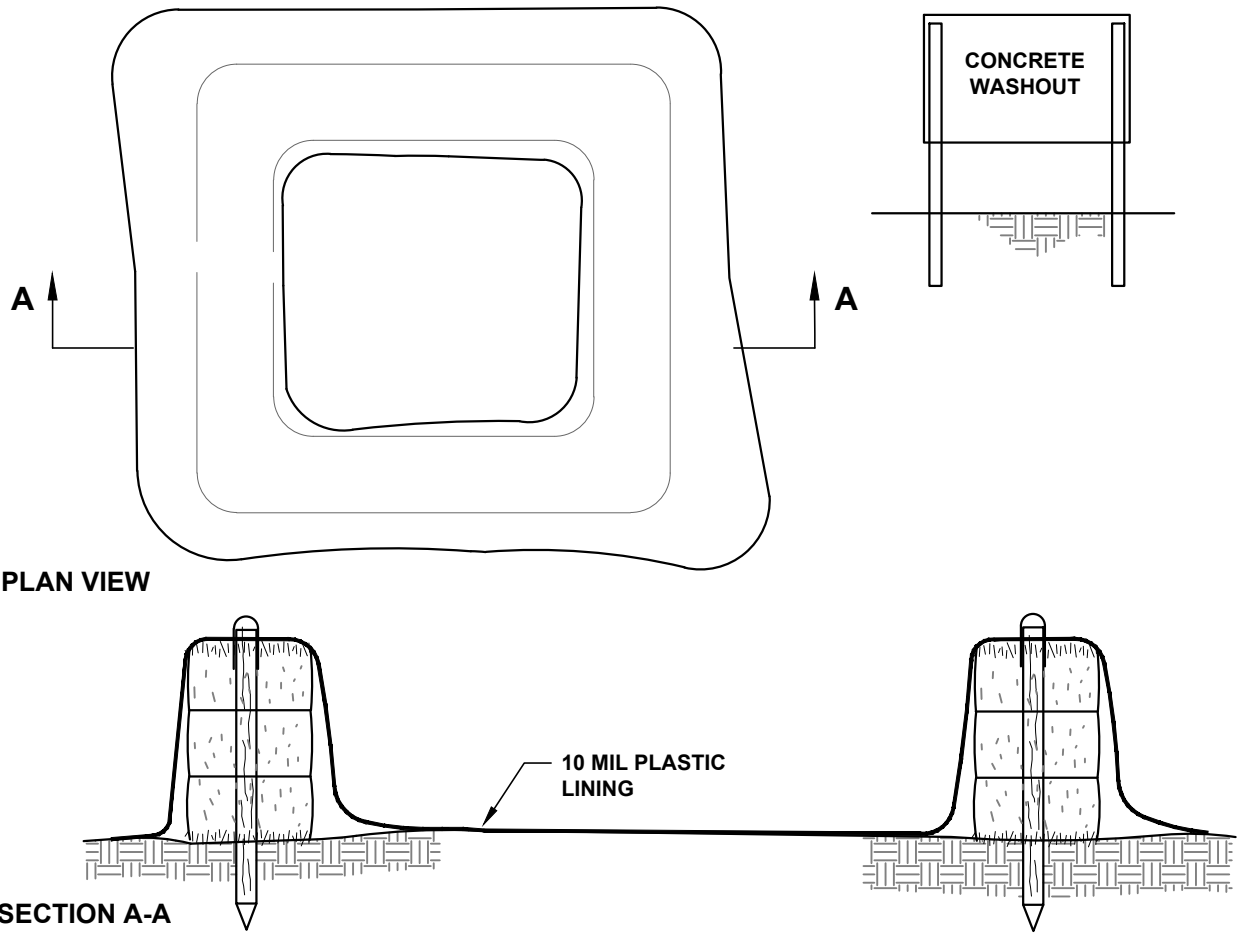
CONCRETE SLAB JOINT DETAILS

NTS SOURCE: FEDEX GROUND PACKAGE SYSTEM, INC.



CHAINLINK FENCE DETAIL

NTS SOURCE: FEDEX GROUND PACKAGE SYSTEM, INC.



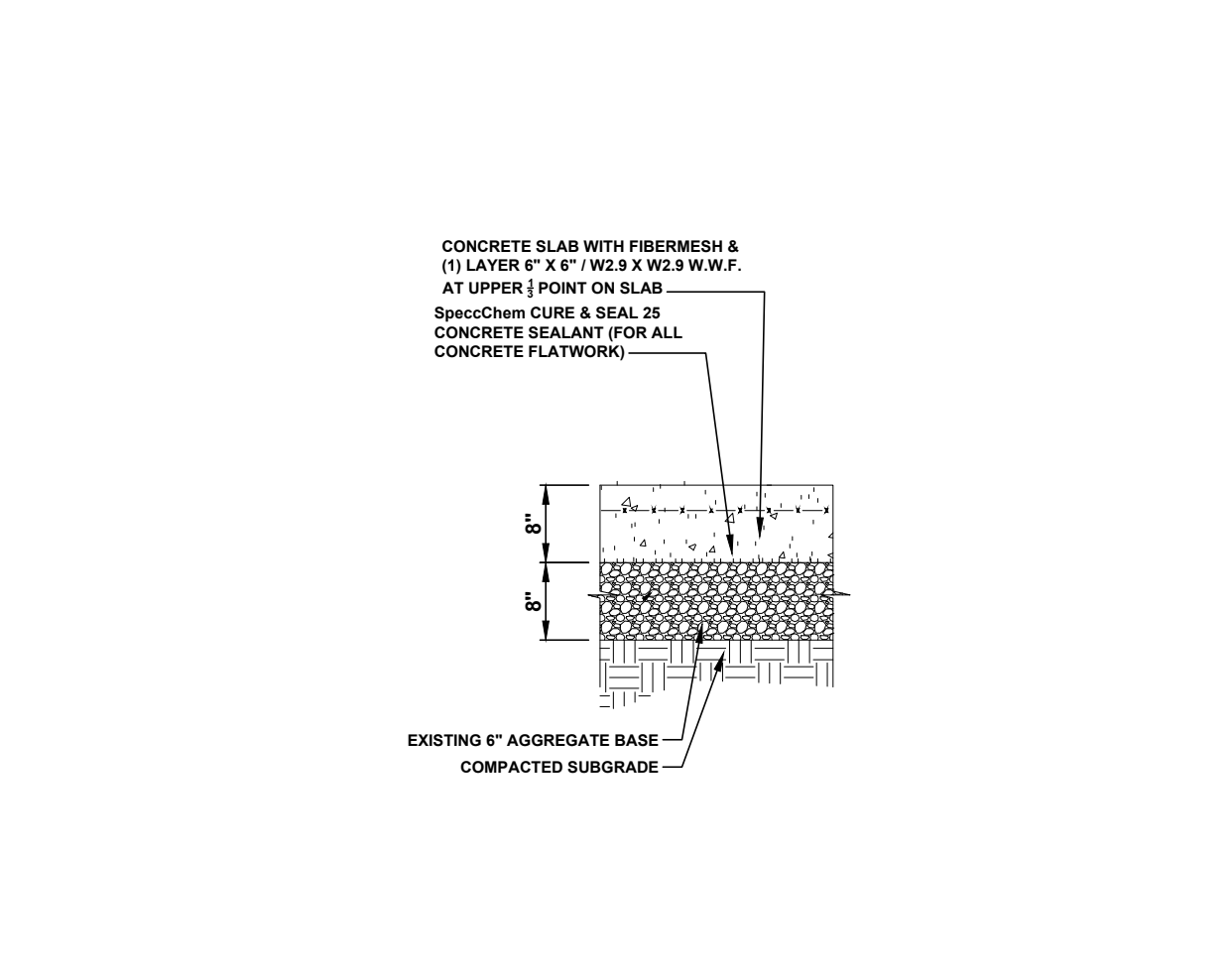
SECTION A-A

CONSTRUCTION SPECIFICATIONS:

1. A CONCRETE WASHOUT STATION SHOULD BE SIZED TO HANDLE ALL THE WASH WATER, SOLIDS AND RAINFALL WITHOUT OVERFLOWING. TYPICALLY, 7 GALLONS OF WATER ARE REQUIRED TO CLEAN A TRUCK CHUTE AND 50 GALLONS FOR THE HOPPER OF A CONCRETE TRUCK.
2. A BELOW-GRADE WASHOUT SHOULD BE SIZED TO CONTAIN ALL LIQUID WASTES WITH A 4-INCH FREEBOARD.
3. ACCESS TO THE WASHOUT PIT SHOULD BE STABLE AND SECURE (I.E. BASE OF GRAVEL OR CRUSHED ROCK).
4. A WASHOUT FACILITY SHOULD NOT BE PLACED WITHIN 50 FEET OF A STORM DRAIN OR DISCHARGE POINT UNLESS THE PIT IS LINED WITH ANCHORED PLASTIC SHEETING (MIN. 10-MIL THICKNESS) AND IS NOT ALLOWED TO OVERFLOW THE SOLIDS APPROPRIATELY.
5. INSPECT THE STRUCTURE ON A DAILY BASIS TO ASSESS USAGE AND IDENTIFY LEAKS AND BREACHES. DISPOSE OF THE SOLIDS APPROPRIATELY.
6. WOOD PLANKS AND EARTHEN BERM PERIMETER IS ACCEPTABLE IN LIEU OF STRAW BALES.

CONCRETE WASHOUT DETAIL

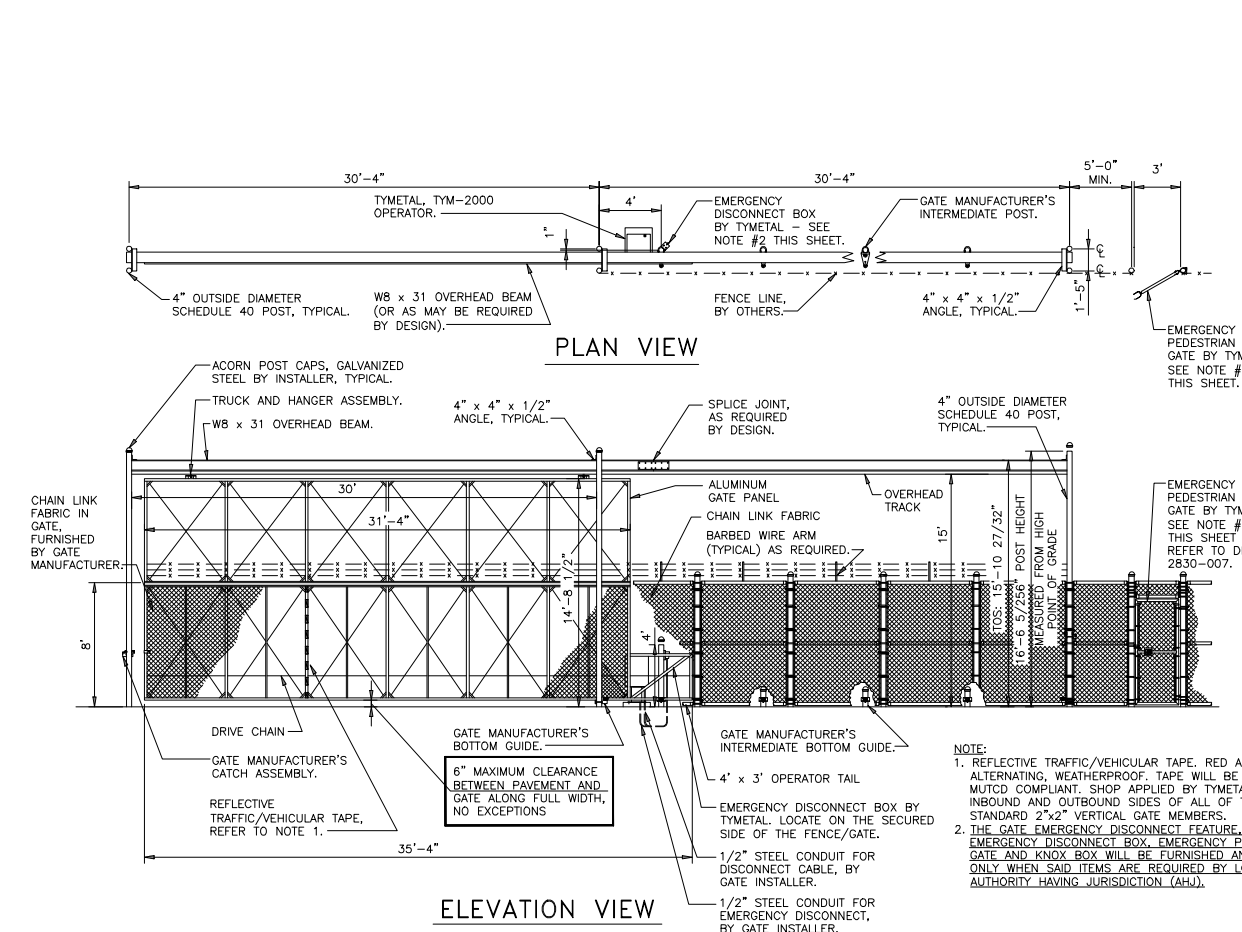
NTS



8" CONCRETE DETAIL 4,000 PSI

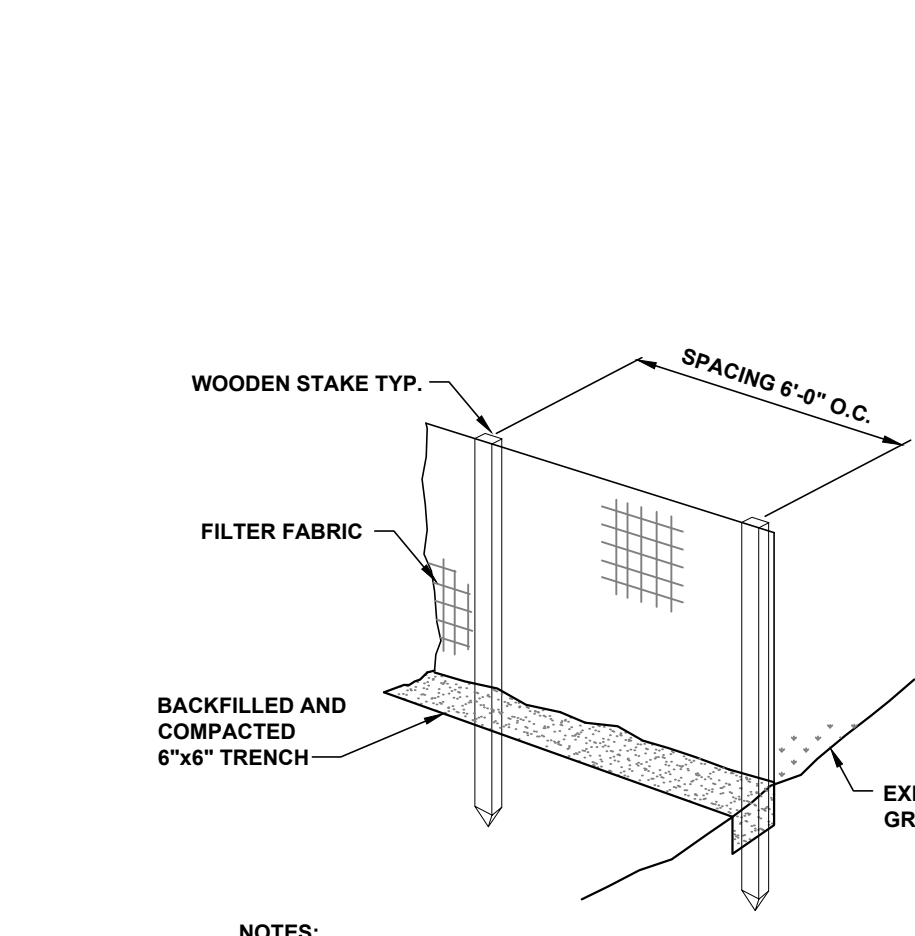
NTS

SOURCE: FEDEX GROUND PACKAGE SYSTEM, INC.



OVERHEAD TRUSS GATE DETAIL

NTS SOURCE: FEDEX GROUND PACKAGE SYSTEM, INC.



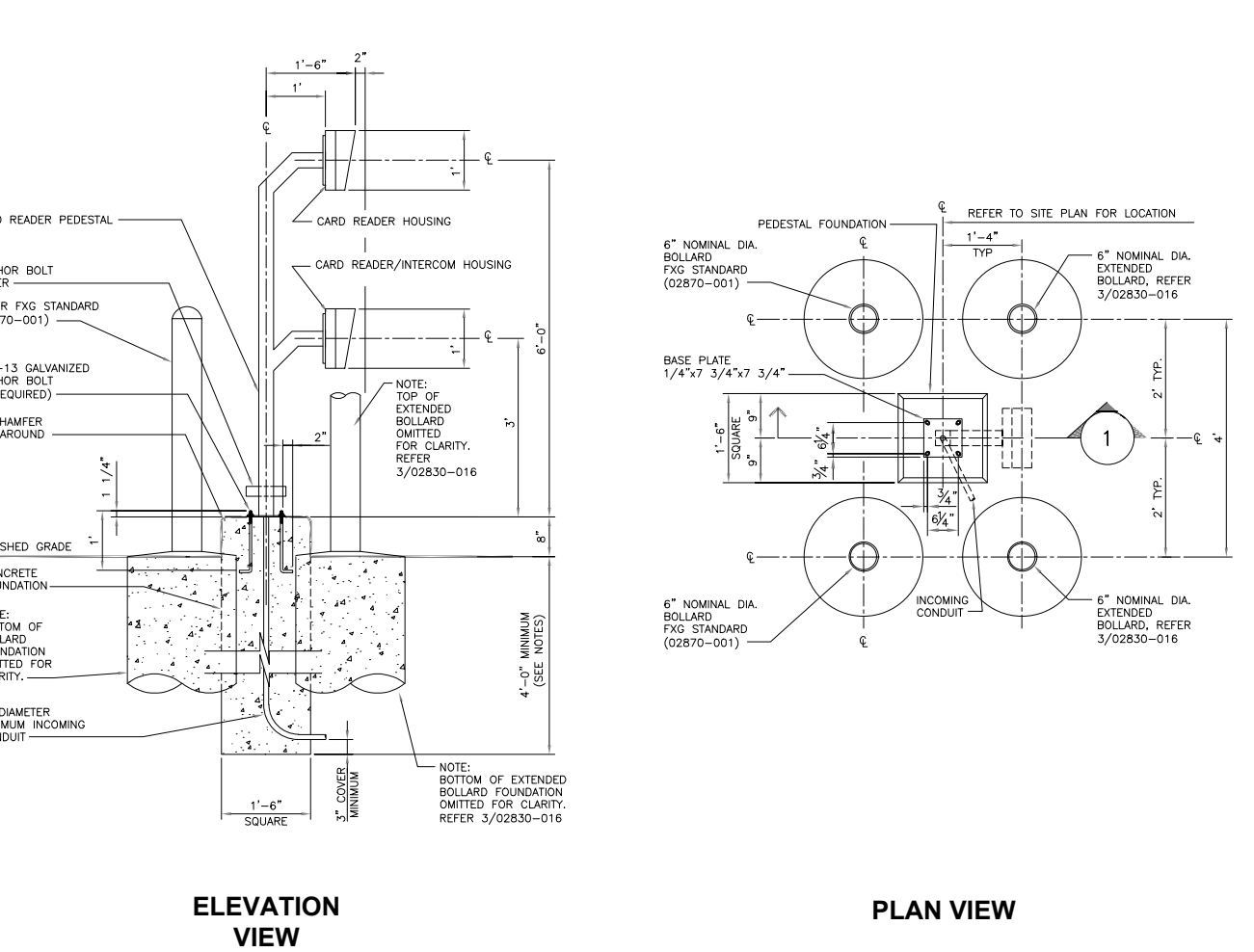
SECTION A-A

CONSTRUCTION SPECIFICATIONS:

1. A CONCRETE WASHOUT STATION SHOULD BE SIZED TO HANDLE ALL THE WASH WATER, SOLIDS AND RAINFALL WITHOUT OVERFLOWING. TYPICALLY, 7 GALLONS OF WATER ARE REQUIRED TO CLEAN A TRUCK CHUTE AND 50 GALLONS FOR THE HOPPER OF A CONCRETE TRUCK.
2. A BELOW-GRADE WASHOUT SHOULD BE SIZED TO CONTAIN ALL LIQUID WASTES WITH A 4-INCH FREEBOARD.
3. ACCESS TO THE WASHOUT PIT SHOULD BE STABLE AND SECURE (I.E. BASE OF GRAVEL OR CRUSHED ROCK).
4. A WASHOUT FACILITY SHOULD NOT BE PLACED WITHIN 50 FEET OF A STORM DRAIN OR DISCHARGE POINT UNLESS THE PIT IS LINED WITH ANCHORED PLASTIC SHEETING (MIN. 10-MIL THICKNESS) AND IS NOT ALLOWED TO OVERFLOW THE SOLIDS APPROPRIATELY.
5. INSPECT THE STRUCTURE ON A DAILY BASIS TO ASSESS USAGE AND IDENTIFY LEAKS AND BREACHES. DISPOSE OF THE SOLIDS APPROPRIATELY.
6. WOOD PLANKS AND EARTHEN BERM PERIMETER IS ACCEPTABLE IN LIEU OF STRAW BALES.

CONCRETE WASHOUT DETAIL

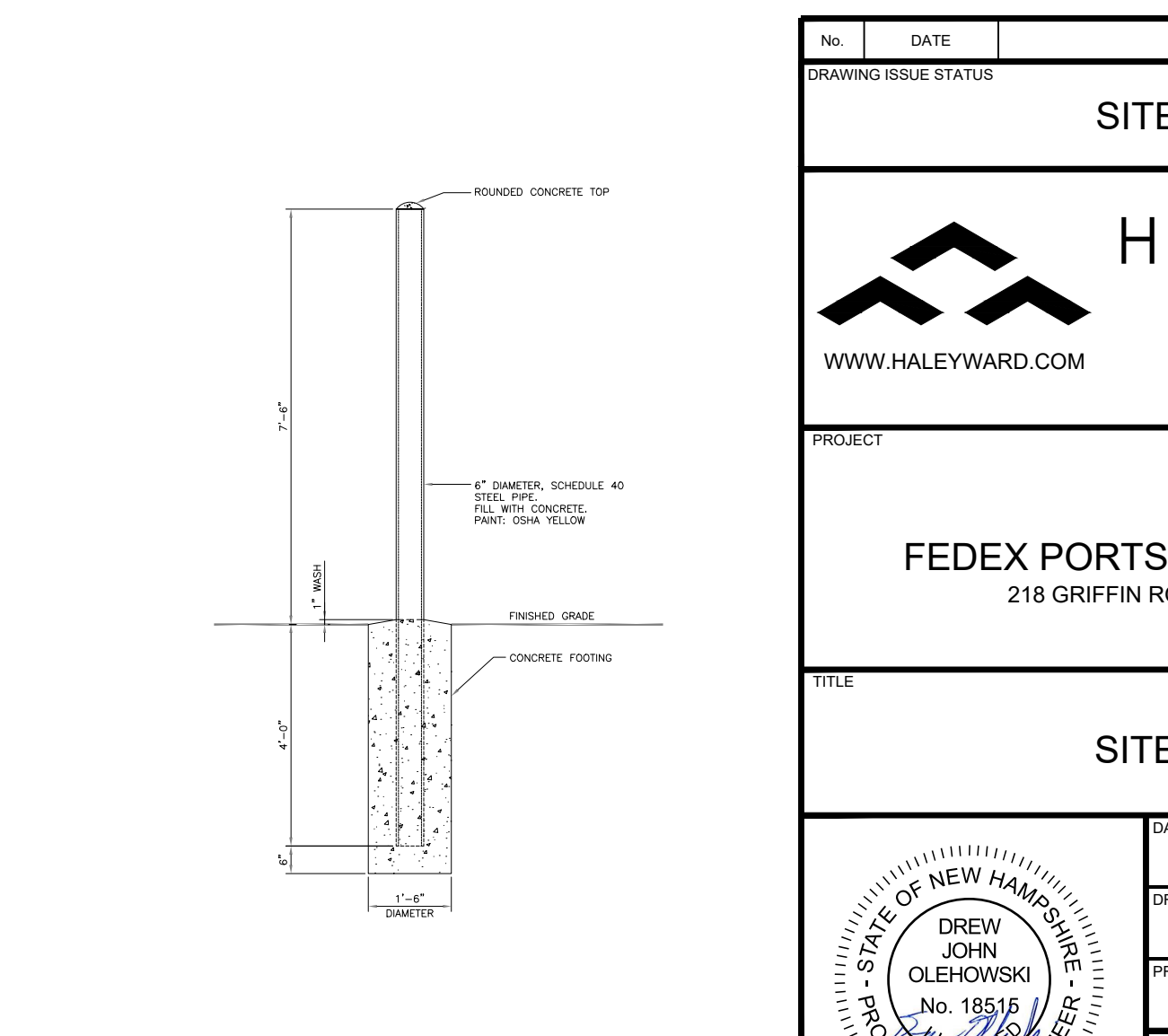
NTS



GATE ENTRY ACCESS PEDESTAL DETAIL

NTS

SOURCE: FEDEX GROUND PACKAGE SYSTEM, INC.



6" STEEL BOLLARD DETAIL

NTS

SOURCE: FEDEX GROUND PACKAGE SYSTEM, INC.

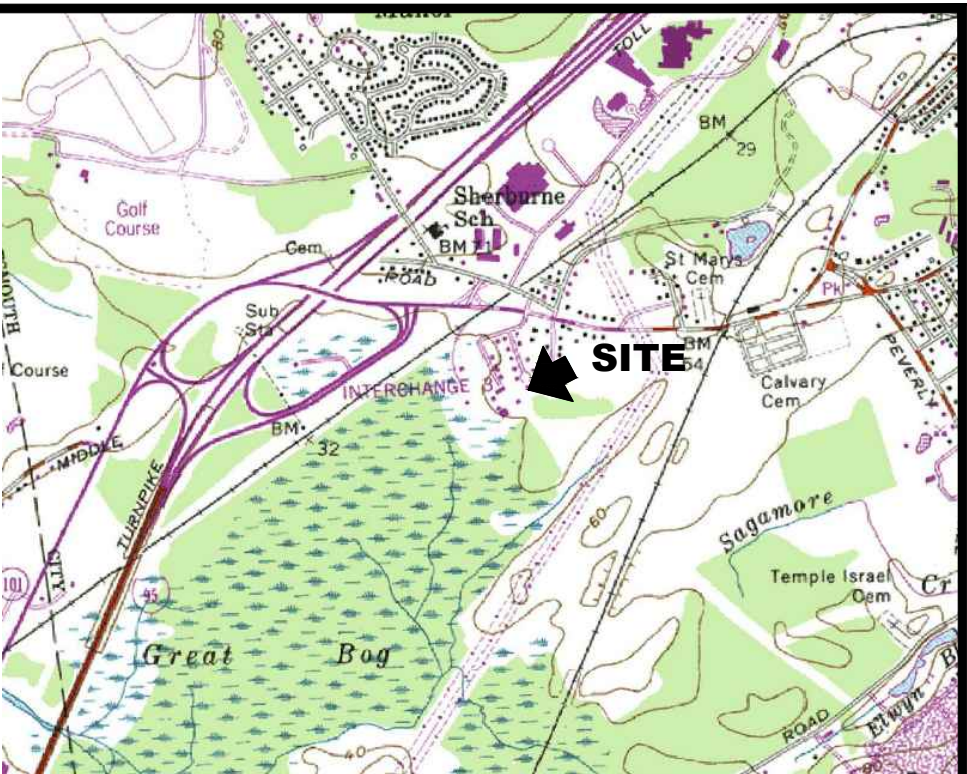
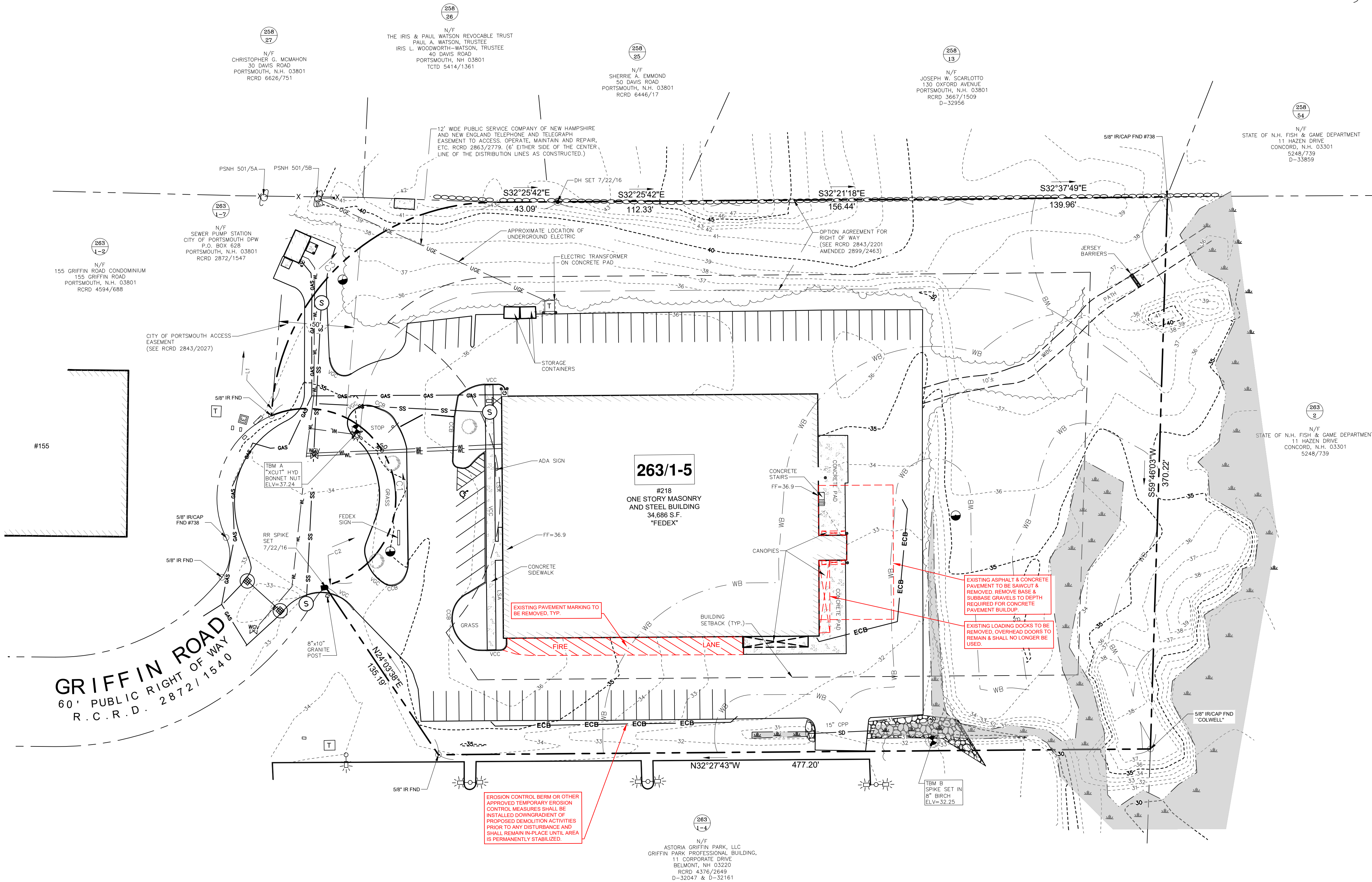
No.	DATE	DESCRIPTION	BY	CHK.
DRAWING ISSUE STATUS				
SITE SURVEY				
 HALEY WARD 200 Griffin Rd. Unit 14 Portsmouth, New Hampshire 03801 603.430.9282 WWW.HALEYWARD.COM PROJECT TITLE FEDEX PORTSMOUTH EXPANSION 218 GRIFFIN ROAD, PORTSMOUTH, NH				
SITE DETAILS				
DATE		2026.04.17	SCALE	
DRAWN BY		PJM	DESIGNED BY	
PROJECT No.		10457.021	CHECKED BY	
SHEET No.		C501	DWG No.	
DRAWN BY		PJM	DESIGNED BY	
PROJECT No.		10457.021	CHECKED BY	
SHEET No.		C501	DWG No.	

LEGEND:

DESCRIPTION	EXISTING
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
1234/123	DEED BOOK/PAGE
N/F	NOW OR FORMALLY
TYP.	TYPICAL
TBS	TO BE SET
LSA	LANDSCAPE AREA
INV.	INVERT
ELEV.	ELEVATION
FF	FINISHED FLOOR
VGC	VERTICAL GRANITE CURB
CCB	CAPE COD BERM
VCC	VERTICAL CONCRETE CURB
MAP 21 LOT 8	21 8
BENCHMARK	⊕
RAILROAD SPIKE	⊕
BOUND	⊕
IRON ROD/PIPE FOUND	⊕
DRILL HOLE FOUND	⊕
SEWER MANHOLE	⊕
DRAIN MANHOLE	⊕
UTILITY POLE	⊕
CATCH BASIN	⊕
HYDRANT	⊕
GATE VALVE	⊕
GAS/WATER SHUTOFF	⊕
BOLLARD	⊕
TREES	⊕
GAS/ELECTRIC METER	⊕
SIGN	⊕
SPOT GRADE	⊕
MONITORING WELL	⊕
PROPERTY LINE	⊕
APPROXIMATE EXTERIOR PROPERTY LINE	⊕
EDGE OF PAVEMENT	⊕
EDGE OF GRAVEL	⊕
STONE WALL	⊕
TREELINE	⊕
MINOR FOOT CONTOUR	⊕
MAJOR FOOT CONTOUR	⊕
WETLAND FLAG/WETLAND	⊕
FRESH WATER WETLAND LINE	⊕
WETLAND BUFFER LINE	⊕
GAS LINE	⊕
WATER LINE	⊕
STORM DRAIN LINE	⊕
SANITARY SEWER LINE	⊕
OVERHEAD UTILITY LINE	⊕
UNDERGROUND ELECTRIC LINE	⊕

PLAN REFERENCES:

1) ALTA/ACSM LAND TITLE SURVEY, TAX MAP 263 - LOT 1-5, OWNER OF RECORD: ELDER FAMILY PORTLAND ASSOCIATION, 218 GRIFFIN ROAD, PORTSMOUTH, N.H., SCALE: 1"=50', DATED: JULY 2016, PREPARED BY: AMBIT ENGINEERING, INC., NOT RECORDED.
2) UTILITY EASEMENT PLAN, OWNER: GRIFFIN PARK PROFESSIONAL BUILDING UNIT OWNERS ASSOCIATION TO BAY RING COMMUNICATIONS, 200 GRIFFIN ROAD, PORTSMOUTH, N.H., SCALE: 1"=50', DATED: OCTOBER 2015, PREPARED BY: AMBIT ENGINEERING INC., RCRD C-39303.
3) SITE PLAN FOR ELDER FAMILY PORTLAND ASSOC., GRIFFIN ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1"=40', DATED: JANUARY 12, 1990, REVISED THROUGH 05/90, PREPARED BY: RICHARD P. MILLETTE AND ASSOCIATES, FILE #89128, NOT RECORDED.
4) AMENDED SUBDIVISION PLAN OF GRIFFIN INDUSTRIAL PARK, GRIFFIN ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H., SCALE: 1"=100', DATED: MAY 17, 1990, PREPARED BY: RICHARD P. MILLETTE AND ASSOCIATES, RCRD D-20411.
5) ALTA/ACSM LAND TITLE SURVEY FOR ELDER FAMILY PORTLAND ASSOC. LIMITED PARTNERSHIP, 218 GRIFFIN ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1"=40', DATED: NOVEMBER 22, 1999, REVISED THROUGH 12/06/99, PREPARED BY: MILLETTE, SPRAGUE & COLWELL, INC. FILE #89128-99, NOT RECORDED.
6) CONDOMINIUM SITE PLAN, 155 GRIFFIN ROAD, PORTSMOUTH, N.H., COUNTY OF ROCKINGHAM, SCALE: 1"=30', DATED: FEBRUARY 2005, PREPARED BY: AMBIT ENGINEERING, INC., RCRD D-33348.



LOCATION MAP: USGS QUADRANGLE: PORTSMOUTH MAPTECH® USGS TOPOGRAPHIC SERIES™, ©MAPTECH®, INC. 978-933-3000 WWW.MAPTECH.COM/TOPO

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 263 AS LOT 1-5.
- 2) OWNER OF RECORD: GRIFFIN ROAD REALTY TRUST, LLC 304 MAPLEWOOD AVENUE PORTSMOUTH, NH 03801 RCRD 5743/2256
- 3) THE PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0270F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA: 198,456 S.F. 4.5559 ACRES
- 5) PARCEL IS LOCATED IN THE INDUSTRIAL (I) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:

MINIMUM LAND AREA:	87,120 S.F.
MINIMUM STREET FRONTAGE:	200 FEET
MINIMUM LOT DEPTH:	200 FEET
SETBACKS:	
FRONT	70 FEET
REAR	50 FEET
SIDE	50 FEET
MAXIMUM BUILDING COVERAGE:	50%
MAXIMUM BUILDING/STRUCTURE HEIGHT:	70 FEET
MAXIMUM ROOF APPURTENANCE:	10 FEET
MINIMUM OPEN SPACE:	20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF AN EXISTING CONDITIONS SURVEY/STANDARD BOUNDARY SURVEY OF ASSESSOR'S MAP 263, LOT 1-5 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.
- 10) THIS IS AN ABOVE THE GROUND SURVEY. THE UNDERGROUND UTILITIES, IF SHOWN, ARE BASED UPON BEST AVAILABLE EVIDENCE AND SURFACE FEATURES VISIBLE AT THE TIME OF THE SURVEY. THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN ON THIS PLAN. IT IS RECOMMENDED THAT FIELD VERIFICATION OF THE TRUE LOCATION OF ANY UNDERGROUND UTILITIES IS PERFORMED PRIOR TO ANY EXCAVATION.
- 11) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY HALEY WARD, INC., 4/2/2026.
- 12) PARCEL IS SUBJECT TO EASEMENTS, AGREEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, AND RESERVATIONS AS LISTED IN RCRD 5743/2256.

REV.	DATE	DESCRIPTION	BY	CHK.
------	------	-------------	----	------

DRAWING ISSUE STATUS

NOT FOR CONSTRUCTION



HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
200 Griffin Road, Unit 14
Portsmouth, NH 03801
603-430-9282

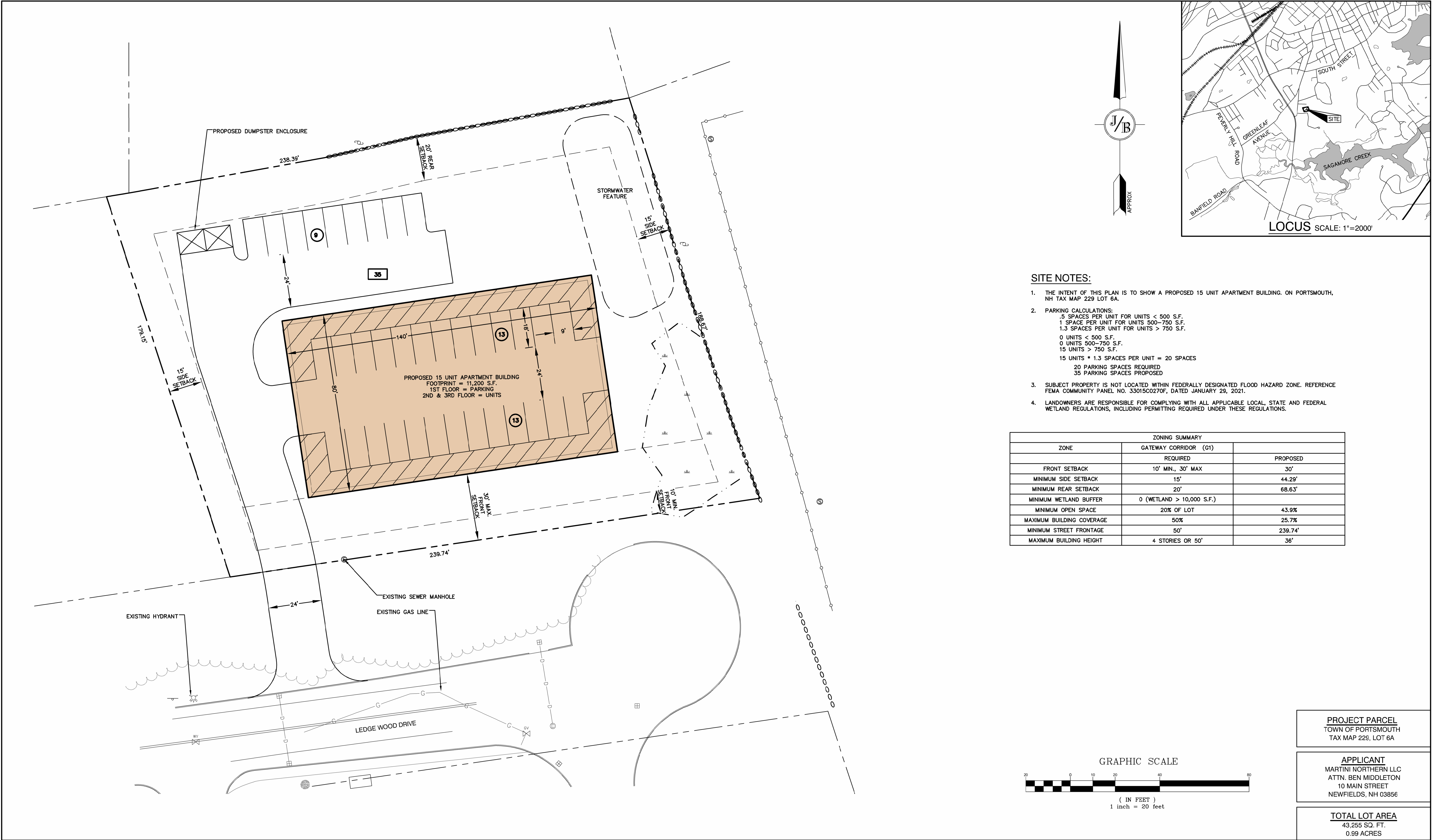
PROJECT

FEDEX DISTRIBUTION CENTER
218 GRIFFIN ROAD, PORTSMOUTH, NH

TITLE

DEMOLITION PLAN

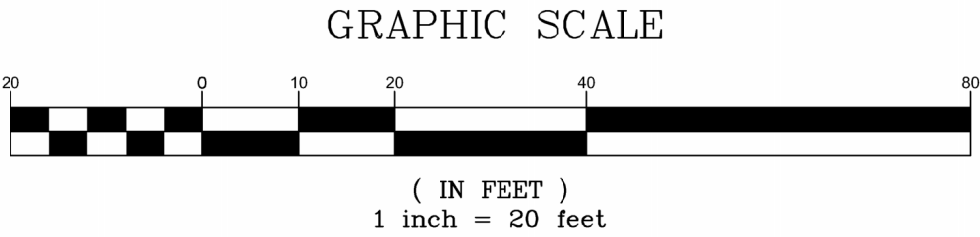
DATE	MARCH 2026	SCALE	1"=40'
DRAWN BY	RJB/PJM	DESIGNED BY	---
PROJECT No.	10457.021	CHECKED BY	DJO
DRAWING No.	V102	REV.	



SITE NOTES:

- THE INTENT OF THIS PLAN IS TO SHOW A PROPOSED 15 UNIT APARTMENT BUILDING, ON PORTSMOUTH, NH TAX MAP 229 LOT 6A.
- PARKING CALCULATIONS:
 - .5 SPACES PER UNIT FOR UNITS < 500 S.F.
 - 1 SPACE PER UNIT FOR UNITS 500-750 S.F.
 - 1.3 SPACES PER UNIT FOR UNITS > 750 S.F.
 - 0 UNITS < 500 S.F.
 - 0 UNITS 500-750 S.F.
 - 15 UNITS > 750 S.F.
 - 15 UNITS * 1.3 SPACES PER UNIT = 20 SPACES
 - 20 PARKING SPACES REQUIRED
 - 35 PARKING SPACES PROPOSED
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 3301500270F, DATED JANUARY 29, 2021.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.

ZONING SUMMARY		
ZONE	GATEWAY CORRIDOR (G1)	
	REQUIRED	PROPOSED
FRONT SETBACK	10' MIN., 30' MAX	30'
MINIMUM SIDE SETBACK	15'	44.29'
MINIMUM REAR SETBACK	20'	68.63'
MINIMUM WETLAND BUFFER	0 (WETLAND > 10,000 S.F.)	
MINIMUM OPEN SPACE	20% OF LOT	43.9%
MAXIMUM BUILDING COVERAGE	50%	25.7%
MINIMUM STREET FRONTAGE	50'	239.74'
MAXIMUM BUILDING HEIGHT	4 STORIES OR 50'	36'



PROJECT PARCEL
TOWN OF PORTSMOUTH
TAX MAP 229, LOT 6A

APPLICANT
MARTINI NORTHERN LLC
ATTN. BEN MIDDLETON
10 MAIN STREET
NEWFIELDS, NH 03856

TOTAL LOT AREA
43,255 SQ. FT.
0.99 ACRES

Design: EMP	Draft: TCR	Date: 01/08/26
Checked: EMP	Scale: 1" = 20'	Project No.: 25071.2
Drawing Name: 25071.2-CONCEPT2.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

0	06/15/26	ISSUED FOR REVIEW	TCR
REV.	DATE	REVISION	BY

J/B

Jones & Beach Engineers, Inc.

Designed and Produced in NH

85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

Civil Engineering Services

603-772-4746
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	SITE PLAN MAP 229, LOT 6A
Project:	MARTINI APARTMENTS LEDGEWOOD DRIVE, PORTSMOUTH, NH
Owner of Record:	ST NICHOLAS GREEK ORTHODOX CHURCH 40 ANDREW JARVIS DRIVE, PORTSMOUTH, NH 03801

DRAWING No.

CP2

SHEET 1 OF 1
JBE PROJECT NO. 25071.2



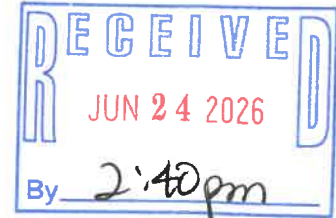
650 Elm Street
Manchester, NH 03101
p: 603-225-4334 f: 603-224-8350
hinckleyallen.com

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,

A handwritten signature in blue ink, appearing to read 'Christopher B. Kelly', with a stylized flourish at the end.

Christopher B. Kelly

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 _____

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.



PROPOSED BUILDING		
ZONING DISTRICT	NOTES	
G1 - GATEWAY NEIGHBORHOOD CORRIDOR		
CURRENT ZONING: INDUSTRIAL		

RESIDENTIAL ZONING REVIEW			
	ALLOWED	PROPOSED	RELIEF REQUEST
USE PERMITTED	MULTI-FAMILY	MULTI-FAMILY	
FIRST FLOOR USE	RESIDENTIAL	RESIDENTIAL	
MIN. LOT SIZE	10,000 SF	8.65 ACRES 289,874 SF	
MIN. SITE WIDTH	75'	>75'	
MIN. SITE DEPTH	100'	>100'	
OPEN SPACE	20%	±45%	
MAX. BUILDING COVERAGE	50% LOT AREA	±20%	
MAX FOOTPRINT	NR	-	
MIN. FRONTAGE	50'	±352.5'	
FRONTAGE BUILD OUT	50% MIN	±58%	
FRONT PRIMARY SETBACK	10' MIN - 30' MAX	30'	
SIDE SETBACK	15'	>15'	
REAR SETBACK	20'	>20'	
HEIGHT - STORIES	4 STORIES	4 STORIES	
HEIGHT - FEET	25' - 50'	±45'	
BLOCK LENGTH	500' (10.5842.30)	TBD	
DWELLING UNIT DENSITY	36 UNITS / ACRE	36 UNITS / ACRE	
DWELLING UNIT PER BUILDING	24 PERMITTED 36 CUP	120 UNITS	
MAX DWELLING UNITS	238 UNITS	238 UNITS	

Keynote Legend

- A** Recreation Trail - ±1,000 LF Public Realm Improvement
- B** Proposed Connection to Community Campus
- C** Designed to Utilize Existing Grading to Mitigate Impacts on the Wetland System
- D** Proximity to Community Campus Center + COAST Bus

Received

JUN 24 2026

By _____

PARKING SCHEDULE	
Type	Count
8.5' x 19' - 90 deg	245
9' x 18' (8' Alais)	4
9' x 18' - GARAGE	88
Grand total:	337

NLE CHARGING, LLC

55 Technology Drive, Lowell, MA. 01851

jrambone@newleafenergy.com

6/23/2026

Town of Portsmouth

Planning Department

1 Junkins Avenue

Portsmouth, NH 03801

Subject: Request for Permit Extension – EVCS at 505 US-1 Portsmouth, NH. 03801

Permit Number: LU-25-66

To the Portsmouth Planning Department,

I am writing to formally request a **1-year** extension for the electric vehicle charging station permit referenced above, which was issued by the Portsmouth Planning Department for the installation of an Electric Vehicle Charging Station (EVCS). The current permit is set to expire on **7-17-2026**.

Enclosed/attached with this letter is a copy of the original permit for your reference.

Thank you for your time, consideration, and assistance with this project. Please let me know if you require any additional information or documentation to process this request.

Sincerely,

A handwritten signature in black ink, appearing to read "James Rambone", written in a cursive style.

James Rambone, P.E.

Senior Project Engineer, Electric Vehicle Charging



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New Hampshire
03801
(603) 610-7216

TECHNICAL ADVISORY COMMITTEE

June 5, 2025

Giri Portsmouth 505 Inc
2300 Crown Colony Drive Suite 203
Quincy, Massachusetts 02169

RE: Request for amended Site Plan approval for property located at 505 US Route 1 Bypass, Portsmouth NH 03801 (LU-25-66)

Dear Property Owner :

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday, June 3, 2025, considered your application for amended Site Plan approval for the addition of EV charging spaces and associated support infrastructure. Said property is shown on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Committee voted to recommend **approval** of this application as presented to the Planning Board.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, July 17, 2025**.

Per Section 2.5 of the Site Plan Regulations, a site plan review application to the Planning Board must include all applicable information and supporting materials including but not limited to the following items:

- Full updated plan set
- Draft Easements
- Drainage Analysis
- Traffic Studies
- Etc.

All comments, corrections, and conditions identified as "Items to be addressed before Planning Board submittal" must be resolved/corrected for the Planning Board application submittal to be deemed complete.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Peter Britz,
Planning and Sustainability Director

cc: Rebecca Mauser-Hoye, Weston & Sampson Engineers, Inc.
cc: Ilan Gutherz, Coakley Road EV Charging 1 LLC



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

May 29, 2025

Giri Portsmouth 505 Inc
2300 Crown Colony Drive Suite 203
Quincy, Massachusetts 02169

**RE: Board of Adjustment Request for property located at 505 US Route 1 Bypass,
Portsmouth NH 03801 (LU-25-66)**

Dear Property Owner :

The Zoning Board of Adjustment, at its regularly scheduled meeting of **May 27, 2025**, considered your application for the property located at 505 US Route 1 Bypass whereas relief is needed to develop additional parking and an Electric Vehicle Charging Station which requires the following: 1) Variance from Section 10.5B83.10 for off-street parking spaces to be located between the principal building and a street or within any required perimeter buffer area; 2) Variance from Section 10.1113.20 for off-street parking spaces located in a front yard, or between a principal building and a street (including on a corner lot). Said property is shown on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **grant** the request as presented with the following **condition**:

1) The required Conditional Use Permits shall be obtained.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

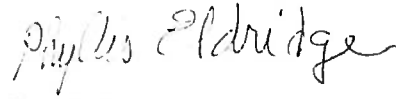
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script, reading "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Rebecca Mauser-Hoye, Weston & Sampson Engineers, Inc.

Ilan Guthertz, Coakley Road EV Charging 1 LLC

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 05-27-2025

Property Address: 505 US Route 1 Bypass

Application #: LU-25-66

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	Granting the variance would not be contrary to the public interest because the purpose of the Gateway zoning that was recently introduced to the area was to promote walkable spaces for pedestrian use, and the application forced that issue because people would walk to area businesses.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	Granting the variance would observe the spirit of the Ordinance because this was a new section of the ordinance that was added due to concerns about the lack of available EV

		charging stations and was intended for the type of situation that the applicant presented.
10.233.23 Granting the variance would do substantial justice.	YES	Substantial justice would be done because the loss to the public would not be outweighed by any loss to the applicant if they were denied. There is no loss to the public by granting the variance for this type of fairly low traffic volume use and it is reasonable and would not pose additional difficulties for the public.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	Granting the variances would not diminish the values of surrounding properties because it was a commercial area and this type of use is not inconsistent with what is seen in the surrounding properties of car dealerships, hotels, and so on.
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. (a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.	YES	Literal enforcement of the ordinance would result in unnecessary hardship and the special conditions of the property were the fact that the parcel was located in an area where it was possible to walk to other amenities.



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

July 22, 2025

Giri Portsmouth 505 Inc
2300 Crown Colony Drive Suite 203
Quincy, Massachusetts 02169

RE: Request for Wetland Conditional Use Permit for property located at 505 US Route 1
Bypass, Portsmouth NH 03801 (LU-25-66)

Dear Property Owner :

The Planning Board, at its regularly scheduled meeting of **Thursday July 17, 2025**, considered your application for a Wetland Conditional Use Permit in accordance with Section 10.1017.50. The project includes 1,434 square feet of impacts within the wetland buffer including 303 square feet of temporary impacts, 173 square feet of permanent impacts in the wetland buffer and 958 square feet conversion from pavement into grassed areas within the wetland buffer area. Said property is shown on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted 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; and 2) to **grant** the Conditional Use Permit with the following **conditions**:

- 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. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be permanently installed.*
- 2.2) The planting plan shall be reviewed and approved by Planning & Sustainability Department Staff.*
- 2.3) Yard waste and existing brush pile shall be cleaned up from the Hodgson Brook bank to the west of and in the existing bio-retention area as part of this project.*
- 2.4) A sign shall be installed that instructs pet owners to clean up after their pets.*
- 2.5) A sign shall be installed that states "No Dumping".*
- 2.6) The applicant shall create a maintenance plan for the newly restored area and the Hodgson Brook buffer for internal use on this site to be reviewed and approved by Planning Staff.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All conditions of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year

extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with a large initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
Rebecca Mauser-Hoye, Weston & Sampson Engineers, Inc.
Ilan Gutherz, Coakley Road EV Charging 1 LLC



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

July 22, 2025

Giri Portsmouth 505 Inc
2300 Crown Colony Drive Suite 203
Quincy, Massachusetts 02169

RE: Request for amended Site Plan approval & CUP for property located at 505 US Route 1 Bypass, Portsmouth NH 03801 (LU-25-66)

Dear Property Owner :

The Planning Board, at its regularly scheduled meeting of **Thursday July 17, 2025**, considered your application for amended Site Plan approval, and a Conditional Use Permit for Electric Vehicle fueling space B to install 4 EV fueling stations for 8 charging spaces. Said property is shown on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented, *and* 2) to **grant** Amended Site Plan Approval, *and* 3) to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.243 of the Ordinance and adopt the findings of fact as presented, *and* 4) to **grant** the Conditional Use Permit as presented.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning & Sustainability Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with the first name "Rick" written in a smaller, more legible script than the last name "Chellman", which is more stylized and larger.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works
Rebecca Mauser-Hoye, Weston & Sampson Engineers, Inc.
Ilan Gutherz, Coakley Road EV Charging 1 LLC



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

CONSERVATION COMMISSION

July 10, 2025

Giri Portsmouth 505 Inc
2300 Crown Colony Drive Suite 203
Quincy, Massachusetts 02169

RE: Request for Wetland Conditional Use Permit for property located at 505 US Route 1
Bypass, Portsmouth NH 03801 (LU-25-66)

Dear Property Owner :

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, July 9, 2025**, considered your application for a Wetland Conditional Use Permit for the installation of four new electric vehicle charging stations within the parking lot of the property. This would include creating and/or re-striping eight parking spaces and installing the necessary equipment and utility connections needed. This work will occur within the wetland buffer of Hodgson Brook and includes the removal of 2,135 s.f. of existing asphalt and converting to wetland buffer seeded area. It also includes 173 s.f. of permanent impacts to an existing landscape section within the buffer to install the transformer and concrete pads. In total, this project will create a net impervious of 1,962 s.f. within the 100' buffer. Said property is shown on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Commission voted to **recommended approval** of this application to the Planning Board with the following stipulations:.

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. Markers are to be placed along the newly restored area at 50-foot intervals and must be permanently installed as a part of this approval.
2. A planting plan be submitted to and reviewed by Planning & Sustainability Department Staff prior to submission to the Planning Board.
3. Yard waste and existing brush pile shall be cleaned up from the Hodgson Brook bank to the west of and in the existing bio-retention area as part of this project.
4. A sign shall be installed that instructs pet owners to clean up after their pets.
5. A sign shall be installed that states "No Dumping".
6. Prior to submission to the Planning Board applicant shall create a maintenance plan for the newly restored area and the Hodgson Brook buffer for internal use on this site.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, July 17, 2025**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning & Sustainability Department and uploaded to the online permit system no later than Friday, June 27, 2025.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Collins', with a small dot at the end.

Samantha Collins, Chair
Conservation Commission

cc:

Rebecca Mauser-Hoye, Weston & Sampson Engineers, Inc.
Ilan Gutherz, Coakley Road EV Charging 1 LLC

Section 10.240 Conditional Use Permits

10.241 General

10.241.10 A conditional **use** is a use of land or **buildings** within a zoning district that may be authorized by this Ordinance subject to additional requirements. A conditional use permit allows the Planning Board or other such Board or person as may have jurisdiction to consider **uses** which may be desirable or appropriate in particular cases, but which are not allowed as a matter of right within a zoning district.

10.241.20 This Ordinance authorizes the following general types of conditional **use** permits:

10.241.21 Conditional **use** approval is required for any **use** designated “CU” in Section 10.440 – Table of Uses.

10.241.22 Conditional **use** approval is required for most **uses**, activities and alterations in a **wetland** or **wetland buffer** (Article 10, Section 10.1010 – Wetlands Protection).

10.241.23 Conditional **use** approval may be granted to allow flexibility of site or **building** design where specifically authorized by the Ordinance but not listed in Section 10.440. These include the following provisions:

(a) Character Districts (Article 5A)

- Increase in allowed **building** footprint subject to specified **development** standards;
- Provision of required **community space** on a different **lot** than the **development**;
- Crediting or assignment of excess **community space** in an Incentive Overlay District.

(b) Gateway Districts (Article 5B)

- More than 24 **dwelling units** in a **building**;
- More than one **principal building** or building type on a **development** site;
- Increased housing density, **building height**, or footprint.

~~(c) Off Street Parking (Article 11)~~

- ~~• Less than the minimum number of required spaces or more than the maximum number of allowed spaces;~~
- ~~• Shared parking.~~

(d) Highway Noise Overlay District (Article 6)

- **Noise sensitive land uses**

(Character Districts)

10.5A44 Off-Street Parking and Loading Requirements

10.5A44.10 General

10.5A44.11 ~~Except as otherwise provided in this Section, all **buildings, structures** and **uses** in the Character districts and Civic districts shall comply with the **off-street parking** requirements set forth in Section 10.1110.~~ The number of required parking spaces shall be provided in accordance with the Site Plan Review Regulations.

10.5A44.12 **Buildings, structures** and **uses** in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A44.20 Number of Required Spaces

10.5A44.21 **Uses** in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide **off-street parking** in accordance with ~~the Site Plan Review Regulations Section 10.1112.~~

10.5A44.22 **Uses** in the Character districts and Civic districts that are included in the Downtown Overlay District shall comply with the **off-street parking** requirements for the Downtown Overlay District in accordance with ~~the Site Plan Review Regulations Section 10.1115.~~

10.5A44.23 Subject to approval by the Planning Board, any portion of the required **off-street parking** spaces may be dedicated to public use.

10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 All **off-street parking** spaces shall be located at least 20 feet behind any **façade** of a **principal building**, except when in an **underground parking level**. This restriction shall not apply to **off-street parking** for a **single-family** or **two-family dwelling**.

10.5A44.32 **Parking lots** and loading areas shall be screened from the **street** by a **building** or **streetscreen** except for any **driveway**.

10.5A44.33 Driveways at the street and within a required front yard shall be no wider than 24 feet.

10.5A44.34 All **parking lots**, **garages**, and **parking structures** shall include a pedestrian exit directly to a **front lot line**.

10.5A44.35 The above-ground portion of a parking structure or garage shall have a liner building at least the height of the ground floor along the entire width of any front yard except for driveways and pedestrian entrances.

- 10.5A44.36 A **parking lot** containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A44.40 Parking Lot Landscaping

Parking lots that contain 10 or more spaces shall conform to the following:

- 10.5A44.41 Landscape islands:

- (a) **Parking lots** shall contain one landscaped island for every 10 parking spaces.
- (b) A **parking lot** with more than one landscaped island shall have such islands distributed throughout the **parking lot**.
- (c) Each landscaped island shall be a minimum of 325 square feet.

- 10.5A44.42 Trees:

- (a) **Parking lots** shall contain at least one tree for every 7 parking spaces.
- (b) No parking space shall be more than 75 feet from a tree within the **lot**, as measured from the center of the tree to the nearest line demarcating the space.
- (c) All trees shall be separated from paved surfaces by at least 3 feet.

- 10.5A44.43 All **landscaping** required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.

10.5A44.50 Loading Docks, Storage and Service Areas

Loading docks, storage and service areas shall not be permitted between the **principal building** and any **front lot line**.

(Gateway)

Section 10.5B80 Parking and Loading Requirements and Standards

10.5B81 General

- 10.5B81.10 ~~Except as otherwise provided in this Section, all **buildings, structures, uses, and development sites** in the Gateway Neighborhood Mixed Use Districts shall comply with the **off-street parking** and loading requirements set forth in Section 10.1110 and Section 10.1120. Required parking shall be provided in accordance with the Site Plan Review Regulations.~~

10.5B82 Number of Required Spaces

- 10.5B82.10 Uses in the Gateway Neighborhood Mixed Use Districts shall provide **off-street parking** in accordance with ~~the Site Plan Review Regulations, Section 10.1112~~, except as follows:
- a) For **developments** located on a public transit route with year-round, 5-days-per-week, fixed-route service and where at least 50% of the **building(s)** are within ¼ mile of a transit stop, the minimum **off-street parking** required for motor vehicles shall be reduced by 20% of the total required for all **uses**.

10.5B83 Location of Motor Vehicle Parking Facilities

- 10.5B83.10 Required **off-street parking** spaces shall not be located between a **principal building** and a **street** or within any required perimeter buffer area.
- 10.5B83.20 **Development sites** that include multiple **lots** shall not be subject to ~~the requirements of 10.1113.10~~ requiring **off-street parking** spaces to be located on the same **lot** as the principal **use**. **Off-street parking** spaces shall be located within the same **development site** for the principal **use** they are intended to serve.

Section 10.5B90 Pedestrian Access and Circulation

- 10.5B91 Pedestrian walkways shall provide connections through the **lot/site** to the public **street** right-of-way, and between the **lot/site** and **adjacent** land **uses**.
- 10.5B92 At least one 8-foot wide pedestrian walkway shall be provided throughout the **lot/site**, connecting **adjacent streets**, **accessways**, **sidewalks** and **off-street parking** areas to the entrances of all **principal buildings**.
- 10.5B93 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the **use** of paving materials, **landscaping**, or other means.
- 10.5B94 A **lot/site** with more than one **principal building** or **off-street parking** area shall include an internal pedestrian network that provides logical and direct routes for pedestrians throughout site.
- 10.5B95 **Parking lots** shall include internal walkways spaced not more than 150 feet apart. Where possible, these walkways shall be aligned to connect with major **building** entries or other destinations.

(GNOD)

10.685 Parking

In the GNOD, the shared parking provisions of Section ~~4.6 of the Site Plan Review Regulations 10.1112.62~~ shall apply, and shared parking shall be permitted on separate **lots**, whether in common ownership or separate ownership ~~without the requirement of a conditional use permit~~. The provisions of Section ~~4.7 10.1113~~ of the Site Plan Review Regulations (Location of Vehicular Use Facilities) shall not apply to a GNOD development.

Coliving:

~~10.815.30~~ — **Parking Requirements**

~~10.815.31~~ — Motor vehicle parking shall be required for **Coliving Facilities** as follows:

~~1. If any part of the **Coliving Facility** is located within 600 feet (approximately a 2.5 minute walk) of a public parking garage, No parking required.~~

~~2. If no part of the **Coliving Facility** is located within 600 feet (approximately a 2.5 minute walk) of a public parking garage, off street parking is required at the rate of 1 space per every 4 **Coliving Unit**s.~~

Article 11 Site Development Standards

- Section 10.1110 Off-Street Parking
- Section 10.1120 Off-Street Loading
- Section 10.1130 Landscaping and Screening
- Section 10.1140 Outdoor Lighting

Section 10.1110 Off-Street Parking

10.1111 General

- 10.1111.10 ~~The purpose of this Article, as amended, is to (a) retain off-street parking requirements for single-family and two-family dwellings; (b) delegate all other off-street parking requirements to the Site Plan Review Regulations. The purposes of Section 10.1110 are to manage parking supply to serve development needs without compromising community character or contributing to increased housing development costs. These purposes will be achieved by calibrating **off-street parking** requirements to demands, promoting shared parking arrangements for complementary uses, and providing for flexibility in the administration of **off-street parking** standards.~~
- 10.1111.20 All new **buildings** and **structures**, as well as additions to or changes in **use** or intensification of **use** in existing **buildings** and **structures**, shall be provided with **off-street parking** spaces in accordance with this Section.
- 10.1111.30 A **use** that is **nonconforming** as to the requirements for **off-street parking** shall not be enlarged or altered unless **off-street parking** is provided for the original **building**, **structure** or **uses** and all expansions, intensifications or additions sufficient to satisfy the requirements of this Section.
- 10.1111.40 ~~For all other uses including multifamily, nonresidential, and mixed-use development, or a change of use, the number of required off-street parking spaces and all related provisions (including shared/off-site parking, reserve parking, bicycle parking, and electric-vehicle parking) are established and administered under the Site Plan Review Regulations.~~

10.1112 Number of Required Parking Spaces

~~10.1112.10 — General Requirements and Interpretation~~

- ~~10.1112.11 — The number of required **off-street parking** spaces shall be based on the **uses** on the **lot**, as specified in Section 10.1112.30.~~
- ~~10.1112.12 — For any permitted **use** not covered by Section 10.1112.30, the **Code Official** shall determine the closest similar **use** listed in that table and require **off-street parking** accordingly.~~
- ~~10.1112.13 — Specially designated parking spaces for the physically disabled shall be provided in compliance with the **Building Code** (see **International Building Code**, Section 1106).~~

~~10.1112.14—The Planning Board may grant a conditional use permit to allow a **building** or **use** to provide less than the minimum number of **off-street parking** spaces required by Section 10.1112.30, Section 10.1112.61 or Section 10.1115.20, as applicable, or to exceed the maximum number of **off-street parking** spaces allowed by Section 10.1112.51.~~

~~10.1112.141—An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of **off-street parking spaces** is sufficient for the proposed **use**.~~

~~10.1112.142—An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/microtransit services or bikeshare station(s) servicing the property, proximity to public transit, car/van pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate **lot** subject to the requirements of 10.1112.62.~~

~~10.1112.143—The Planning Board may grant a conditional use permit only if it finds that the number of **off-street parking** spaces required or allowed by the permit will be adequate and appropriate for the proposed **use** of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.~~

~~10.1112.144—At its discretion, the Planning Board may require more **off-street parking** spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.~~

10.1112.20—Calculation of Number of Required Spaces

~~10.1112.21—The number of required **off-street parking** spaces shall be the sum of the requirements for the various individual **uses** on a **lot** computed separately.~~

~~10.1112.22—Where the computation of required **off-street parking** spaces results in a fractional number, the computation shall be rounded up to the next whole number.~~

~~10.1112.23—Parking spaces occupied by **EV** chargers and supporting equipment may count towards minimum parking requirements.~~

10.1112.1030 Off-Street Parking Requirements**~~10.1112.31—Parking Requirements for Residential Uses~~**

~~10.1112.311~~ The required minimum number of **off-street parking** spaces for **single- and two-family dwellings uses 1.10 through 1.90, including dwelling units in mixed-use developments,** shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
500 Sq. ft. or less	0.5 spaces per unit
Over 500 sq. ft.	1.0 space per unit

~~10.1112.312~~ In addition to the **off-street parking** spaces provided in accordance with Sec. 10.1112.311, any **dwelling** or group of **dwellings** on a **lot** containing more than 4 **dwelling units** shall provide one visitor parking space for every 5 **dwelling units** or portion thereof.

~~10.1112.20—Parking Compliance for Change of Use~~

Any change of use that does not require Site Plan Review shall be subject to the following:

- ~~a) comply with the parking requirements in the Site Plan Review Regulations.~~
- ~~b) The Planning Director may require submission of documentation, including a parking plan or existing and proposed parking counts, sufficient to demonstrate compliance.~~

A change of use shall not create a new nonconformity or increase an existing nonconformity related to parking.

~~10.1112.32—Parking Requirements for Nonresidential Uses~~

~~10.1112.321~~ The required minimum number of **off-street parking** spaces for **uses** other than 1.10 through 1.90 shall be based on the following table.

Table of Minimum Off-Street Parking Requirements for Nonresidential Uses

Use No.	Use	Requirement
~~2. Institutional Residence or Care Facilities~~		
~~2.10-2.20~~	~~Assisted living facility or Residential care facility~~	~~0.5 per bed or resident~~
~~3. Educational, Religious, Charitable, Cultural and Public Uses~~		
~~3.10~~	~~Place of assembly~~	~~0.4 per seat (fixed seating); or 1 per 4 persons maximum occupancy of assembly area; or Parking demand analysis~~
~~3.20~~	~~School~~	~~Parking demand analysis~~
~~3.30~~	~~Historic preservation building~~	~~No requirement~~

Use No.	Use	Requirement
3.40	Museum	Parking demand analysis
3.50	Performance facility	0.4 per seat (fixed seating), or Parking demand analysis
3.60	Cemetery	No requirement
3.70	Club, fraternal or service organization	Greater of: —1 per 4 persons maximum occupancy —1 per 200-sf GFA
3.80	Municipally operated park and related activities	No requirement
4. Recreational Uses		
4.10	Religious, sectarian or private non-profit recreational use	Parking demand analysis
4.20	Cinema or similar indoor amusement ~~use~~ with no live performance	0.4 per seat, or Parking demand analysis
4.30	Indoor recreation ~~use~~ , such as bowling alley or arcade	1 per 4 persons maximum occupancy
4.40	Health club, yoga studio, martial arts school, or similar ~~use~~	1 per 250-sf GFA
4.50	Outdoor recreation use	Parking demand analysis
4.60	Amusement park, water park or theme park	NA—Prohibited Use
5. Office Uses, Non-Medical		
5.10-5.30	Professional, business and financial services	1 per 350-sf GFA
5.40	Social service campus	Apply standards for component uses
5.50	Media studio	1 per 1,000-sf GFA
5.60	Publishing facility or similar electronic production operation	1 per 1,000-sf GFA
5.70	Call Center	1 per 250-sf GFA
6. Medical Services and Health Care		
6.10	Hospital	Parking demand analysis
6.20	Medical offices and clinics (outpatient only)	1 per 250-sf GFA
6.30	Clinics with inpatient care	Greater of: —2 per bed —1 per 250-sf GFA
6.40	Ambulatory surgical center	1 per 250-sf GFA

Use No.	Use	Requirement
6.50	Substance abuse treatment facility	Parking demand analysis
6.60	Psychiatric hospital for the criminally insane	NA—Prohibited Use
7. Services, Other Than Health Care		
7.11	Family day care facility	4 spaces (including 2 for the single-family dwelling)
7.12	Group day care facility including private preschool and kindergarten	0.5 per client or student based on licensed enrollment capacity
7.20-7.40	Personal services , Consumer services, and Trade, craft and general services	1 per 400-sf GFA
7.50-7.60	Veterinary care and Laundry and dry cleaning establishments	1 per 500-sf GFA
7.70	Undertaking establishment , funeral parlor or mortuary chapel, excluding crematorium	1 per 25-sf of floor area for public occupancy
8. Retail Trade		
8.10-8.90	All retail trade uses	1 per 300-sf GFA
9. Eating and Drinking Places		
9.10-9.50	All eating and drinking places	1 per 100-sf GFA
10. Lodging Establishments		
10.10-10.20	Boarding house or Bed and breakfast	2 + 1 per room for rent
10.30-10.40	Inn, hotel or motel	1.25 per guest room + 1 per 100-sf of lounge or restaurant area + 1 per 25-sf of conference or banquet facilities
10.50-10.60	Conference hotel or Conference center	Parking demand analysis
11. Motor Vehicle-Related Uses		
11.10, 11.30	Sales, renting or leasing of vehicles, marine craft, power equipment, etc.	1 per 600-sf GFA + 1 per 2000-sf outside display or storage area
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400-sf GFA EV fueling spaces A and B may count towards minimum parking requirements.
11.40	Impound lot (principal or accessory use)	No requirement
11.50	Truck fueling facility	4 spaces
11.60	Truck terminal	1 per 2000-sf GFA +

Use No.	Use	Requirement
		3 per loading dock
12. Marine Craft Related Uses		
12.11	~~Non-commercial boat landings, boat docks, boathouses, etc.~~	No requirement
12.12	Fishing boat landing 1	4 spaces
12.13	Fishing boat landing 2	Parking demand analysis
12.20-12.40	Marina , repair of commercial marine craft and marine-related structures , or landside support facility for commercial passenger vessel	Parking demand analysis
13. Wholesale Trade, Warehousing and Distribution		
13.10	Wholesale use	1 per 2000-sf GFA
13.20	~~Wholesale sales~~ devoted to, and in the same establishment as, a permitted retail use	1 per 2000-sf area devoted to wholesale
13.30	Wholesale lumber yards, lumber and contractor sales	No requirement
13.40	Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use	1 per 2000-sf GFA
14. Industrial Uses		
14.10-14.20	Light industry or Research and development	1 per 500-sf GFA
14.30-14.50	Food processing, Electronics manufacturing, General manufacturing	1 per 1000-sf GFA
14.60	Biological or chemical laboratory	1 per 500-sf GFA
14.70	Recycling facility or recycling plant	No requirement
14.80	High hazard use , including other uses listed in this section but not including uses described in 14.90	Parking demand analysis
14.90	Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	NA—Prohibited Use

Use No.	Use	Requirement
15. Transportation and Utilities		
~~15.10~~	~~Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building~~	No requirement
~~15.20~~	~~Heliport or helipad~~	No requirement
16. Wireless Telecommunications Facilities		
~~16.10-16.40~~	~~All wireless telecommunications facilities~~	No requirement
17. Agricultural Uses		
~~17.10-17.20~~	~~All agricultural use~~	No requirement
18. Temporary Uses		
~~18.10~~	~~Construction trailer~~	No requirement
~~18.20~~	~~Temporary structure~~	No requirement
~~18.30~~	~~Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes~~	2 spaces (single-family dwelling)
~~18.40~~	~~Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food~~	No requirement
19. Accessory Uses		
~~19.10~~	~~Accessory use to a permitted principal use (not otherwise specified in this section), but not including any outdoor storage~~	No requirement
~~19.20~~	~~Home occupation~~	No minimum requirement (~~maximum 1 space for the home occupation~~)
~~19.30~~	~~Concessions and services located within the principal building~~	No requirement
~~19.40~~	~~Drive-through facility, as accessory use to a permitted principal use~~	No requirement
20. Accessory Storage		
~~20.10— 20.60~~	~~All accessory storage uses~~	No requirement

~~10.1112.322—Where the table lists a general **use** category without the subcategories, the parking ratio shall apply to all subcategories within that category (for example, the parking ratio shown for **use** number 2.10 applies to **uses** 2.11 and 2.22).~~

~~10.1112.323—Where the table indicates that the minimum required number of **off-street parking** spaces shall be based on a parking demand analysis, the applicant shall submit such analysis for review by the Planning Board. Where the table indicates that a parking demand analysis is an alternative to a specified ratio, the applicant may submit such analysis to justify a ratio different from that listed in the table. In either case, the Planning Board may approve the number of parking spaces proposed by the analysis, or may approve a greater or lesser minimum number of parking spaces based on its review.~~

~~10.1112.324—Where the minimum number of **off-street parking** spaces is based on **maximum occupancy**, the applicant shall submit a code analysis showing the occupant load for the proposed **use** determined in accordance with the Building Code.~~

10.1112.40—Reserve Parking Area

When Section 10.1112.30 requires the provision of 20 or more **off-street parking** spaces, the Planning Board may approve the construction of fewer **off-street parking** spaces than required, subject to the following:

~~10.1112.41—A “Reserve Parking Area” shall be designated that is sufficient to accommodate the difference between the number of spaces required and the lesser number actually provided.~~

~~10.1112.42—The site plan shall clearly delineate the Reserve Parking Area and shall demonstrate that it is sufficient to accommodate the additional parking spaces in accordance with the requirements of this Section.~~

~~10.1112.43—The Reserve Parking Area shall be landscaped with grass, ground covers and/or other plant materials, but shall not be counted toward any minimum **open space** requirement.~~

~~10.1112.44—The Reserve Parking Area shall not be used as snow storage area and shall not contain any **structure** or mechanical equipment.~~

10.1112.50—Maximum and Minimum Number of Parking Spaces

~~10.1112.51—The number of **off-street parking** spaces for any **building** or **use** shall not exceed the following amounts:~~

Minimum Number of Spaces Required by Section 10.1112.30	Maximum Number of Spaces Allowed
0-20	No maximum
21 or more	120 percent of minimum

~~10.1112.60—Shared Parking~~**~~10.1112.61—Methodology~~**

~~Developments that contain a mix of uses on the same parcel shall reduce the number of **off-street parking** spaces in accordance with the following methodology:~~

- ~~(1) Determine the minimum number of **off-street parking** spaces for each land **use** within the development in accordance with Sections 10.1112.10 through 10.1112.50.~~
- ~~(2) Multiply the minimum parking requirement for each land use by the corresponding parking occupancy rates for each of the five time periods set forth in Columns (B) through (F) of the Parking Occupancy Rates table below.~~

~~Parking Occupancy Rates~~

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight– 6:00 AM)
	(B) Daytime (8:00 AM– 5:00 PM)	(C) Evening (6:00 PM– Midnight)	(D) Daytime (8:00 AM– 5:00 PM)	(E) Evening (6:00 PM– Midnight)	
Residential	60%	100%	80%	100%	100%
Office/ Industrial	100%	20%	10%	5%	5%
Retail/Service	60%	90%	100%	70%	5%
Hotel/Motel	70%	100%	75%	100%	100%
Restaurant	70%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Conference/ Convention	100%	100%	100%	100%	5%
Place of Worship*	10%	5%	100%	50%	5%
Other Institutional	100%	20%	10%	10%	5%

~~* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.~~

- ~~(3) Add the resulting shared parking requirements for each time period to determine the minimum parking requirement for that period.~~

~~The required minimum number of parking spaces for the development shall be the highest of the five time period totals.~~

~~10.1112.62—Shared Parking on Separate Lots~~

~~The Planning Board may grant a conditional use permit to allow a reduction in the number of required **off-street parking** spaces for uses on separate **lots**, whether in common or separate ownership, subject to the following:~~

- ~~(1) The shared parking requirement may be determined using the methodology in Section 10.1112.61, or by another method approved or required by the Planning Board.~~
- ~~(2) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.~~

~~10.1113—Location of Vehicular Use Facilities~~

~~10.1113.10—Proximity to Principal Use~~

~~10.1113.11 All required **off-street parking** spaces shall be located on the same **lot** as the **principal use** they are required to serve except as follows:~~

~~10.1113.111 Required parking spaces may be located on a separate **lot** from the **principal use** which they serve where a municipally owned or operated covered parking facility is constructed as part of the overall **development**.~~

~~10.1113.112 The Board of Adjustment may authorize a special exception for the provision of required parking on another **lot** in the same ownership as the **lot** in question and within 300 feet of the property line of the **lot** in question.~~

~~10.1113.12 In no case shall parking be permitted within any Residential or Mixed Residential District other than that which is accessory to a **principal use** allowed within the district.~~

10.1113.20 Location of Parking Facilities on a Lot

Required **off-street parking** spaces ~~shall not~~ **may** be located in any required front yard, or between a **principal building** and a **street** (including on a **corner lot**). ~~This restriction shall not apply to required **off-street parking** for a **single-family dwelling** (including the combination of a **single-family dwelling** and an **accessory dwelling unit**) or **two-family dwelling**.~~

~~10.1113.30—Minimum Distance from Residential and Mixed Residential Zoning Districts~~

~~10.1113.31 **Off-street parking** areas, **accessway**s, maneuvering areas and traffic aisles serving **uses** in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:~~

District	Minimum Distance from Residential or
	Mixed Residential District
B	50 feet
GB, GW	100 feet
I, OR, WI	100 feet

~~10.1113.32 **Off-street parking** areas, **accessway**s, maneuvering areas and traffic aisles serving a nonresidential **use** on a **lot** in a Mixed Residential district that abuts a Residential district shall be set back at least 10 feet from the~~

~~Residential district boundary and shall be screened in accordance with the screening standards of the Planning Board's Site Plan Review Regulations.~~

~~10.1113.40~~ — ~~Setback from Lot Lines~~

~~10.1113.41~~ — ~~Off-street parking~~ areas, ~~accessway~~s, maneuvering areas and traffic aisles serving ~~uses~~ in a Business or Industrial district shall be set back from ~~front lot lines~~ as follows:

District	Minimum Setback from ~~Front Lot Line~~
B	20 feet
GB, GW	40 feet
I, OR, WI	50 feet

~~10.1113.42~~ — In a Residential zoning district, ~~off-street parking~~ spaces for a ~~home occupation use~~, including ~~family day care~~ and ~~group day care~~, shall be set back at least 10 feet from side and rear property lines and shall be screened in accordance with the screening standards of the Planning Board's Site Plan Review Regulations.

~~10.1113.43~~ — All required ~~setbacks~~ of ~~off-street parking~~ areas from front property lines shall be landscaped in accordance with the ~~landscaping~~ and screening standards of the Planning Board's Site Plan Review Regulations.

~~10.1114~~ — ~~Design of Off-Street Parking Facilities~~

~~10.1114.10~~ — ~~Applicability~~

The provisions of this Section ~~10.1114~~ shall apply to all ~~off-street parking~~ facilities, whether in parking ~~structures~~ or surface ~~lots~~, and whether or not the parking spaces are required or in excess of the requirements for a ~~use~~, except as specifically exempted herein.

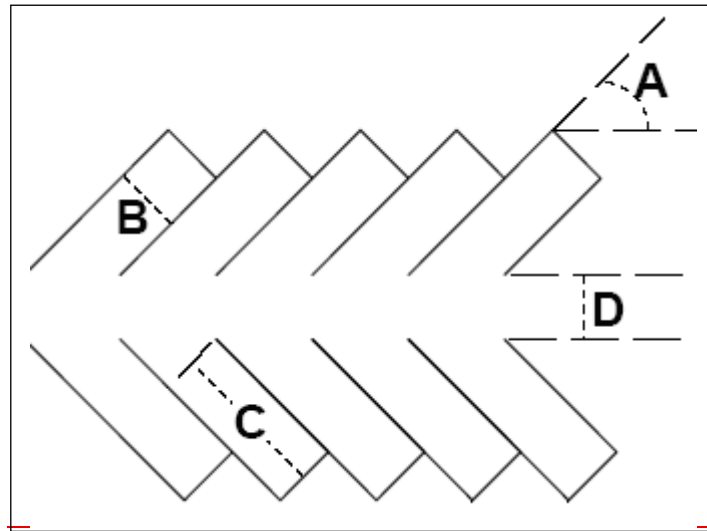
~~10.1114.20~~ — ~~Stall Layout~~

~~10.1114.21~~ — Parking spaces and ~~maneuvering aisles~~ shall be laid out in compliance with the minimum dimensions set forth in the Table of ~~Off-Street Parking~~ Dimensions.

Table of Off-Street Parking Dimensions

A Angle of Parking (degrees)	B Width of Parking Space	C Depth of Parking Space	D Width of Maneuvering Aisle *	
			1-way traffic	2-way traffic
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24'

* The minimum width of a **maneuvering aisle** shall be 22 feet for (a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or (c) an aisle in a parking structure for 1-way traffic with 90-degree parking.

Key to Table of Off-Street Parking Dimensions

- 10.1114.22 — Parking areas shall include parking spaces for the physically disabled in compliance with the **Building Code** and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).
- 10.1114.23 — Parking spaces located within four feet of an abutting **structure, sidewalk, or public street** shall be designed with suitable bumper stops.
- 10.1114.24 — Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing **maximum occupancy** of the project; minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.

~~10.1114.25 — Except for **one-family** and **two-family dwellings**, all **off-street parking** spaces shall be marked and maintained to provide delineation between parking stalls and aisles.~~

10.1114.30 Vehicular Circulation

10.1114.31 Access to and egress from all parking areas shall be only via **driveways** which meet the standards for “General Accessway and Driveway Design” in the Site Plan Review Regulations.

10.1114.32 ~~Except for Off-street parking for **one-family** and **two-family dwellings**, all **off-street parking** areas shall be designed so that:~~

- (a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and
- (b) Vehicles can enter and leave the parking area without backing into or from a public **street** or way.

~~10.1114.33 — Notwithstanding the previous provision, tandem parking spaces may be provided for required **off-street parking** spaces serving **dwelling units** in residential and mixed-use developments, subject to the following requirements:~~

- ~~(a) Tandem spaces shall be assigned to the same **dwelling unit**.~~
- ~~(b) Tandem parking shall not be used to provide guest parking.~~
- ~~(c) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 38 feet in length.~~

~~10.1114.40 — Pedestrian Circulation~~

~~Except for **one-family** and **two-family dwellings**, all **off-street parking** areas shall incorporate the following provisions for pedestrian circulation:~~

~~10.1114.41 — A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting **adjacent streets**, **accessways**, **sidewalks** and parking areas to the entrances of all **structures**.~~

~~10.1114.42 — Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, **landscaping** buffers, or other means.~~

~~10.1114.43 — Continuous off-**street** vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on-site.~~

10.1115 Off-Street Parking Provisions in the Downtown Overlay District

10.1115.10 Purpose

~~10.1115.11 — This Section 10.1115 establishes modified **off-street parking** standards for **lots** in the Downtown Overlay District in recognition of the availability of municipal on-**street** and **off-street parking** facilities, private shared parking facilities, and public transit, and the pedestrian-oriented pattern of **lots and uses**.~~

~~10.1115.12 Except as specifically modified by this Section 10.1115, lots in the Downtown Overlay District shall comply with all other provisions of Section 10.1110.~~

~~10.1115.20 Number of Required Off-Street Parking Spaces~~

~~10.1115.21 The following requirements shall apply in the Downtown Overlay District in lieu of the requirements in Section 10.1112.30:~~

Use	Required Parking Spaces
~~Residential use (dwelling)~~	~~Same as Section 10.1112.30~~
~~Hotel or motel~~	~~0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities~~
~~Other nonresidential use~~	~~No requirement~~

~~10.1115.22 The requirements in Section 10.1115.21 shall be applied to all **uses** on a **lot**, and not to individual **uses**.~~

~~10.1115.23 For any **lot**, the number of **off-street parking** spaces that would be required by applying the ratios in Section 10.1115.21 shall be reduced by 4 spaces. (Therefore, any **lot** that would be required to provide 4 or fewer **off-street parking** spaces shall not be required to provide any spaces.)~~

~~10.1115.24 The provisions of Section 10.1112.50, Maximum Number of Parking Facilities, shall not apply to **buildings** and **uses** within the Downtown Overlay District.~~

~~10.1116 Bicycle Parking~~

~~10.1116.10 Number of Bicycle Parking Spaces Required~~

~~10.1116.11 Off street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:~~

~~Multifamily dwellings~~	~~1 bicycle space for each 5 dwelling units or portion thereof~~
~~Elementary, middle and high schools~~	~~1 bicycle space for each 4 students~~
~~All other uses, except as exempted in Section 10.1116.14~~	~~1 bicycle space for each 10 automobile parking spaces or fraction thereof required by Section 10.1112.30 or Section 10.1115.21, as applicable~~

~~10.1116.12 When the Planning Board approves the construction of fewer **off-street parking** spaces than would normally be required under Section 10.1112.30 or Section 10.1115.21 (for example, when a Reserve Parking Area is provided under Section 10.1112.40), or when Board of Adjustment grants a variance from the required number of **off-street parking** spaces, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required without such reduction or variance.~~

~~10.1116.13~~—In addition to the number of bicycle parking spaces required under Section 10.1116.11 and 10.1116.12, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.

~~10.1116.14~~—The following uses are exempt from providing bicycle parking spaces:

Use No.	Use
~~1.10~~	~~Single-family dwelling~~
~~1.20, 1.21, 1.22~~	~~Accessory dwelling unit~~
~~1.30~~	~~Two-family dwelling~~
~~2.10~~	~~Assisted living facility~~
~~2.20~~	~~Residential care facility~~
~~7.10~~	~~Day care~~
~~7.70~~	~~Undertaking establishment~~
~~11.10-11.60~~	~~Motor vehicle related uses~~
~~12.10-12.40~~	~~Marine craft related uses~~
~~13.10-13.40~~	~~Wholesale trade, warehousing and distribution~~
~~14.70~~	~~Recycling facility or recycling plant~~
~~14.80~~	~~High hazard use~~
~~17.10-17.20~~	~~Agricultural uses~~
~~19.10-19.40~~	~~Accessory uses~~

~~10.1116.15~~—Bicycle parking spaces shall be designed in accordance with standards set forth in the Site Plan Review Regulations.

Section 10.1120—Off-Street Loading

~~10.1121—General Requirements~~

~~10.1121.10~~—All new ~~structures~~, additions to existing ~~structures~~, and changes and intensification of ~~use~~ in existing ~~structures~~ shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.

~~10.1121.20~~—No loading areas shall be required in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.

~~10.1122—Number of Loading Areas~~

~~10.1122.10~~—Off-street loading spaces shall be provided according to the following ratios:

Use	Gross Floor Area (sf)	Required Spaces
Industrial	Up to 10,000 sq. ft.	0
	10,001–40,000 sq. ft.	1
	40,001–100,000 sq. ft.	2
	100,001–200,000 sq. ft.	3
	Each additional 200,000 sq. ft.	1
Office-/	Up to 10,000 sq. ft.	0
Professional Service	10,001–100,000 sq. ft.	1

Use	Gross Floor Area (sf)	Required Spaces
	100,001—350,000 sq. ft.	2
	Each additional 350,000 sq. ft.	1
~~Retail~~	~~Up to 10,000 sq. ft.~~	~~0~~
	~~10,001—25,000 sq. ft.~~	~~1~~
	~~25,001—60,000 sq. ft.~~	~~2~~
	~~60,001—120,000 sq. ft.~~	~~3~~
	~~Each additional 100,000 sq. ft.~~	~~1~~
~~Other Non-Residential~~	~~Up to 10,000 sq. ft.~~	~~0~~
	~~10,001—40,000 sq. ft.~~	~~1~~
	~~Each additional 60,000 sq. ft.~~	~~1~~

~~10.1122.20—In case of mixed **uses**, the loading areas required shall be the sum of all requirements computed on the basis of the above table.~~

~~10.1123—Loading Area Dimensions~~

~~All required loading areas shall conform to the following dimensional standards:~~

~~Minimum vertical clearance:~~	~~14 feet~~
~~Minimum width of loading area:~~	~~12 feet~~
~~Minimum length of loading area:~~	
~~First required loading area:~~	~~20 feet~~
~~Additional required loading areas:~~	~~45 feet~~

~~10.1124—Location of Loading Areas~~

~~10.1124.10 Loading areas shall not be located between the front property line and any building or structure nor in a required side yard or rear yard.~~

~~10.1124.20—No off-street loading or maneuvering areas shall be nearer than 100 feet to any adjoining Residential or Mixed Residential Districts and shall be screened in accord with Section 10.1130 and the Planning Board's Site Plan Regulations.~~

~~10.1124.30—No off-street loading areas shall be a part of an area used to satisfy the **off-street parking** requirements of this Ordinance.~~

10.234 Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official

- 10.234.50 In any case in which the **Board** of Adjustment is required to give notice of a public hearing, ~~such notice shall be provided in accordance with the provisions of State law, all persons owning property within 300 feet of the property involved in the appeal or request shall be given notice in the manner set forth by State law, provided that failure to give notice beyond statutory requirement shall not give rise to any right of appeal or protest. The requirements of this paragraph shall not apply in Character Districts 4 and 5 (CD4 and CD5) and the Downtown Overlay District.~~

Section 10.240 Conditional Use Permits

10.246 Expiration and Abandonment of Approvals

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

~~Where a conditional use permit is approved in conjunction with a site plan, the conditional use permit shall remain valid for the duration of the associated site plan approval, including any extensions granted under the Site Plan Review Regulations. Additional extensions beyond the initial one-year extension may be granted only when concurrent with a Planning Board extension of the associated site plan approval.~~

~~For any conditional use permit not approved in conjunction with a site plan under Article 10, the Planning & Sustainability Director may, for good cause shown, grant the first extension of up to one (1) year, provided the request is submitted prior to the expiration date. Any subsequent extension shall require approval following a public hearing by the Planning Board and shall not exceed one (1) additional year.~~

CITY OF PORTSMOUTH, NEW HAMPSHIRE

SITE PLAN REVIEW REGULATIONS



Adopted by Planning Board: December 17, 2009
Amended: November 19, 2020

SITE PLAN REVIEW REGULATIONS

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Article 1 Purpose and Applicability

Section 1.1 Purpose

The purposes of these Regulations are to:

- (a) Further the safe and orderly development of the City;
- (b) Promote sustainable design and development that supports long-term economic vitality and ecologic integrity;
- (c) Achieve a high-quality and sustainable site appearance that conserves and protects natural resource systems, helps to reduce infrastructure costs, and conserves energy;
- (d) Encourage site design techniques that protect water quality and natural hydrology, prevent increases in the quantity of stormwater runoff, and manage stormwater runoff at the source;
- (e) Protect abutters against hazards, unsightliness, and nuisances detrimental to property values;
- (f) Insure that development of land is appropriate for the public and private services and facilities available;
- (g) Insure that pedestrian, bicycle, and vehicular circulation can be accommodated in a safe manner;
- (h) Preserve and enhance the historic and cultural character of the community.

Section 1.2 Applicability

1.2.1 Uses Requiring Site Plan Approval

Site Plans shall be submitted for Site Plan Review for any development or redevelopment of land within the municipal boundaries that includes one or more of the following:

- (a) Development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

- (b) Residential development or redevelopment which, when completed, will have three (3) or more dwelling units regardless of whether the development involves a subdivision of land;
- (b) Nonresidential development or redevelopment including alterations, additions or extensions (including the addition of a drive-through facility). ~~or new nonresidential uses that increase the amount of required off-street parking by five (5) or more spaces;~~
- (c) The ~~proposed~~ addition of five (5) or more parking spaces.

1.2.2 Exemption of Small Projects

The Planning Director may determine that a proposed development is exempt from Site Plan Review if it meets all of the following three criteria:

- (a) There is no increase in building height or gross floor area; and
- (b) There is no reduction in the setback of any structure or vehicular service area from any property line; and
- (c) Lot coverage by impervious surfaces does not increase by more than 500 square feet.

1.2.3 Determination of Developments of Regional Impact

1. The Planning Board shall make a determination as to whether the proposed development has the potential for regional impact.
2. In determining whether a project has regional impact, the Planning Board may consider, but is not limited to the consideration of, such factors as: the relative size or number of dwelling units compared to the existing housing stock, the proximity to the borders of a neighboring community, transportation networks, anticipated emissions or environmental impacts such as light, noise, smoke, odors, or particles, the proximity to aquifers or surface waters which transcend municipal boundaries, water demand, and shared facilities such as schools, wastewater treatment plants, and solid waste disposal facilities or other criteria as allowed under NH State Law.

1.2.4 Other Local, State, and Federal Requirements

1. These Site Plan Review Regulations in no way relieve a developer, agent or individual from compliance with the Zoning Ordinance, Subdivision Rules and Regulations, Building Codes, Historic District Commission, standard construction plans and specifications of the Department of Public Works, or

any other federal, state and local ordinance, regulation, or code that pertains to the proposed development.

2. The Site Plan Review Agreement shall not be executed until all other required municipal approvals have been granted.

Article 2 Application and Review Process

Section 2.1 Planning Board Responsibilities

The Planning Board and the Site Plan Review Technical Advisory Committee (TAC) are responsible for the review of all Site Plan Review applications.

Section 2.2 Site Plan Review Technical Advisory Committee

2.2.1 Committee Composition

A Site Plan Review Technical Advisory Committee (TAC) is hereby established to assist and advise the Planning Board in reviewing Site Plan Review applications. The TAC shall consist of nine (9) members as follows:

- (a) The Planning Director or a representative of the Planning Department as designated by the Director (either of whom shall act as Chair);
- (b) Two (2) representatives of the Planning Department as designated by the Director;
- (c) The Director of Public Works or a representative of the Department of Public Works as designated by the Director;
- (d) Two (2) representatives from the Divisions of the Department of Public Works as designated by the Director of Public Works;
- (e) The Chief Building Inspector or a representative of the Inspection Department as designated by the Chief Building Inspector;
- (f) A representative of the Fire Department as designated by the Fire Chief;
- (g) A representative of the Police Department as designated by the Police Chief.

2.2.2 Technical Advisory Committee Responsibilities

The Site Plan Review Technical Advisory Committee (TAC) shall make recommendations to the Planning Board for approval or disapproval of all Site Plan Review applications.

Section 2.3 Technical Review and Assistance

1. The TAC or the Planning Board may request any additional information it deems necessary in order to find that the application satisfies the review standards.
2. The TAC or the Planning Board may request information or technical assistance from City staff, Boards, or Commissions, or from independent experts in any field. If the TAC or the Planning Board determines that it requires the assistance of independent consultants, the applicant shall agree in advance to fund or reimburse the City for all costs of engaging such consultants.
3. When the TAC or the Planning Board notifies the applicant of the need for technical assistance or additional information, then the time periods for review and approval of a Site Plan Review application shall be waived only upon written request by the applicant. In the event that such a request is not forthcoming, the Planning Board may deny the application.

Section 2.4 Preapplication Review

2.4.1 Preapplication Review – General

1. An applicant may request to meet with the Planning Board for preliminary nonbinding discussions of a proposal as provided herein. An applicant may request to meet with the Board for either Preliminary Conceptual Consultation or Design Review, or both. The preliminary conceptual consultation phase is mandatory for certain applications as stated in Section 2.4.2 below.
2. Discussions in the Preliminary Conceptual Consultation and Design Review Phases shall not bind either the applicant or the Board. Statements made by Planning Board members during either phase shall not be a basis for disqualifying said members or invalidating any action subsequently taken by the Board.
3. Preliminary review shall be separate and apart from formal consideration of an application for Site Plan Review, and the time limits for acting on a proposal shall not apply until a formal application has been submitted and has been determined by the Planning Board to be complete.

2.4.2 Preliminary Conceptual Consultation Phase

1. The applicant may request a meeting with the Planning Board to discuss a proposal in conceptual form. The preliminary conceptual consultation phase is mandatory for a site plan that meets any of the following criteria:

- (a) Includes the construction of 30,000 square feet or more gross floor area;
 - (b) Includes the creation of 20 or more dwelling units;
 - (c) Includes the construction of more than one principal structure on a single parcel.
- 2. A request for preliminary conceptual consultation accompanied by all plans and exhibits shall be submitted to the Planning Department at least 14 days prior to the date of a scheduled meeting of the Board via the City's online permitting system and in hard copy. The total number of hard copies required shall be determined by the Planning Director.
- 3. Preliminary conceptual consultation may occur only at formal meetings of the Planning Board. However, such discussions shall not be the subject of a public hearing, and formal notice of abutters and the public shall not be required.
- 4. Preliminary conceptual consultation shall be directed at review of the basic concept of the proposal and suggestions that might be of assistance in resolving problems with meeting requirements during final consideration. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of the proposed development type, scale, intensity and layout under the Master Plan.

2.4.3 Design Review Phase

- 1. The applicant may request to meet with the Board for nonbinding discussions of a potential application that involve more specific design and engineering details than in the preliminary conceptual consultation phase.
- 2. A request for design review accompanied by all plans and exhibits shall be submitted to the Planning Department at least 14 days prior to the date of a scheduled meeting of the Board via the City's online permitting system as well as in hard copy. The total number of hard copies required shall be determined by the Planning Director.
- 3. The request for design review shall include enough of the information listed in Section 2.5.3(1) and plans displaying enough of the information listed in Section 2.5.4(3) so that the Board is able to review the project. Detailed engineering of infrastructure and utilities are not required at the design review phase, but the information listed in Section 2.5.4(3) should be displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues and concerns.
- 4. At a regular meeting of the Planning Board, the Board shall determine if the request for design review includes sufficient information to allow the Board

to understand the project and identify potential issues and concerns, and shall vote on whether to accept the request for design review and to schedule a public hearing. If the Board determines that the request does not describe the proposed project in sufficient detail, it shall notify the applicant of the specific deficiencies that need to be addressed **before consideration of the application can continue.**

5. Design review discussions shall take place in a public hearing at a regularly scheduled meeting of the Planning Board, after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by State statute.
6. At any public meeting of the Planning Board, the Board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination.

Section 2.5 Application Requirements

2.5.1 Applicant

An application for Site Plan Review shall be submitted by the owner or lessee of the parcel or parcels, or by the holder of an option or other contract for purchase or lease of the property. If the applicant is not the current owner, the application shall include a copy of the lease, option or other contract, and a written letter from the current property owner.

2.5.2 Applicant Responsibilities

The applicant shall be responsible for fulfilling the following responsibilities before a Site Plan Review Agreement will be executed.

1. The applicant shall submit a completed application via the City's online permitting system to the Planning Department along with the application fee, the Site Plan (see section 2.5.4 for plan specifications) and supporting documents and studies for review by the TAC. The number of hard copies required to be submitted shall be determined by the Planning Director.
2. After review of the application by the TAC, the applicant shall submit one (1) ~~twelve (12) hard copies~~ **and 1 digital copy** of the Site Plan (see section 2.5.4 for plan specifications) to the Planning Department including any revisions as requested by the TAC and supporting documents and studies.
3. The application shall be fully executed and signed, and shall provide evidence of ownership or legal authorization to represent the landowner.

4. The application shall be complete as submitted and provide adequate information for evaluation of the proposed site development.
5. The applicant shall pay any application fees and costs of advertising and providing notice to abutters.
6. The applicant shall appear and present the Site Plan before the TAC and also at the public hearing before the Planning Board.
7. The applicant shall provide technical information and expertise sufficient for evaluation of the application.
8. All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF). Digital files shall be complete and exact copies of the corresponding paper submittals (e.g., **digital plan files** shall be submitted **to facilitate printing** at the same scale and sheet size as the paper copies). Applicants may submit additional digital files to assist in presentations at public hearings.

2.5.3 Site Plan Review Application Required Information

1. The following information shall be submitted with the Site Plan Review application:
 - (a) Complete form entitled “Site Plan Application Checklist”.
 - (b) Detailed statement that lists and describes “green” building components and systems, including, but not limited to, whether the project is certifiable as demonstrated by a completed LEED (Leadership in Energy and Environmental Design) checklist. For example, building orientation, HVAC efficiencies, reductions in water usage, landscaping, source of building materials, production of on-site electricity, on-site rainwater recovery systems, energy efficient lighting, “cool” roof products, “green” refrigerant and plumbing systems, and energy efficient windows.
 - (c) Existing and proposed gross floor area and dimensions of all buildings and statement of uses and floor area for each floor.
 - (d) Tax map and lot number, and current zoning of all parcels under Site Plan Review.
 - (e) Owner’s name, address, telephone number, and signature. Name, address, and telephone number of applicant if different from owner.

- (f) Names and addresses (including Tax Map and Lot number and zoning districts) of all direct abutting property owners (including properties located across abutting streets) and holders of existing conservation, preservation or agricultural preservation restrictions affecting the subject property.
 - (g) Names, addresses and telephone numbers of all professionals involved in the site plan design.
 - (h) List of reference plans.
 - (i) List of names and contact information of all public or private utilities servicing the site.
2. As part of final approval of the site plan by the Planning Board, the applicant shall submit the following.
- (a) All local approvals, permits, easements and licenses required, including but not limited to:
 - Waivers;
 - Driveway permits;
 - Special exceptions;
 - Variances granted;
 - Easements;
 - Licenses.
 - (b) Any exhibits, data, reports or studies that may have been required as part of the approval process, including but not limited to:
 - Calculations relating to stormwater runoff;
 - Information on composition and quantity of water demand and wastewater generated;
 - Information on air, water or land pollutants to be discharged, including standards, quantity, treatment and/or controls;
 - Estimates of traffic generation and counts pre- and post-construction;
 - Estimates of noise generation;
 - A Stormwater Management and Erosion Control Plan;
 - Endangered species and archaeological / historical studies;
 - Wetland and water body (coastal and inland) delineations;
 - Environmental impact studies.
 - (c) Amendments and any conditions for final Site Plan approval as modified from the original Site Plan Review application submittal.

These should be annotated and highlighted on the final site plan in the index and on each affected plan sheet.

- (d) A document from each of the required private utility service providers indicating approval of the proposed site plan and indicating an ability to provide all required private utilities to the site.
- (e) A list of any required state and federal permit applications required for the project and the status of same.
- (f) For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP) confirmation that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

2.5.4 Site Plan Specifications and Required Exhibits and Data

1. Plan sheets submitted as part of the Site Plan Review application process shall meet the following specifications:
 - (a) Full size plans shall not be larger than ~~11 22~~ inches by ~~17 34~~ inches with match lines as required, unless approved by the Planning Director;
 - (b) Scale: Not less than 1 inch = 60 feet and a graphic bar scale shall be included on all plans;
 - (c) GIS data should be referenced to the coordinate system New Hampshire State Plane, NAD83 (1996), with units in feet;
 - (d) Plans ~~depicting all required information~~ shall be drawn to scale and shall be prepared and stamped by a NH licensed civil engineer, ~~with boundary and related information prepared and stamped by a NH licensed land surveyor~~;
 - (e) Wetlands shall be delineated by a NH certified wetlands scientist and so stamped.
2. The following information is required on all sheets of the plan set submitted as part of the application process:
 - (a) Title (name of development project), north point, scale, legend;
 - (b) Date plans first submitted and the date and explanation of all revisions;

- (c) Individual plan sheet title that clearly describes the information that is displayed;
 - (d) Source and date of data displayed on the plan;
 - (e) A note shall be provided on the Site Plan stating: “All conditions on this Plan shall remain in effect in perpetuity pursuant to the requirements of the Site Plan Review Regulations.”
3. Plans displaying the following information shall be submitted as part of the Site Plan Review application process. Where possible, the information on each plan should be grouped according to the review standards outlined in Articles 3 through 11 of these regulations.
- (a) Existing Conditions
 - Surveyed plan of the site showing existing natural and built features.
 - Existing building footprints and gross floor area.
 - Existing parking areas and number of parking spaces provided.
 - Zoning district boundaries.
 - Existing, required, and proposed dimensional zoning requirements including building and open space coverage, yards and/or setbacks, and dwelling units per acre.
 - Existing impervious and disturbed areas.
 - Limits and type of existing vegetation.
 - Wetland delineation, wetland function and value assessment (including vernal pools).
 - Special Flood Hazard Areas (SFHA), the 100-year flood elevation line, and Base Flood Elevation (BFE) data, as required.
 - (b) Buildings and Structures
 - Plan view of all buildings and/or structures indicating their use, size, dimensions, location and first floor elevation, footings, overhangs and snow dams.
 - Elevations of building(s) indicating their height, massing, placement, materials, lighting and façade treatments.
 - Total floor area.
 - Number of usable floors.
 - Gross floor area by floor and use.
 - (c) Access and Circulation
 - The location and width of accessways within the site.

- The location of curbing, rights-of-way, edge of pavement and sidewalks.
 - The location, type, size and design of proposed traffic signing and traffic signal equipment including conduits and pavement markings on and off-site.
 - Names and layout of existing abutting streets (including paper streets).
 - Driveway curb cuts for abutting properties and for any adjacent properties that front on public roads that provide access to the site.
 - If a subdivision, then right-of-way lines and names of all proposed streets, accessways, lanes, right-of-ways or easements and licenses intended to be dedicated for public use.
 - Use current AASHTO truck turning templates descriptions with the minimum vehicle allowed being a WB-50, unless otherwise approved by the TAC.
- (d) Parking and Loading
- The location of off-street parking and loading areas with the layout of the parking spaces and landscaped areas and buffers.
 - Parking calculations showing number required and number provided.
- (e) Water Infrastructure
- The size, type, and proposed location of water mains, shut-offs, hydrants, gate boxes, valves, and other water facilities with all necessary engineering data.
 - Location of water wells and monitoring wells including protective radii and reserve areas and distance to seasonal high water.
- (f) Sewer Infrastructure
- The size, type and proposed location of sanitary sewage facilities with all necessary engineering data including any onsite temporary facilities during construction period.
- (g) Utilities
- The size, type, and location of all above ground and underground public service connections and private service connections; including gas lines, power lines, telephone lines, other communication lines and fire alarm connections.
 - Size, type, and location of generator pads, transformers, pad mounted condensers, and other electrical or mechanical bases or fixtures.
- (h) Solid Waste Facilities

- The size, type, and location of solid waste disposal facilities.
- (i) Stormwater Management
- The location, elevation, and layout of surface and subsurface stormwater drainage system features including design and sizing details for proposed stormwater treatment measures.
 - Location of any onsite snow storage areas and/or proposed off-site snow removal provisions.
 - Locations and containment measures for any salt storage facilities, if applicable.
 - Location of proposed temporary and permanent material storage locations and distance from wetlands, water bodies, and stormwater structures.
- (j) Outdoor Lighting
- The type and placement of outdoor lighting fixtures for the exterior of the buildings, parking areas, and any other areas of the site, and photometric plan.
- (k) Landscaping
- Landscaping plan identifying dimensions of the undisturbed area, existing vegetation, all vegetation to be retained, and measures used to protect natural features to be retained.
 - Location of any landscaping irrigation systems and water source.
- (l) Contours and Elevations
- Existing and proposed contours (2-foot minimum) and finished grade elevations.
- (m) Open Space
- Type, extent, and location of existing and proposed open space.
- (n) All easements, deed restrictions and non-public rights of ways.
- (o) Any other information that the TAC or the Planning Board may require in order to adequately evaluate the proposed development.
- (p) For sites within a Character District or Civic District, the following additional information shall be included in the plan set:
- Applicable building height standards (Zoning Ordinance, Sec. 10.5A21.20 and 10.5A43.30, and Regulating Plan) and proposed building height.
 - Applicable special requirements (Zoning Ordinance, Sec. 10.5A21.30 and Regulating Plan), if any, and demonstration of compliance.

- Proposed building form and building type (Zoning Ordinance, Sec. 10.5A43).
 - Proposed community space, if applicable (Zoning Ordinance, Sec. 10.5A46).
- (q) For sites that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP), the site plan set shall include sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
- (i) The proposed development is consistent with the need to minimize flood damage;
 - (ii) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and construction to minimize or eliminate flood damage; and
 - (iii) Adequate drainage is provided so as to reduce exposure to flood hazards.
4. For any of the Site Plan Review requirements listed above or as detailed in Articles 3 through 11 of these regulations, the applicant shall submit either the requested information or request a waiver from the Planning Board according to the requirements of Section 2.10 of these regulations.

Section 2.6 Referrals to City Departments

The Planning Director shall refer applications to other City departments as follows:

1. Applications that involve proposed food service establishments shall be referred to the Health Department.
2. Applications that involve the creation of new dwelling units shall be referred to the School Department

Section 2.7 Public Hearing

1. A public hearing by the TAC will be held for all Site Plan Review applications.
2. Within thirty (30) days of receipt of a recommendation from the TAC, the Planning Board shall place the application on its agenda for a public hearing.
3. In accordance with NH State Law, the following parties shall be given at least ten (10) days’ notice of the public hearing at which Site Plan Review will occur:

- (a) Direct abutters;
 - (b) Holders of conservation, preservation or agricultural preservation restrictions on the property.
4. The general public shall be notified by posting a copy of the written notice at least ten (10) days in advance of the public hearing at two public places and by printing a notice in a newspaper of general circulation.
 5. Notices shall include a general description of the proposed development, the name of the applicant, the location of the property which is to be developed and the time, date and place of the meeting or public hearing.
 6. When computing the period for notification, the day of mailing, posting or publication and the day of the meeting shall not be counted.
 7. All costs of notice, whether mailed, posted or published, shall be paid by the applicant.
 8. At the public hearing, any applicant, abutter, or individual may testify in person or in writing.
 9. The Planning Board may deny an application for Site Plan Review without a public hearing, based upon failure of the applicant to supply information required by these regulations, failure to meet deadlines established by the Planning Board, or failure to pay costs of the notice or other fees required by the Planning Board.

Section 2.8 Determination of Application Completeness

1. Upon submission of a formal application for Site Plan Review, the Planning Board shall hold a public hearing on the application, with notice to abutters and the public as required by State statute, and shall determine if the application is complete according to these Regulations and shall vote upon its acceptance.
2. If the Board determines that a submitted application is incomplete according to these Regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.
3. Upon determination by the Board that a submitted application is complete according to these Regulations, the Board shall begin formal consideration

and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver as provided by State statute.

Section 2.9 Evaluation Criteria

In order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

1. Compliance with all City Ordinances and Codes and these regulations.
2. Provision for the safe development, change or expansion of use of the site.
3. Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.
4. Adequate protection for the quality of groundwater.
5. Adequate and reliable water supply sources.
6. Adequate and reliable sewage disposal facilities, lines, and connections.
7. Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.
8. Adequate provision for fire safety, prevention and control.
9. Adequate protection of natural features such as, but not limited to, wetlands.
10. Adequate protection of historical features on the site.
11. Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.
12. Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.
13. Adequate insulation from external noise sources.

14. Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.
15. Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site.
16. Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.
17. Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.
18. Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.
19. Compliance with applicable City approved design standards.

Section 2.10 Waiver Requests

1. When the Planning Board finds by a vote of six members that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or these regulations, it may grant a waiver following a written request by the Applicant.
2. In granting waivers the Planning Board may require such conditions as will in its judgment secure the objectives of the regulations.

Section 2.11 Approval Procedures

1. Recommendations of the TAC for approval shall require a majority of those present and voting. Five voting members shall constitute a quorum for the transaction of business.
2. Once the TAC has made a recommendation to the Planning Board and a public hearing has been held, final approval shall require a vote by the majority of those Planning Board members present and voting.
3. If the TAC or the Planning Board determines that the proposed site plan does not meet all of the applicable requirements, the TAC or the Planning Board shall vote to disapprove the plan.

4. The reasons for disapproval will be clearly stated in the Planning Board's records and shall be communicated to the applicant in writing.
5. Approval of the site plan shall not be effective until a site plan agreement has been signed (see Section 2.12) and the applicable sheets of the site plan have been recorded at the Rockingham County Registry of Deeds (see Section 2.13).

Section 2.12 Site Plan Review Agreement

1. A Site Plan Review Agreement to ensure the site is developed in accordance with the approved plan shall be drafted for all approved site plans. Terms and conditions of the Site Plan Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all of the ordinances of the City of Portsmouth, all applicable state and local regulations, and requirements of the Building Code to insure that all site development and construction is completed according to the Plan approved. A security shall be provided in a form and amount approved by the City.
2. The Site Plan Review Agreement shall be considered fully executed when the Agreement has been endorsed by the owner of the property and the Planning Director, and when the security has been approved by the City Attorney and placed on file with the Planning Department.

Section 2.13 Recording of Site Plans

1. An approved site plan shall be signed by the Planning Board Chairperson (or designee) and shall be recorded at the Rockingham County Registry of Deeds (RCRD). Site plans are not valid until recorded at the Registry of Deeds.
 - (a) For the purpose of this requirement, only those sheets in the approved plan set which are intended to show the layout and arrangement of on-site vehicular and pedestrian circulation, off-street parking, and/or landscaping and screening shall typically be required to be recorded.
 - (b) Notwithstanding the above, the Planning Board may require the recording of additional plan sheets or supporting documentation if the Board determines that such recording is necessary to ensure continued compliance with the conditions shown on the plans. Examples include plans showing specific measures designed to protect wetlands or manage stormwater.
2. The applicant shall submit to the Planning Department the following:

- (a) One (1) hard copy and one (1) electronic file uploaded to the City's online permitting system of the final site plan incorporating any changes that have been required as a condition of the Planning Board vote;
 - (b) One original Mylar of the sheets from the final site plan that are required to be recorded at the RCRD.
- 3. The plan sheet(s) submitted for recording shall include the following notes:
 - "1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director."
- 4. An amended site plan shall be recorded at the RCRD as above, provided that in the case of a plan amendment that is granted approval by the Planning Director or TAC without a hearing before the Planning Board, the recording of a notice of approval shall be sufficient unless otherwise determined by the Planning Director.
- 5. The applicant shall have the required site plans pre-approved by the Registry of Deeds prior to submitting mylars to the Planning Department for signature and recording.

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.

5. A time extension shall be granted if determined that no change has taken place that would materially affect the currently approved site plan in regard to:
 - (a) Traffic flow, volume, or congestion;
 - (b) Pedestrian safety;
 - (c) Drainage;
 - (d) Water availability;
 - (e) Sewer capacity;
 - (f) Design standards;
 - (g) Landscape elements; and
 - (h) Zoning compliance.
6. The Planning Board shall not deny a request for an extension without first having held a public hearing.

Section 2.15 Post Approval Procedures

2.15.1 Amendments

After approval of the site plan the owner may request, in writing, approval of minor amendments. The Planning Director may approve the amendment in writing or may require review by the TAC or the Planning Board.

2.15.2 Landscape Markings

Once a site plan has been approved and prior to the signing of the Site Plan Review Agreement, the applicant shall tag or otherwise identify at the site all vegetation and natural features to be retained as shown on the approved site plan.

2.15.3 Construction Management and Mitigation Plan

1. The Planning Board, as a condition of approval, may require a Construction Management and Mitigation Plan (CMMP). If such a plan is required, no site work is authorized nor shall work commence before the Plan has been accepted and approved as to content and form by the City.
2. If the Planning Board requires completion of a CMMP all activities on the site shall be in full compliance with the CMMP.

2.15.4 Recording of Plans and Documents

Once a site plan has been approved and prior to the signing of the Site Plan Review Agreement, owner shall submit to the Planning Director documents showing all easements, licenses, rights-of-way, and maintenance agreements in a recordable format.

2.15.5 Submittal of a Land Use Development Tracking Form

The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

Section 2.16 Project Inspection and Completion

2.16.1 Compliance and Enforcement

During construction and upon completion of the project, the Planning Board may require routine inspections to insure compliance with the approved site plan. Such inspections shall be performed by an oversight engineer or other licensed or certified professional at the expense of the applicant.

2.16.2 Final Inspection

1. Prior to the completion of the project, the applicant shall notify the Planning Director that the project is ready for final inspection.
2. All stormwater detention and/or treatment devices constructed onsite shall be certified by a qualified engineer as being built in accordance with approved site plans with a letter of certification submitted to the City Engineer.

2.16.3 As-Built Plan

1. At the completion of the project, the applicant shall submit to the Planning Director an “as-built plan” which shall include all surface and subsurface features, easements, licenses, rights-of-way, and maintenance agreements. The plan shall be prepared and stamped by a New Hampshire licensed land surveyor.
2. The applicant shall provide a digital version of the as-built plan. The purpose of the digital plan is to aid in updating the City’s geographic information system (GIS). The City respects the copyright interests of the applicant’s representatives and requires only factual, not expressive, data. The digital plan shall meet the requirements outlined in Attachment A.
3. The Planning Director may waive the requirement for an as-built plan.

2.16.4 Release of Performance Security

1. The Planning Director and City Attorney may order release of the performance security only after receipt of the Building Inspector's Certificate of Occupancy, the as-built plan, final inspections and completion of all required conditions of approval as required by the Planning Board.
2. If necessary, the Planning Director and City Attorney may order a partial release of the performance security, but no more than one partial release shall be permitted.

2.16.5 Long-Term Maintenance

The property owner shall maintain the property to comply with the approved site plan and shall fulfill all reporting requirements stipulated in the site plan review approval.

Section 2.17 Exemption of Approved Site Plan from Changes in Land Use Regulations

1. Under State statute (RSA 674:39), approved site plans are protected from future changes in regulations and ordinances as follows:
 - (a) A site plan that has been approved by the Planning Board shall be exempt from all subsequent changes in site plan regulations and zoning ordinances (except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements) for a period of 4 years after the date of approval of the site plan by the Planning Board, provided that:
 - (1) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval, or in accordance with the terms of the approval, and any required site plan security is provided to the City at the time of commencement of such development; and
 - (2) The development remains in full compliance with the public health regulations and ordinances of the City of Portsmouth; and
 - (3) At the time of approval, the site plan conforms to the site plan regulations and zoning ordinances then in effect at the site of such plan.
 - (b) Once substantial completion of the improvements as shown on the site plans has occurred in compliance with the approved site plans or the

terms of said approval, or unless otherwise stipulated by the Planning Board, no subsequent changes in these Site Plan Review Regulations or the Zoning Ordinance shall operate to affect such improvements.

2. In the absence of a specific finding by the Planning Board, the following terms are defined for the purpose of determining exempting a project from subsequent amendments to local land use regulations:
 - (a) “Active and substantial development or building” shall mean the completion of all of the following in accordance with the approved plans:
 - (1) Installation and maintenance of erosion control measures; and
 - (2) Construction of all drainage improvements to service the development, including all detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.; and
 - (3) Construction of all roadways, accessways, etc. to a minimum of gravel base; and
 - (4) Construction and/or installation of all utilities ready for connection to proposed buildings and structures; and
 - (5) Construction of at least one building foundation or 20% of the total building foundations on the site, whichever is greater; and
 - (6) Review and approval of items (1) through (5) by the Department of Public Works or designated agent.

Site clearing, excavation or earth movement without completion of items (1) through (6) above shall not be considered “active and substantial development.” A plan approved in phases shall be subject to this definition only for the phase currently being developed.

2. “Substantial completion of the improvements as shown on the site plan” is defined as the establishment of all on-site and off-site improvements specified in the site plan approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the four (4) year period specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the City, substantial completion of the improvements in the subdivision shall be deemed to have occurred.

Article 3 Vehicular Circulation Standards

Section 3.1 General Provisions

1. All site development shall be designed and constructed to consider the safety, interests and convenience of all users – drivers, bicyclists, transit users and pedestrians of all ages and abilities.
2. All site plans shall portray the design of every element of vehicular circulation that provides access in and around the site, unless otherwise specified. The Planning Board may require that work involving areas of special sensitivity or significance be conducted by a traffic engineer licensed in New Hampshire.

Section 3.2 Off-Site Impacts

1. The applicant is responsible for assessing the impact of the proposed development on traffic patterns and vehicular circulation systems. The TAC and/or the Planning Board may require that a traffic study be performed and that a technical expert may be hired to review any traffic analysis performed by the applicant.
2. A traffic impact analysis shall be prepared by a professional engineer licensed in New Hampshire and experienced and qualified in traffic engineering, and shall contain the following information:
 - (a) Existing traffic conditions on streets and intersections adjacent to the site, including daily and peak-hour traffic volumes, seasonally adjusted as determined by the TAC;
 - (b) Projected traffic conditions on adjacent streets for the design year of occupancy and for the tenth year following occupancy or such longer period as the TAC or Planning Board determines applicable based on the scale of the project;
 - (c) Projected impacts of the proposed development including:
 - total daily and peak-hour traffic entering and exiting the site
 - turning movements
 - estimates of induced vs. pass-by trips;
 - (d) A proposed plan to mitigate the projected impacts of the development.
3. Projects shall be designed to maintain, and where possible enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.

4. The applicant shall provide traffic signal equipment, traffic signs, travel lanes, pavement widening, markings, sidewalks, and other improvements to existing streets upon determination by the Planning Board that the specific improvements are necessary for safe handling of traffic generated by the proposed development.
5. Projects having access onto congested public streets may be required to eliminate certain turning movements as determined necessary and practical by the Planning Board.

Section 3.3 General Accessway and Driveway Design

3.3.1 General Requirements

1. The internal network of accessways and driveways shall:
 - (a) Provide for the safe, efficient and orderly movement of all modes of transportation, including vehicles, public transit, bikes and pedestrians;
 - (b) Be designed to meet, but not exceed, the needs of the present and projected population served by the site, and;
 - (c) Be designed to respect natural features and topography.
2. Accessways shall be designed based on the anticipated role within the project site of the accessway as defined by AASHTO road classifications and/or approved by the Planning Board.
3. A driveway permit from the Department of Public Works shall be required for all existing and new driveways accessing a street.

3.3.2 Accessway and Driveway Design and Location

1. Accessways and driveways shall, where practical, have an all-season safe sight distance (according to AASHTO standards) in both directions along the public street. Where only a lesser sight distance is obtainable, no more than one accessway per single parcel shall be allowed.
2. Accessways and driveways shall be located no closer than fifty (50) feet to the curb line of an intersecting street.
3. Driveways shall be limited to one per lot.

3.3.3 Travel Lanes

Where multiple travel lanes are required, planted medians (designed in accordance with the landscaping standards in Article 6 herein) may be required at the discretion of the Planning Board to reduce the visual impact of pavement.

3.3.4 Shared Access

Shared driveways are encouraged and may be permitted between adjacent lots. In such cases, a joint access easement between the property owners may be required.

Section 3.4 Curbing

Granite curbing shall be installed per the Department of Public Works specifications in all of the following situations:

- (a) Where accessways and driveways meet public streets;
- (b) Where curbing is necessary to channelize surface drainage; and
- (c) Where otherwise required by the Planning Board.

Section 3.5 Traffic Calming and Connections

- 1. Internal accessway networks shall be designed to optimize public safety.
- 2. Traffic measures shall be implemented to support the overall interconnectedness and coherence of the City's public street system.

Section 3.6 Drive-Through Facilities

3.6.1 Site Access and Circulation Standards

- 1. The internal entrance into the drive-through lane shall not conflict with the general access to the site.
- 2. The distance from any transaction window to the site exit shall be a minimum of sixty (60) feet.
- 3. Where a turn in the drive-through lane is required between a transaction window and the site exit, the distance from the transaction window to the beginning of the turn shall be a minimum of forty (40) feet with an internal minimum turning radius of seventeen (17) feet.

3.6.2 Stacking Lanes and Spaces

1. Stacking lanes shall be provided to prevent circulation congestion and conflicts, both within the site and on adjacent public streets. Stacking lanes shall be designed to separate drive-through traffic from other vehicular and pedestrian circulation.
2. Stacking lanes shall not conflict with or impede vehicular or pedestrian circulation within the site, access into or out of parking spaces, or access into buildings; and shall not interfere with required loading and trash storage areas.
3. Stacking lanes shall be at least 10 feet wide and stacking spaces shall be at least 20 feet in length.
4. The applicant must demonstrate that the number of stacking lanes and spaces proposed are sufficient for the intended use.
5. A bypass lane at least 11 feet wide shall be provided in order to permit vehicles to exit the site without using the drive-through lane(s).
6. Stacking lanes (not including bypass lanes) shall be set back 15 feet from the property line fronting on any public way, 15 feet from any side or rear property lines which abut non-residential properties, and 20 feet from any side or rear property lines which abut residential property.
7. Stacking lanes shall be integrated with the onsite circulation pattern, and shall not enter directly from a public right-of-way.
8. Stacking lanes shall be distinguished from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping or the use of alternative paving materials or medians.
9. The intersection of stacking lanes and walk-in customer access shall be a minimum of fifty (50) feet from site entrances and exits and from transaction windows. Said intersections shall be provided with crosswalks delineated by patterned or contrasting paving and striping and shall include warning signage aimed at both the pedestrian and vehicle.

3.6.3 Traffic Impact Study

A traffic impact analysis conforming to the standards in Section 3.2 shall be submitted with any site plan review application containing a drive-through facility.

3.6.4 Noise Reduction

Sound pressure levels created by devices in the drive-through facility, including but not limited to speakers, shall comply with the standards for noise control in the Zoning Ordinance. Methods of communicating to patrons that do not require the use of speakers shall be used where feasible or where required by the Planning Board.

3.6.5 Screening

1. Drive-through lanes, stacking spaces and bypass lanes that would be visible from a public right-of-way or from land in a Residential or Mixed Residential zoning district shall be screened from view to at least three feet above grade.
2. Screening shall be with brick or stone walls, berms, or equivalent structures approved by the Planning Board. Walls, berms and other screening structures shall be supplemented by plantings such as shrubs and trees.
3. Notwithstanding the above, drive-through facilities need not be screened from a public right-of-way if (a) the right-of-way is more than 100 feet from the drive-through facility and (b) the Planning Board determines that existing or proposed topography or landscaping will provide adequate visual relief and prevention of glare.

Section 3.7 Loading and Service Areas

3.7.1 Location

1. Loading and services areas shall not be located between the front property line and any building or structure nor in the required side yard or rear yard areas.
2. No off-street loading or maneuvering areas shall be nearer than 100 feet to any adjoining Residential or Mixed Residential Zoning Districts.
3. All such areas shall be screened in accordance with Article 6 of these regulations.
4. No off-street loading areas shall be a part of an area used to satisfy the off-street parking requirements of the Zoning Ordinance.
5. All new structures, additions to existing structures, and changes and intensification of use in existing structures shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.

Commented [PS1]: THIS SECTION IN WAS IN ZO ARTICLE 11 BUT MOVED IT HERE WITH OTHER REQUIREMENTS FOR LOADING

6. No loading areas shall be required in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.
7. Off-street loading spaces shall be provided according to the following ratios:

Use	Gross Floor Area (sf)	Required Spaces
Industrial	Up to 10,000 sq. ft.	0
	10,001 - 40,000 sq. ft.	1
	40,001 - 100,000 sq. ft.	2
	100,001 - 200,000 sq. ft.	3
	Each additional 200,000 sq. ft.	1
Office / Professional Service	Up to 10,000 sq. ft.	0
	10,001 - 100,000 sq. ft.	1
	100,001 - 350,000 sq. ft.	2
	Each additional 350,000 sq. ft.	1
Retail	Up to 10,000 sq. ft.	0
	10,001 - 25,000 sq. ft.	1
	25,001 - 60,000 sq. ft.	2
	60,001 - 120,000 sq. ft.	3
	Each additional 100,000 sq. ft.	1
Other Non-Residential	Up to 10,000 sq. ft.	0
	10,001 - 40,000 sq. ft.	1
	Each additional 60,000 sq. ft.	1

8. In case of mixed uses, the loading areas required shall be the sum of all requirements computed on the basis of the above table.
9. All required loading areas shall conform to the following dimensional standards:

Minimum vertical clearance:	14 feet
Minimum width of loading area:	12 feet
Minimum length of loading area:	
First required loading area:	20 feet
Additional required loading areas:	45 feet

3.7.2 Design Standards

Loading areas and accessways to loading areas shall have a durable surface (whether pervious or impervious) that meets the load bearing capacity of the project, minimizes dust, material tracking and erosion, and facilitates snow removal.

Section 3.8 Fire Lanes

1. Fire lanes shall be provided in accordance with the City's Emergency Lanes Ordinance.
2. Fire lanes may be required to be within 30 feet of a building if deemed necessary by the TAC. A minimum of 5 foot wide unobstructed pathway shall be provided through all barriers, including rows of parked cars.
3. Fire lane and access easements shall be provided to serve all buildings and any areas deemed necessary for emergency vehicle access.
4. Required "NO PARKING FIRE LANE" signs shall be 12 inches wide and 18 inches high. Signs shall be painted on a white background with letters and borders in red, using not less than 2 inches lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six (6) feet, six (6) inches above finished grade. Signs shall be spaced not more than one hundred (100) feet apart. Signs may be installed on permanent buildings or walls or as approved by the TAC.
5. Pavement marking lines shall be painted in red traffic paint, six (6) inches in width to show the boundaries of the fire lane. The words "NO PARKING FIRE LANE" shall appear in four (4) inch white letters at 25 feet intervals on the red border markings along both sides of the fire lanes.
6. Curb marking shall be painted in red traffic paint from the top seam of the curb to a point even with the driving surface. The words "NO PARKING FIRE LANE" shall appear in four (4) inch white letters at 25 feet intervals along the curb(s).
7. All fire lanes shall be maintained and kept in a good state of repair at all times by the owner.

Section 3.9 Mass Transit Facilities

Mass transit facilities shall be incorporated at the discretion of the Planning Board based on future transit system needs. Transit routes, access points and shelter

locations shall be addressed along major streets or accessways within and on the perimeter of such projects. Transit facilities shall be provided in a manner to make transit an attractive mode of travel for both employees and patrons.

Article 4 Parking Area Standards

Section 4.1 ~~Parking Provision~~

~~The number of parking spaces required, parking facility setbacks, and location of parking facilities shall be in accordance with the off-street parking standards in the Zoning Ordinance.~~

Section 4.1 General Provisions

1. This Article establishes the number of required and allowed off-street parking spaces for development subject to these Regulations, together with provisions for shared/off-site parking, reserve parking, bicycle parking, electric-vehicle parking, maximum parking, and alternative compliance mechanisms.
2. All new buildings and structures, as well as additions to or changes in use or intensification of use in existing buildings and structures, shall be provided with off-street parking spaces in accordance with this Section.
3. A use that is nonconforming as to the requirements for off-street parking shall not be enlarged or altered unless off-street parking is provided for the original building, structure or uses and all expansions, intensifications or additions sufficient to satisfy the requirements of this Section.

Section 4.2 Number of Required Parking Spaces

1. The number of required off-street parking spaces shall be based on the uses on the lot, as specified in Section 4.3.
2. The Planning Board may grant a waiver to allow a building or use to provide less than the minimum number of off-street parking spaces required by this Section.
3. A request for a waiver under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee, demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use.
4. A waiver request under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to

provision of rideshare/microtransit services or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of Section 4.5.

5. The Planning Board may grant a waiver only if it finds that the number of off-street parking spaces required or allowed will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.
6. At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant or may require fewer spaces than the maximum number requested by the applicant.

Section 4.3 Calculation of Number of Required Spaces

1. The number of required off-street parking spaces shall be the sum of the requirements for the various individual uses on a lot computed separately.
2. Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number.
3. Parking spaces occupied by EV chargers and supporting equipment may count towards minimum parking requirements.
4. The required minimum number of off-street parking spaces for residential uses, including dwelling units in mixed-use developments, shall be based on the gross floor area of each dwelling unit, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
500 sq. ft. or less	0.5 spaces per unit
Over 500 sq. ft.	1.0 space per unit

5. Motor vehicle parking shall be required for Coliving Facilities as follows:
 1. If any part of the Coliving Facility is located within 600 feet (approximately a 2.5-minute walk) of a public parking garage, No parking required.
 2. If no part of the Coliving Facility is located within 600 feet (approximately a 2.5-minute walk) of a public parking garage, off-street parking is required at the rate of 1 space per every 4 Coliving Units.

6. In addition to the off-street parking spaces provided in accordance with Section 4.3(4), any dwelling or group of dwellings on a lot containing more than 4 dwelling units shall provide one visitor parking space for every 5 dwelling units or portion thereof.
7. The required minimum number of off-street parking spaces for nonresidential uses shall be based on the following table. The use numbers coincide with Table 10.440 in the Zoning Ordinance.

Table of Minimum Off-Street Parking Requirements for Nonresidential Uses

Use No.	Use	Requirement
2. Institutional Residence or Care Facilities		
2.10-2.20	Assisted living facility or Residential care facility	0.5 per bed or resident
3. Educational, Religious, Charitable, Cultural and Public Uses		
3.10	Place of assembly	0.4 per seat (fixed seating), or 1 per 4 persons maximum occupancy of assembly area, or Parking demand analysis
3.20	School	Parking demand analysis
3.30	Historic preservation building	No requirement
3.40	Museum	Parking demand analysis
3.50	Performance facility	0.4 per seat (fixed seating), or Parking demand analysis
3.60	Cemetery	No requirement
3.70	Club, fraternal or service organization	Greater of: - 1 per 4 persons maximum occupancy - 1 per 200 sf GFA
3.80	Municipally operated park and related activities	No requirement
4. Recreational Uses		
4.10	Religious, sectarian or private non-profit recreational use	Parking demand analysis
4.20	Cinema or similar indoor amusement use with no live performance	0.4 per seat, or Parking demand analysis

Use No.	Use	Requirement
4.30	Indoor recreation use, such as bowling alley or arcade	1 per 4 persons maximum occupancy
4.40	Health club, yoga studio, martial arts school, or similar use	1 per 250 sf GFA
4.50	Outdoor recreation use	Parking demand analysis
4.60	Amusement park, water park or theme park	NA – Prohibited Use
5. Office Uses, Non-Medical		
5.10-5.30	Professional, business and financial services	1 per 350 sf GFA
5.40	Social service campus	Apply standards for component uses
5.50	Media studio	1 per 1,000 sf GFA
5.60	Publishing facility or similar electronic production operation	1 per 1,000 sf GFA
5.70	Call Center	1 per 250 sf GFA
6. Medical Services and Health Care		
6.10	Hospital	Parking demand analysis
6.20	Medical offices and clinics (outpatient only)	1 per 250 sf GFA
6.30	Clinics with inpatient care	Greater of: - 2 per bed - 1 per 250 sf GFA
6.40	Ambulatory surgical center	1 per 250 sf GFA
6.50	Substance abuse treatment facility	Parking demand analysis
6.60	Psychiatric hospital for the criminally insane	NA – Prohibited Use
7. Services, Other Than Health Care		
7.11	Family day care facility	4 spaces (including 1 for the single-family dwelling)
7.12	Group day care facility including private preschool and kindergarten	0.5 per client or student based on licensed enrollment capacity
7.20-7.40	Personal services, Consumer services, and Trade, craft and general services	1 per 400 sf GFA

Use No.	Use	Requirement
7.50-7.60	Veterinary care and Laundry and dry cleaning establishments	1 per 500 sf GFA
7.70	Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	1 per 25 sf of floor area for public occupancy
8. Retail Trade		
8.10-8.90	All retail trade uses	1 per 300 sf GFA
9. Eating and Drinking Places		
9.10-9.50	All eating and drinking places	1 per 100 sf GFA
10. Lodging Establishments		
10.10-10.20	Boarding house or Bed and breakfast	2 + 1 per room for rent
10.30-10.40	Inn, hotel or motel	1.25 per guest room + 1 per 100 sf of lounge or restaurant area + 1 per 25 sf of conference or banquet facilities
10.50-10.60	Conference hotel or Conference center	Parking demand analysis
11. Motor Vehicle-Related Uses		
11.10, 11.30	Sales, renting or leasing of vehicles, marine craft, power equipment, etc.	1 per 600 sf GFA + 1 per 2000 sf outside display or storage area
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400 sf GFA EV fueling spaces A and B may count towards minimum parking requirements.
11.40	Impound lot (principal or accessory use)	No requirement
11.50	Truck fueling facility	4 spaces
11.60	Truck terminal	1 per 2000 sf GFA + 3 per loading dock
12. Marine Craft Related Uses		
12.11	Non-commercial boat landings, boat docks, boathouses, etc.	No requirement
12.12	Fishing boat landing 1	4 spaces

Use No.	Use	Requirement
12.13	Fishing boat landing 2	Parking demand analysis
12.20-12.40	Marina, repair of commercial marine craft and marine-related structures, or landside support facility for commercial passenger vessel	Parking demand analysis
13. Wholesale Trade, Warehousing and Distribution		
13.10	Wholesale use	1 per 2000 sf GFA
13.20	Wholesale sales devoted to, and in the same establishment as, a permitted retail use	1 per 2000 sf area devoted to wholesale
13.30	Wholesale lumber yards, lumber and contractor sales	No requirement
13.40	Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use	1 per 2000 sf GFA
14. Industrial Uses		
14.10-14.20	Light industry or Research and development	1 per 500 sf GFA
14.30-14.50	Food processing, Electronics manufacturing, General manufacturing	1 per 1000 sf GFA
14.60	Biological or chemical laboratory	1 per 500 sf GFA
14.70	Recycling facility or recycling plant	No requirement
14.80	High hazard use, including other uses listed in this section but not including uses described in 14.90	Parking demand analysis
14.90	Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	NA – Prohibited Use

Use No.	Use	Requirement
15. Transportation and Utilities		
15.10	Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building	No requirement
15.20	Heliport or helipad	No requirement
16. Wireless Telecommunications Facilities		
16.10-16.40	All wireless telecommunications facilities	No requirement
17. Agricultural Uses		
17.10-17.20	All agricultural use	No requirement
18. Temporary Uses		
18.10	Construction trailer	No requirement
18.20	Temporary structure	No requirement
18.30	Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes	2 spaces (single-family dwelling)
18.40	Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	No requirement
19. Accessory Uses		
19.10	Accessory use to a permitted principal use (not otherwise specified in this section), but not including any outdoor storage	No requirement
19.20	Home occupation	No minimum requirement (<u>maximum</u> 1 space for the home occupation)
19.30	Concessions and services located within the principal building	No requirement

Use No.	Use	Requirement
19.40	Drive-through facility, as accessory use to a permitted principal use	No requirement
20. Accessory Storage		
20.10 – 20.60	All accessory storage uses	No requirement

4. Where the table lists a general use category without the subcategories, the parking ratio shall apply to all subcategories within that category (for example, the parking ratio shown for use number 2.10 applies to uses 2.11 and 2.22).
5. Where the table indicates that the minimum required number of off-street parking spaces shall be based on a parking demand analysis, the applicant shall submit such analysis for review by the Planning Board. Where the table indicates that a parking demand analysis is an alternative to a specified ratio, the applicant may submit such analysis to justify a ratio different from that listed in the table. In either case, the Planning Board may approve the number of parking spaces proposed by the analysis or may approve a greater or lesser minimum number of parking spaces based on its review.
6. Where the minimum number of off-street parking spaces is based on maximum occupancy, the applicant shall submit a code analysis showing the occupant load for the proposed use determined in accordance with the Building Code.
7. The number of off-street parking spaces for any building or use shall not exceed the following amounts:

Minimum Number of Spaces	Maximum Number of Spaces Allowed
0-20	No maximum
21 or more	120 percent of minimum

Section 4.4 Reserve Parking Area

1. When Section 4.3 requires the provision of 20 or more off-street parking spaces, the Planning Board may approve the construction of fewer off-street parking spaces than required, subject to the following:

2. A “Reserve Parking Area” shall be designated that is sufficient to accommodate the difference between the number of spaces required and the lesser number actually provided.
3. The site plan shall clearly delineate the Reserve Parking Area and shall demonstrate that it is sufficient to accommodate the additional parking spaces in accordance with the requirements of this Section.
4. The Reserve Parking Area shall be landscaped with grass, ground covers and/or other plant materials, but shall not be counted toward any minimum open space requirement.
5. The Reserve Parking Area shall not be used as snow storage area and shall not contain any structure or mechanical equipment.

Section 4.5 Shared Parking

1. Developments that contain a mix of uses on the same parcel shall reduce the number of off-street parking spaces in accordance with the following methodology:
 - (a) Determine the minimum number of off-street parking spaces for each land use within the development in accordance with Section 4.3.
 - (b) Multiply the minimum parking requirement for each land use by the corresponding parking occupancy rates for each of the five time periods set forth in Columns (B) through (F) of the Parking Occupancy Rates table below.

Parking Occupancy Rates

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight– 6:00 AM)
	(B) Daytime (8:00 AM– 5:00 PM)	(C) Evening (6:00 PM– Midnight)	(D) Daytime (8:00 AM– 5:00 PM)	(E) Evening (6:00 PM– Midnight)	
Residential	60%	100%	80%	100%	100%
Office/ Industrial	100%	20%	10%	5%	5%
Retail/Service	60%	90%	100%	70%	5%
Hotel/Motel	70%	100%	75%	100%	100%
Restaurant	70%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Conference/ Convention	100%	100%	100%	100%	5%
Place of Worship*	10%	5%	100%	50%	5%
Other Institutional	100%	20%	10%	10%	5%

* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.

(c) Add the resulting shared parking requirements for each time period to determine the minimum parking requirement for that period.

2. The required minimum number of parking spaces for the development shall be the highest of the five time-period totals.

Section 4.6 Shared Parking on Separate Lots

1. The Planning Board may allow a reduction in the number of required off-street parking spaces for uses on separate lots, whether in common or separate ownership, subject to the following:
 - (a) The shared parking requirement may be determined using the methodology in Section 4.5, or by another method approved or required by the Planning Board.

- (b) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

Section 4.7 Location of Vehicular Use Facilities

1. All required off-street parking spaces shall be located on the same lot as the principal use they are required to serve except as follows:
 - (a) Required parking spaces may be located on a separate lot from the principal use which they serve where a municipally owned or operated covered parking facility is constructed as part of the overall development.
 - (b) The Planning Board may authorize required parking on another lot.
 - (c) In no case shall parking be permitted within any Residential or Mixed Residential District other than that which is accessory to a principal use allowed within the district.
2. Required off-street parking spaces shall not be located in any required front yard, or between a principal building and a street (including on a corner lot).
3. Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:

District	Minimum Distance from Residential or Mixed Residential District
B	50 feet
GB, GW	100 feet
I, OR, WI	100 feet

4. Off-street parking areas, accessways, maneuvering areas and traffic aisles serving a nonresidential use on a lot in a Mixed Residential district that abuts a Residential district shall be set back at least 10 feet from the Residential district boundary and shall be screened in accordance with the screening standards of the Planning Board's Site Plan Review Regulations.

5. Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from front lot lines as follows:

District	Minimum Setback from Front Lot Line
B	20 feet
GB, G1, G2	40 feet
I, OR, WI	50 feet

6. In a Residential zoning district, off-street parking spaces for a home occupation use, including family day care and group day care, shall be set back at least 10 feet from side and rear property lines and shall be screened in accordance with the screening standards in Article 6.
7. All required setbacks of off-street parking areas from front property lines shall be landscaped in accordance with the landscaping and screening standards in Article 6.

Section 4.8 Design of Off-Street Parking Facilities

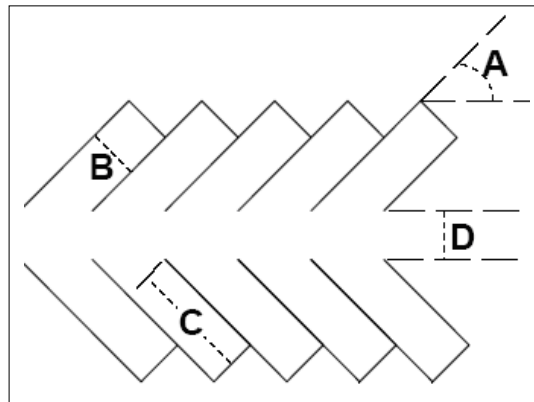
1. The provisions of this Section shall apply to all off-street parking facilities, whether in parking structures or surface lots, and whether or not the parking spaces are required or in excess of the requirements for a use, except as specifically exempted herein.
2. Parking spaces and maneuvering aisles shall be laid out in compliance with the minimum dimensions set forth in the Table of Off-Street Parking Dimensions.

Table of Off-Street Parking Dimensions

A Angle of Parking (degrees)	B Width of Parking Space	C Depth of Parking Space	D Width of Maneuvering Aisle *	
			1-way traffic	2-way traffic
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24'

* The minimum width of a maneuvering aisle shall be 22 feet for (a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or (c) an aisle in a parking structure for 1-way traffic with 90-degree parking.

Key to Table of Off-Street Parking Dimensions



- Parking areas shall include parking spaces for the physically disabled in compliance with the Building Code and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).
- Parking spaces located within four feet of an abutting structure, sidewalk, or public street shall be designed with suitable bumper stops.
- Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing maximum occupancy of the project;

minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.

6. All off-street parking spaces shall be marked and maintained to provide delineation between parking stalls and aisles.
7. All off-street parking areas shall be designed so that:
 - (a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and
 - (b) Vehicles can enter and leave the parking area without backing into or from a public street or way.
8. Notwithstanding the previous provision, tandem parking spaces may be provided for required off-street parking spaces serving dwelling units in residential and mixed-use developments, subject to the following requirements:
 - (a) Tandem spaces shall be assigned to the same dwelling unit.
 - (b) Tandem parking shall not be used to provide guest parking.
 - (c) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 38 feet in length.
9. All off-street parking areas shall incorporate the following provisions for pedestrian circulation:
 - (a) A minimum 5-foot-wide pedestrian path shall be provided throughout the site, connecting adjacent streets, accessways, sidewalks and parking areas to the entrances of all structures.
 - (b) Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.
 - (c) Continuous off-street vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on site.

Section 4.9 Off-Street Parking Provisions in the Downtown Overlay District

1. This Section establishes modified off-street parking standards for lots in the Downtown Overlay District in recognition of the availability of municipal on-street and off-street parking facilities, private shared parking facilities, and public transit, and the pedestrian-oriented pattern of lots and uses.
2. Except as specifically modified by this Section, lots in the Downtown Overlay District shall comply with all other provisions of Section 4.
3. The following requirements shall apply in the Downtown Overlay District in lieu of the requirements in Section 4.3:

Use	Required Parking Spaces
Residential use (dwelling)	Same as Section 4.3
Hotel or motel	0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities
Other nonresidential use	No requirement

4. The requirements in Section 4.9 shall be applied to all uses on a lot, and not to individual uses.
5. For any lot, the number of off-street parking spaces that would be required by applying the ratios in Section 4.9(3) shall be reduced by 4 spaces. (Therefore, any lot that would be required to provide 4 or fewer off-street parking spaces shall not be required to provide any spaces.)
6. The provisions of Section 4.3(7), Maximum Number of Parking Facilities, shall not apply to buildings and uses within the Downtown Overlay District.

Section 4.210 Requirements for Accessible Parking for the Physically Disabled

1. Specially designated parking spaces for the physically disabled shall be located closest to the designated accessible primary entrance(s).

2. If possible, these shall be located so that physically disabled persons do not have to cross vehicular travel lanes.
3. Ramps required as a means of egress leading from specially designated parking spaces for the physically disabled in parking lots shall be in conformity with Building Code.
4. Parking for the physically disabled shall comply at a minimum with the standards provided by *Accessible and Usable Buildings & Facilities* (ICC/ANSI A117.1 latest edition).

Section 4.113 Off-Street Parking Space Design and Layout

In addition to the requirements of the Zoning Ordinance, the following design standards shall apply.

1. Every effort shall be made to use pervious parking and pathway surfaces as an alternative to impervious asphalt or concrete for overflow parking areas, except in cases where it is determined that a traditional impervious parking lot with engineered stormwater systems renders greater protection of surface and groundwater resources than pervious pavement.
2. When provided, motorcycle parking pads shall be concrete.

Article 5 Pedestrian and Bicycle Circulation

Section 5.1 General Provisions

1. The site plan shall provide for a system of pedestrian or bicycle paths, or a combination of both, as appropriate to the type and scale of development. This system shall connect the major building entrances/exits, parking areas and any existing or proposed sidewalks within or adjacent to the project.
2. Any paths shall be located within the lot lines of the site, unless it is determined by the Planning Board that it would be more appropriate to locate these in the public right of way.
3. The system shall also be designed to link the project with residential, recreational, commercial facilities, schools, bus stops and existing bicycle or pedestrian facilities in the neighborhood.
4. The system shall minimize conflicts between pedestrians, bicycles and motor vehicles.

Section 5.2 Sidewalks and Pedestrian Pathways

5.2.1 Accessibility

Sidewalks and pedestrian pathways shall be easily accessible to all users, whatever their level of physical ability, and comply at a minimum with the standards provided by *Accessible and Usable Buildings & Facilities* (ICC/ANSI A117.1, latest edition).

5.2.2 Travel Width

The sidewalk or pedestrian pathway shall be at least five (5) feet wide. If anticipated pedestrian volumes warrant, the Planning Board may require a wider pathway.

5.2.3 Continuity

1. A sidewalk or pedestrian pathway shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.
2. Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.

5.2.4 Location

At a minimum, sidewalks shall be located along the front of the site, along the front of buildings, and shall connect to building entrances.

5.2.5 Pedestrian Amenities

1. Sidewalks and pedestrian pathways longer than 500 feet shall provide areas for standing and sitting and may include pedestrian amenities such as benches, tables, shade trees or grassy areas.
2. Such pedestrian areas shall be a minimum of 100 square feet in area and shall be provided at regular intervals of 300 feet along the sidewalk or pedestrian pathway.

5.2.6 Surfacing Materials

Any off-site improvements to public sidewalks that are required as part of the project shall use surfacing materials specified by the Planning Board.

Section 5.3 Bicycle Facilities

5.3.1 General

1. Bicycle facilities (including routes and racks) may be combined with pedestrian facilities when designed according to shared path standards of AASHTO, but not on City sidewalks.
2. Bicycle facilities shall be designed in accordance with AASHTO, Guide for the Development of Bicycle Facilities, as amended.

5.3.2 Bicycle Routes

Bicycle routes may be required by the Planning Board in the form of a separate off-street path or on-street marked bicycle lanes.

5.3.3 Bicycle Racks

Bicycle racks, when required by the Planning Board, shall meet the following requirements:

- (a) All racks shall be located in a convenient and secure location.
- (b) Where bicycle racks are placed near trees, trees shall be protected with tree guards to prevent the securing of bicycles to trees.

- (c) All racks shall be designed to allow the frame and one wheel to be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
- (d) All racks shall be securely anchored to a durable, hard paved (preferably concrete) permanent surface.

5.3.4 Bicycle Parking

Commented [PS2]: ADDED BICYCLE PARKING FROM ARTICLE 11 TO THIS LOCATION

1. Off-street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:

Multifamily dwellings	1 bicycle space for each 5 dwelling units or portion thereof
Elementary, middle and high schools	1 bicycle space for each 4 students
All other uses, except as exempted in Section 4.10(4)	1 bicycle space for each 10 automobile parking spaces or fraction thereof required by Section 4.3 or Section 4.9(3), as applicable

2. When the Planning Board approves the construction of fewer off-street parking spaces than would normally be required under Section 4.2 or Section 4.9(3) (for example, when a Reserve Parking Area is provided under Section 4.4), the required number of bicycle parking spaces shall be based on the number of such spaces that would be required without such reduction or variance.
3. In addition to the number of bicycle parking spaces required above, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.
4. The following uses are exempt from providing bicycle parking spaces:

Use No.	Use
1.10	Single-family dwelling
1.20, 1.21, 1.22	Accessory dwelling unit
1.30	Two-family dwelling
2.10	Assisted living facility
2.20	Residential care facility
7.10	Day care

Use No.	Use
7.70	Undertaking establishment
11.10-11.60	Motor vehicle related uses
12.10-12.40	Marine craft related uses
13.10-13.40	Wholesale trade, warehousing and distribution
14.70	Recycling facility or recycling plant
14.80	High hazard use
17.10-17.20	Agricultural uses
19.10-19.40	Accessory uses

Article 6 Landscaping and Screening Standards

Section 6.1 General Provisions

Landscaping shall be provided that:

- (a) Defines areas for pedestrian and vehicular circulation;
- (b) Breaks up the mass of buildings and impervious areas;
- (c) Incorporates existing native vegetation and other natural features into the site design;
- (d) Micromanages and controls stormwater at its source to minimize off-site impacts;
- (e) Conserves water and reduces outside water use on the site;
- (f) Provides buffers between incompatible land-uses or sites;
- (g) Softens architectural and structural materials;
- (h) Minimizes the need for fertilizer and pesticide usage and the introduction of pollutants to the environment.

Section 6.2 Landscaping Plan

1. A landscaping plan shall be submitted with each application for Site Plan Review showing:
 - (a) Existing and proposed vegetation including trees, shrubs and plant beds including all vegetation that shall be retained as required by the Planning Board;
 - (b) Dimensions of undisturbed areas and measures that shall be used to protect during construction existing natural features that are to be retained;
 - (c) Location of all utilities above ground and below ground and related easements;
 - (d) Required front, side, and rear yards.

2. A plant schedule shall accompany the plan that includes the following information:
 - (a) Botanical and common names;
 - (b) Planting size and size at maturity;
 - (c) Quantity;
 - (d) Growth habits (branching, crown spread, root spread);
 - (e) Tolerance to urban conditions including road salt, soil; compaction, drought, heat, and air pollution;
 - (f) Planting requirements.

Section 6.3 General Requirements

1. Areas not occupied by buildings or other structures, parking, loading, and accessways shall be landscaped to provide visual relief from expanses of paving and buildings while providing shade and stormwater management benefits.
2. At a minimum, all yards, setbacks, and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required herein.
3. Landscaped areas shall consist of a combination of grass, flowers, vines, groundcovers, trees and/or shrubs. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective groundcover. Bare soil is not permitted. Managed lawn areas should be kept to a minimum to the extent practical especially areas that will not be accessed and where alternative options are available.
4. Natural features, existing healthy mature trees, and other existing vegetation shall be identified on the landscaping plan and shall be retained when required by the Planning Board.
5. Existing invasive plant species shall be removed and destroyed if required by the Planning Board. Applicants shall refer to the *Prohibited Invasive Plant Species List* maintained by the NH Department of Agriculture.
6. No loam or other topsoil shall be removed from the site as part of site development. Topsoil shall be appropriately stockpiled and stabilized for redistribution within new planting areas.

7. Existing topography shall be maintained unless otherwise permitted by the Planning Board.
8. Any areas disturbed during construction that will not be occupied by buildings or other structures, parking, loading, and accessways shall be replaced with a minimum of 6 inches of suitable topsoil that meets the specifications of the City of Portsmouth DPW and then shall be replanted according to the requirements herein.
9. Plant material and landscape maintenance procedures that incorporate water conservation techniques are preferred.
10. All local and state requirements for yards and sight distance shall take precedence for selection and placement of landscaping features, as applicable.
11. No plantings shall be placed where they may impede or interfere with existing or proposed sewer, water, natural gas lines, or power lines.
12. The front yard landscaping area may contain any of the following:
 - (a) Public utility easements and open surface drainage easements that do not occupy more than thirty (30) percent of the required landscaped area. Such areas should be planted with perennials or groundcover so as not to interfere with utility connections;
 - (b) Underground utility connections and transformers, provided that they do not encroach more than five (5) feet into the required landscaped area. Such equipment shall be landscaped to soften the visual impact.
13. Wherever appropriate, applicants shall incorporate Low Impact Development (LID) design practices and technologies in all aspects of the site's landscaping.
14. Topsoil applied on the site shall be a mixture of $\frac{3}{4}$ loam and $\frac{1}{4}$ compost and shall comply with the specifications of the City of Portsmouth DPW as provided in Attachment B of these Site Plan Review Regulations (as amended).

Section 6.4 Planting Requirements

The purpose of planting requirements is to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible.

At a minimum, all plantings shall be planted consistent with the *ANSI A300 Part 6 Standard Practices for Planting and Transplanting* (as amended).

In addition, the following planting standards shall apply:

- (a). All planting holes shall be dug by hand. The only exceptions are for new construction where new planting pits, planting beds with granite curbing, and planting sites with Silva Cells (or equivalent) are being created. If a machine is used to dig in any of these situations and planting depth needs to be raised, the material in the bottom of the planting hole must be firmed with machine to prevent sinking of the root ball.
- (b). Wire and burlap coverings shall be removed from the root ball and planting hole prior to planting.
- (c). The root ball of the tree shall be worked so that the root collar of the tree is visible and no girdling roots are present.
- (d). The root collar of the tree shall be 2"-3" above grade of planting hole for finished depth.
- (e). All plantings shall be backfilled with soil from the site and amended no more than 20% with organic compost. The only exceptions are new construction where engineered soil is being used in conjunction with Silva Cells (or equivalent) and where new planting beds are being created.
- (f). All plantings shall be backfilled in three lifts and all lifts shall be watered so the planting will be set and free of air pockets.
- (g). An earth berm shall be placed around the perimeter of the planting hole except where curbed planting beds or pits are being used.
- (h). 2"-3" of mulch shall be placed over the planting area.
- (i). At the time the planting is complete the planting shall receive additional water to ensure complete hydration of the roots, backfill material and mulch layer.
- (j). Stakes and guys shall be used where appropriate and/or necessary. Guy material shall be non-damaging to the tree.
- (k). All planting stock shall be specimen quality, free of defects, and disease or injury. The City reserves the right to refuse/reject any plant material or planting action that fails to meet the standards and practices contained herein.

- (l) When appropriate for trees placed within sidewalks, tree grates shall be used to prevent excessive soil compaction and to add interest to the pavement. Tree grates shall be fabricated of a strong, durable material, installed flush with grade, and provide an expandable center opening to allow for continued tree growth.
- (m) Where applicable, tree guards shall be installed to protect the base of the tree from street activity.
- (n) Tree wells over 6 inches deep or other landscape features that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed.
- (o) All trees where required shall be welled and protected against change of grade.
- (p) Where appropriate a tree protection plan meeting the specifications of the City of Portsmouth may be required by the City to protect trees at risk from damage during construction.

Section 6.5 Plant Selection

- 1. All proposed plantings shall be appropriate for the soils, weather and environmental conditions of the site. Particular attention shall be paid to tolerance to potential road salt and other deicing treatments.
- 2. Plant materials shall be of specimen quality conforming to the American Standards for Nursery Stock and shall be guaranteed for at least two growing seasons.
- 3. Plants on the *Prohibited Invasive Plant Species List* maintained by the NH Department of Agriculture shall not be planted.
- 4. Trees shall be selected for growing habits that are appropriate for the location. Consideration shall be given to crown height and canopy spread at maturity so as not to interfere with buildings, structures, pedestrian and bicycle facilities, or other site features.

Section 6.6 Landscaped Areas

- 1. Side slopes for all landscaped areas shall not exceed thirty-three (33) percent (3:1 slope), and shall be appropriately stabilized with vegetation.

2. Within parking areas, landscaped islands shall be provided between adjacent rows of parking and between groups of parking spaces with the goal of breaking up large contiguously paved areas.
3. Landscaped islands shall be a minimum of nine (9) feet wide or as necessary to provide adequate room for growth and so as not to interfere with access to vehicles, lines of sight, pedestrian travel, or the long-term health of the vegetation.
4. Landscaped areas shall consist of a combination of large and small trees, shrubs, perennial and/or annual flowers, and groundcover. Managed turf areas should be kept to a minimum to reduce mowing and fertilizer needs.
5. Landscaped areas shall be designed with a variety of plant species that provide seasonal variety.
6. Landscaping around building entrances, near parking spaces, and along pedestrian and bicycle ways shall not interfere or block line of sight, restrict travel, or present a hazard to personal property.
7. Any landscaping located within the safe site distance of a driveway entryway, as defined by AASHTO standards, shall be no more than 3 feet at mature height.
8. Areas between trees and shrubs shall be planted with groundcover spaced to cover the area within 3 years. Areas of exposed bare soil shall be avoided. Mulch shall not be considered a groundcover.
9. Pedestrian pathways made of permeable materials are encouraged where landscaping areas are of a size and shape to accommodate pedestrian passage.
10. Low Impact Development techniques such as rain gardens, bioretention areas, and tree boxes and other stormwater management landscaping techniques may be incorporated into landscaped areas and may replace required landscaping components as approved by the Planning Board.

Section 6.7 Landscaping Along Public Rights of Way

1. Where feasible or as required by the Planning Board, street trees may be planted along public rights-of-way with the goal of providing a tree-lined street.
2. Trees shall be spaced at a minimum of 1 tree per 30 lineal feet or farther apart if necessary to accommodate the mature crown spread of the tree.

Trees shall not interfere with buildings, overhead utilities, pedestrian travel, or access to on-street parking spaces.

3. In the Gateway District, the front yard shall include a landscaped buffer strip with a depth of at least one-third of the distance between the street right-of-way and any building, and extending across the width of the lot except for driveways, sidewalks and bicycle paths. The buffer strip shall be in addition to the street trees required herein, and shall include a combination of trees and lower-level elements such as shrubs, hedges, fences, planted berms, or brick or stone walls.

Section 6.8 Perimeter Landscaping

1. Parking areas shall be landscaped on the perimeter in order to soften the visual impact of the parking area while maintaining clear sight lines.
2. Landscaping between nonresidential uses is intended to provide visual relief from pavement. It may, however, encourage passage between nonresidential properties by (a) providing five (5) foot wide pedestrian pathways through landscaping elements at locations suitable for safe pedestrian circulation and (b) using landscaping materials that allow a clear sight line between properties at a height of three (3) feet.
3. A minimum nine (9) foot-wide landscaped buffer, including shade trees, between the street or accessway pavement and the sidewalk or pedestrian pathway shall be provided where adequate public right of way exists.

Section 6.9 Screening

1. Where nonresidential uses and/or off-street parking facilities abut a residential zone the perimeter shall be screened to provide physical and visual separation between uses.
2. Natural screening shall consist of evergreen shrubs/trees planted in a line to form a continuous screen and growing to a height of 6 feet within 3 years. The remaining portion of the screening area shall consist of large and small trees, grass, flower beds, or other vegetative groundcover planted to fully cover the ground surface of the area within 3 years.
3. A 6-foot high fence or masonry wall may be substituted for natural screening if approved by the Planning Board. The wall or fence shall be placed on the exterior side of any landscaping.
4. All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.

5. All mechanical installations and equipment, solid waste collection equipment, pump stations, and outdoor storage shall be screened or softened with landscaping that is appropriate for the location.

Section 6.10 Maintenance and Replacement of Landscaping and Screening

1. The property owner shall be responsible for the maintenance, repair, and replacement of all required screening and landscaping materials.
2. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
3. The property owner will remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified, and approved by the Planning Board.

Section 6.11 Irrigation

1. Irrigation should be minimized to the extent possible through use of native drought tolerant species and the use of landscaping that does not require permanent irrigation systems.
2. When irrigation is necessary to support the establishment and/or maintenance of landscaped areas smart controllers shall be used that limit irrigation during the day and during rain events.
3. Where appropriate, additional water conservation features including trickle and drip lines, rain barrels, cisterns or other water harvesting elements shall be incorporated into the site design to help maintain plantings.
4. Applicants are encouraged to use recycled water for irrigation provided the harvesting and circulation systems and water quality meet the requirements of the City's Utility Ordinance and state standards.
5. Irrigation systems shall be installed and operated in accordance with the City's Utility Ordinance.

Section 6.12 Innovative Landscaping Practices

6.12.1 Green Roofs

Applicants are encouraged to use roofing materials that have a Solar Reflective Index (SRI) of at least 29 (greater for roofs with a slope of 2:12 or more) and to install vegetated roofs to minimize the runoff volume generated by the roof.

6.12.2 Solar Orientation

Applicants are encouraged to incorporate landscaping techniques that help reduce energy consumption for heating and cooling of buildings on the site. Trees should be planted in order to provide shade on buildings and parking lots in the warm seasons and to allow solar heat during the cool seasons.

Article 7 Water Resources Standards

Section 7.1 Low Impact Development (LID)

Applicants shall incorporate Low Impact Development (LID) site planning and design practices to the maximum extent practical (MEP) to reduce stormwater runoff volumes, maintain predevelopment site hydrology, and protect water quality in receiving waters. LID practices may include site design techniques (e.g., maintenance of vegetated buffers, minimizing of disturbance footprint) and structural measures to promote infiltration such as porous pavement, rain gardens or the capture / reuse of stormwater to reduce the stormwater volume discharged from the site. If LID practices are not proposed, the applicant shall fully demonstrate in writing why these practices are not feasible.

Section 7.2 General Water Quality and Stormwater Management Provisions

1. Water bodies, watercourses, and wetlands shall be preserved in their existing condition whenever possible.
2. All regulated substances shall be stored, transported, disposed or transferred in accordance with the rules for Best Management Practices for Groundwater Protection of the New Hampshire Department of Environmental Services (NH DES).
3. The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to surrounding properties or to public water supply systems or adjacent or downstream surface waters used for aquatic habitat support, aesthetic and/or recreational purposes.
4. For any on-site water system supplying 20,000 gallons per day (gpd) or more, evidence presented by a qualified hydrologist shall be sufficient to reasonably conclude that there will be no adverse effect on other public or private groundwater sources.
5. The development shall meet all applicable federal, state, and City regulations, statutes, ordinances, and standards regarding protection of water quality and stormwater management.
6. Stormwater treatment BMPs shall be designed to optimize nitrogen removal based on currently approved design standards and removal efficiencies listed in either the NH Stormwater Manual, as amended, Appendix F of the EPA NH MS4 Permit or as published by the UNH Stormwater Center.

7. Projects that involve replacement or adding new conveyance infrastructure that will connect to City infrastructure and/or are located on City property with a design life beyond 2050 (e.g. closed drainage pipes, bridges, culverts, etc.), shall incorporate applicable recommended flood protection measures and sizing design guidance contained in the *NH Coastal Flood Risk Summary: Part II: Guidance for Using Scientific Projections 2020* (as amended). The determination of applicability for such measures and design considerations shall be based on review by the City Engineer.

Section 7.3 Wellhead Protection Areas

1. The application for Site Plan Review shall indicate whether the proposed development is located in a wellhead protection or aquifer protection area, and such determination shall be approved by the Director of the Department of Public Works.
2. If the proposed development is determined to be located in a wellhead or aquifer protection area, the Planning Board may:
 - (a) Require upgradient and downgradient U.S. EPA-type monitoring wells that are installed under the direction of a NH certified professional hydrogeologist;
 - (b) Require that a first round of pre-construction samples be collected and analyzed and the results submitted to the Department of Public Works;
 - (c) Determine that continued monitoring is necessary per the recommendation of the Department of Public Works;
 - (d) Require an easement to access the monitoring wells in order to take future samples;
 - (e) Require annual sampling of constituents of concern as determined by the Department of Public Works.
3. Within a wellhead protection area no more than twenty percent (20%) of a single lot or building site shall be rendered impervious to groundwater infiltration.

Section 7.4 Stormwater Management and Erosion Control Plan (SMECP)

The applicant shall submit a Stormwater Management and Erosion Control Plan.

The Planning Board shall approve the Stormwater Management and Erosion Control Plan if it complies with the requirements and objectives of these

regulations. Such approval shall be a component of the overall subdivision or site plan approval. If disapproved, the Planning Board shall furnish the applicant with a list of plan deficiencies and procedures for filing a revised plan.

The Planning Board may require a third-party review by a qualified professional consultant of any Stormwater Management and Erosion Control Plan prepared under these regulations at the applicant's expense.

The SMECP shall, at a minimum, contain the following information, however, additional information may be requested by the Planning Board depending on the proposed project, water quality issues and third-party review recommendations.

1. Narrative that describes the proposed development activity, the proposed changes in land use, land cover and impervious areas, the anticipated construction period and timing, project start and completion dates, sequence and duration of grading and construction activities, sequence and timing of installation and/or application of soil erosion and sediment control measures as well as sequence for final stabilization of the project site.
2. Description of onsite and adjacent wetlands, streams and other water bodies or natural resources and the methods used to identify these resources.
3. Description of Low Impact Development (LID) practices and other protective measures to limit impacts to adjacent natural resources and water bodies.
4. Description of any applicable buffer setbacks, steep slopes, existing mature vegetation, unique habitat conditions, 100-year floodplain limits, manmade and natural drainage conveyances and constraints and known water quality concerns based on local data or the NHDES 303(d) list.
5. Description of existing drainage patterns, receiving waterbodies or drainage infrastructure and soil types for recharge potential.
6. Methods and assumptions used to calculate pre-and post-development runoff volume, peak discharge, and discharge velocity for the specified design storms.
7. Description of the procedures that will be used to store and/or dispose of solid waste during construction such as demolition materials, concrete washout material litter, hazardous liquids such as equipment fuel, as well as sanitary waste that have the potential to cause adverse impacts to water quality.
8. Where proposed changes are anticipated within mapped limits of the 100-year floodplain, provide hydrologic and hydraulic analysis to show no net increase in flood elevations for the 100-year flood.
9. Description of the proposed erosion control and stormwater treatment measures, dewatering methods, including calculations of stormwater runoff rates and volumes and BMP sizing, a demonstration of no downstream impacts, inspection and maintenance procedures including discussion of roles and responsibilities and contingency measures for extreme precipitation events during construction.

10. Calculations for any proposed infiltration measures, including estimated infiltration rates based on test pit information and an estimate of the seasonal high-water table elevation. The calculations should account for frozen ground conditions, or when the devices may not function at their optimal design.
11. Any other specific study, calculation, or investigation as requested by the Planning Board (e.g. sea level rise estimates per other Regulations).
12. The SMECP and drainage plans shall be certified by a licensed professional engineer, registered in the State of New Hampshire.
13. Description of the proposed erosion control inspection and maintenance procedures including planned frequency, reporting, roles and responsibilities, contact information and contingency plans for extreme weather events.
14. A long-term post-construction stormwater BMP maintenance plan that describes inspection and maintenance procedures for all post-construction stormwater control measures including a description of the responsible party that will perform the long-term maintenance, reporting procedures and process for corrective actions.
15. Description of the procedures for removing temporary erosion control measures and removal of accumulated sediment captured by such measures.
16. For projects draining to inland wetlands and water bodies, the SMECP shall include a description of winter maintenance practices including any onsite salt storage and handling practices, snow storage and Best Management Practices that will be deployed to minimize the use of road salt.

Section 7.5 Construction Erosion Control Design Standards

The following standards shall be applied in selecting and designing appropriate stormwater management and erosion control measures during the construction phase. If a Stormwater Pollution Prevention Plan (SWPPP) has been prepared to comply with the EPA Construction General Permit (CGP), relevant portions of the SWPPP can also be utilized to satisfy the required SMECP contents, provided the listed required elements are included in the SWPPP.

1. The selection, sizing, installation and maintenance of all erosion and sediment control measures shall be consistent with the design guidance set forth in the NH Stormwater Manual, Volume 3 (as amended).
2. Whenever practical, natural vegetation (not included invasive species) shall be retained, protected and/or supplemented. Clearing of any vegetation shall be done in a manner that minimizes soil erosion. Vegetated areas to be retained should be clearly marked and protected using construction fencing or similar means.
3. Soil disturbance shall be avoided within established buffer setbacks as established by the City Wetland Protection section of the Zoning Ordinance.
4. The area of disturbance shall be kept to a minimum through innovative site

design and treatment methods that preserve and protect existing onsite and adjacent natural resources to the greatest extent practical.

5. Construction site disturbance should be phased to disturb only the amount of area needed to accommodate each phase of development and limit the amount of exposed soil area especially during winter months.
6. Adequate temporary solid waste and sanitary waste disposal facilities shall be maintained onsite during the construction period.
7. Adequate construction stone access pads shall be installed and maintained at the site entrance and exit locations to prevent mud and sediment from being tracked on to pavement.
8. An onsite pre-construction meeting shall be held with the City Engineer or designated representative prior to initiating earth moving activities and after perimeter erosion control measures, protective fencing, waste disposal and construction access pads have been installed.
9. Disturbed areas shall be either temporarily or permanently stabilized by measures consistent with the guidelines included in the NH Stormwater Manual. In areas where final grading has not occurred, temporary stabilization measures shall be implemented as soon as practicable but no later than (7) calendar days from the initial disturbance or as requested by the City Engineer. Disturbed soil areas that have achieved final grading shall be permanently stabilized within (3) calendar days after final grading.
10. Upgradient surface runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
11. Natural drainage patterns and conveyances, including intermittent streams, swales, and drainage ditches shall be maintained to the extent practical to convey runoff from the project area. Perimeter controls shall not be placed within wetland buffer areas or intermittent and perennial stream channels.
12. Winter stabilization measures shall be deployed on disturbed areas that will remain idle over the winter period as described in the NH Stormwater Manual, as amended.
13. All erosion and sediment control measures shall be designed and installed in accordance with guidelines including in the NH Stormwater Manual, as amended.
14. All erosion control measures and related drainage ways shall be routinely inspected and maintained by a qualified professional to ensure measures remain in functioning condition until final site stabilization is accomplished.
15. All temporary erosion and sediment control measures shall be removed after final site stabilization.

Section 7.6 Post-Construction Stormwater Management Design Standards

7.6.1 Post-Construction Stormwater Management Standards

All development and redevelopment projects that are subject to Site Plan Review shall use an array of best management practices to reduce and treat stormwater runoff prior to discharging from the development. The Applicant will prepare and submit a Stormwater Management and Erosion Control Plan (SMECP) to the Planning Board that describes relevant details on the various best management practices that will be used to protect water quality and prevent flooding and, at a minimum, meets the following design standards:

1. Adequate provisions shall be made to retain natural and existing flow patterns and maintain existing groundwater recharge volumes to the maximum extent feasible, where appropriate, and/or retain, treat and/or potentially reuse the stormwater generated on the site.
2. Efforts shall be made to utilize methods that disconnect and/or reduce the amount of effective impervious area including, but not limited to, infiltration trenches, dry wells, bioretention areas, filter strips, permeable pavement, and cisterns.
3. Applicants shall demonstrate why on-site infiltration approaches are not possible or adequate before proposing the use of conventional systems that rely on collection and conveyance to remove runoff from the site.
4. All proposed stormwater treatment practices shall be adequately sized to treat the Water Quality Volume (WQV) or Water Quality Flow (WQF) in order to minimize pollutant discharges and be properly maintained in accordance with NH Administrative Code PART Env-Wq 1507.03 "Pollutant Discharge Minimization Requirements" and PART Env-Wq, 1707.03, respectively (or as revised / renumbered).
5. Where vegetated areas are used to control and treat stormwater, such areas shall be planted with appropriate non-invasive groundcover, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of stormwater.
6. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2, 10, 25, and 50-year, 24-hour storm event. Rainfall amounts for these events shall be based on local rainfall data using the extreme precipitation table provided by the Northeast Regional Climate Center or as otherwise required by the NHDES Alteration of Terrain requirements, if applicable. Where stormwater will

discharge directly to tidal waters, the Planning Board may waive peak flow control requirements provided the Applicant can demonstrate minimal risk of flooding or increased erosion as result of the discharge, adequate onsite stormwater treatment is provided for water quality purposes and the City Engineer concurs with the waiver request.

7. Site development shall comply with the requirements of the Flood Plain District as regulated by the Zoning Ordinance.
8. BMP designs shall include appropriate separation distances from the seasonal high-water table elevations, where appropriate, and as specified in the *New Hampshire Stormwater Manual* (as amended).
9. Salt storage areas shall be covered using permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and be maintained with good housekeeping measures in accordance with NHDES guidance documents.
10. Snow storage areas shall be located such that no direct discharges to receiving waters are possible from the storage site. Runoff from snow storage areas shall enter treatment areas to remove suspended solids and other contaminants before being discharged to receiving waters or preferably be allowed to infiltrate into the groundwater.
11. The applicant shall demonstrate that there is sufficient on- and off-site downstream channel or system capacity to carry the stormwater run-off volume and flow without adverse effects, such as flooding and erosion of stream banks and shoreland areas.
12. Stormwater treatment BMPs involving excavation or other site alterations shall be located outside of protected wetland buffer areas as defined in the City's Zoning Ordinance Article 10 -- Environmental Protection Standards unless approved under a Conditional Use Permit as outlined Article 10, as amended.
13. In addition to the requirements of this Article, all developments subject to Site Plan Review shall comply with the City's Regulation of Discharges into the Stormwater Drainage System Ordinance.
14. The applicant shall submit documentation demonstrating how and who will maintain stormwater treatment devices post-development.
15. Property owners of new development projects that will add new paved areas shall minimize their salt use through appropriate measures including hiring Green SnowPro certified operators for winter maintenance.

7.6.2 Enhanced Stormwater Treatment Standards for New and Redevelopment Disturbing More than 15,000 square feet of Area

1. New Development

In addition to the Basic Stormwater Management Design Standards listed above, all new development projects that will disturb more than 15,000 square feet of area and are subject to Site Plan Review shall meet the enhanced stormwater treatment standards to minimize the discharge of pollutants consistent with the NH MS4 Stormwater Permit and N.H. Code Admin. R. Part Env-Wq 1507.03, and shall include but not limited to the following:

- (a) Retain or treat stormwater runoff before discharged to a surface water or the MS4 system by one of the following:
 - i. Adequately size and install BMPs that are designed to retain the Water Quality Volume from the total post-construction impervious area calculated in accordance with N.H. Code Administrative Rules Part Env-Wq 1504.10, OR
 - ii. Include BMPs designed to remove 80% of the average annual Total Suspended Solids (TSS) load and 50% of the average annual Total Nitrogen (TN) load generated from the total post-construction impervious area.
- (b) Applicants shall provide details on the proposed BMPs in the SMECP including type, location, sizing and related calculations that demonstrate both the Basic and Enhanced Stormwater treatment standards will be met and the export of TSS and nutrients from the site have been minimized to the maximum extent practical given the proposed use and the characteristics of the site.
- (c) Runoff from new development shall meet the anti-degradation provisions of the state water quality standards (Env-Wq 1700) that require that no additional pollutant loads shall contribute to existing water body impairments.
- (d) Proposed projects that will drain to inland wetlands and water bodies and will create additional roadway or ten (10) or more additional parking spaces, the Applicant shall develop a winter maintenance plan that describes any onsite storage and handling of road salt, anticipated snow storage areas, and efficient deicing practices that will limit the amount of road salt used including the use of Green SnowPro Certified Operators

2. Redevelopment Projects: Redevelopment refers to any proposed development activity subject to Site Plan Review on an existing parcel where 40% or more of its developable land is comprised of impervious surfaces. Stormwater from the disturbed portion of the redevelopment site shall be treated by one of the following techniques, listed in order of preference:
 - (a) Implement LID or stormwater treatment BMPs that will disconnect and/or treat at least 30% of the existing impervious cover and 100% of any additional proposed impervious surfaces or paved areas preferably using filtration and/or infiltration practices; or
 - (b) Implement LID or stormwater treatment measures to disconnect or treat at least 60% of the entire developed area.

7.6.3 Additional Pollutant Tracking and Accounting Program (PTAP) Submittal Requirements

All applicants shall submit, as part of the Final Post Approval Procedures (See Section 2.15), relevant PTAP information using the most recent online data portal currently managed by the UNH Stormwater Center and included on their website. The Planning Department shall be notified and copied of the PTAP data submittal. This may include, but not be limited to, the following information which will be submitted as part of the site plan application:

1. Property address, parcel map no., parcel size, property owner and contact information, Applicant's Engineer contact information.
2. Current property use, amount of existing developed area, impervious area and vegetated area draining to each receiving water body.
3. Proposed property use, amount of disturbed area, impervious area and vegetated area draining to each receiving water body.
4. Description of existing and proposed stormwater drainage conveyances and treatment BMPs and amount of impervious area expected to be treated before discharging to specific water bodies.
5. Direct Receiving Water Body, NHDES HUC Assessment Unit No. and any listed water quality impairments.
6. Maximum effective impervious surface cover that contributes to stormwater leaving the site shall be minimized to the maximum extent feasible. Applicants shall provide a calculation of the maximum effective impervious surface as a percentage of the site.
7. For purposes of these regulations, the total impervious area of a lot or site is defined as the total area of impervious parking lots, accessways, driveways, roof area, decks, paved walkways, sidewalks, and any concrete, stone, brick, asphalt or compacted gravel surface.
8. Impervious surfaces may be disconnected from the stormwater drainage network to reduce the total effective impervious surface cover through such techniques as infiltration or sheet flow over pervious area.

9. Estimates of pollutant load reductions or pollutant removal efficiencies provided by the proposed BMPs based on the impervious area and expected WQV volume treated and removal efficiencies provided in Appendix F or the NH MS4 Permit, published data reported by the UNH Stormwater Center or Appendix E of the NH Stormwater Manual, as amended.
10. Information on the long-term maintenance plan for the proposed BMP(s) including identifying the responsible party, inspection frequency and the reporting procedures consistent with the details identified in Sec. 7.4.6 below.

7.6.4 Responsibility for Installation and Construction

1. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of these regulations.
2. Installation of stormwater management and erosion control measures shall be overseen by a qualified engineer and the Planning Board may require independent review and oversight.
3. The Applicant shall provide the City with an emergency contact name and number for stormwater management emergency incidents. The contact name and number shall remain current during the life of the permit and shall be able to respond to emergencies as soon as possible within no more than four (4) hours at any given time.

7.6.5 Inspection and Maintenance Plans.

1. Long-term Inspection and Maintenance (I&M) Plan

The applicant shall develop and execute an enforceable inspection and maintenance plan for both erosion control measures and permanent stormwater treatment measures to maintain their effectiveness for the duration of their useful life. The I&M Plan shall contain relevant protective covenants or land preservation commitments with a long-term agreement that specifies who will be responsible for inspecting and maintaining the long-term integrity and the stormwater BMP functions and protected area. The I&M Plan shall be provided to the Planning Board as part of the application review process prior to issuance of any local permits for land disturbance and construction activities. The Plan shall include the following items at a minimum:

- (a) This agreement will identify the Owner/ Operator and their successor that will be responsible for perform the inspections and maintenance and the ability to access these BMPs including all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system.
- (b) During the construction period, inspections shall be conducted at least once every seven (7) calendar days or once every 14 calendar days and

within 24 hours of the end of a storm event of 0.5 inch or greater.

- (c) Permanent Stormwater BMPs shall be inspected annually following post-construction
 - (d) The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices.
 - (e) The approved plan shall be incorporated into the agreement of the property on which such measures are located and recorded at the Rockingham County Registry of Deeds. The narrative shall be in the form of a typical Development agreement, or as otherwise set forth by the Planning Board.
- 2. Inspection reports are to be filed on-site in a location easily accessible to a City Engineer.
 - 3. If the Applicant is unable to adequately provide the required inspection and maintenance activities during construction, the City may require additional escrow funding to be used by either the Applicant or the City solely to repair, replace and/or maintain the required measures.
 - 4. As a condition of Planning Board approval, the owner, their successor and assigns shall consent to inspections by the Planning Board or its designee for compliance with these regulations.

Article 8 Utilities Standards

Section 8.1 General Provisions.

1. The development shall be provided with all utilities to adequately meet the anticipated use of the project.
2. All new and relocated wires, conduits, and cables shall be located underground.
3. All electrical and mechanical devices including transformers, telecommunications devices, equipment switching boxes, generators, and other utility cabinets shall be located within buildings when possible or hidden from street and pedestrian areas with landscaping or architectural screens when located outside according to the requirements of Article 6.
4. Temporary overhead power and telephone lines are permitted during construction only.
5. Utility equipment for private development shall not be built in public rights of way.

Section 8.2 Water Supply and Distribution System

1. Where a public water supply is reasonably accessible or required because of groundwater pollution problems, the development shall be provided with a complete water distribution system, including a connection for each legally subdivided lot in accordance with the City Utility Ordinance.
2. Adequacy of public water supply will be determined using existing DPW hydraulic models and studies.
3. Fire hydrants shall be located within five hundred (500) feet of a building (distance measured as usable, not as straight line).
4. Fire hydrants shall be served by a minimum 8 inch main.
5. Fire hydrant flow tests shall yield flow determined adequate for the project by the TAC.
6. The size, flow rate, and pressure of water mains serving the project shall comply with the City Utility Ordinance.

Section 8.3 Sanitary Sewers

All sewage disposal systems shall be designed, constructed and operated in conformance with the NH DES requirements in a manner that will prevent the spread of disease and illness; prevent the pollution of the municipality's brooks, streams, ponds, lakes, and groundwater table; and assure an adequate supply of potable and palatable water for human consumption.

8.3.1 Sewerage System

Existing sewer mains or lines into which the project will connect shall be capable of transporting estimated sewage generated in accordance with the City's Sewer Use Ordinance.

8.3.2 On-site Sewage Disposal System Design

In cases where connection to City sewer systems is not required, on-site sewage disposal systems shall meet NH DES rules and regulations. If required, the City may also conduct an independent review of the on-site disposal system design.

8.3.3 Design and Installation

1. All waste disposal systems shall be designed and installed in accordance with the rules, regulations and design criteria adopted by the NH DES and with the City's Utility Construction Manual.
2. Where an on-site sewage disposal system is proposed, the application shall list the types of uses for which the proposed system is designed.

8.3.4 Fats, Oil and Grease Controls

Measures for the treatment and disposal of fats, oils and greases shall conform to the City's Sewer Use Ordinance.

Section 8.4 Other Utilities

Preliminary approval from the applicable utility company for all other utility services including but not limited to electric, telephone, cable TV, and gas shall be secured prior to approval by TAC. Approvals shall be documented on site plans as appropriate.

Section 8.5 Oversize and Off-Site Improvements

The Planning Board may require that utilities for the proposed site plan be designed oversized, and/or with additional conduits or extensions provided within the public right-of-way, to serve nearby land that is an integral part of the neighborhood service or drainage area.

Article 9 On-Site Waste Storage and Disposal Standards

Section 9.1 Waste Accumulation

Except as otherwise allowed by City ordinances, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid or liquid waste accumulations.

Section 9.2 Storage Containers

1. Every property shall be supplied with adequate solid, semi-liquid, and liquid waste storage containers. These containers shall be provided by the owner of the property, construction company or by contract with a commercial hauler.
2. All solid waste storage containers shall be resistant to insect or animal entry. Liquid waste may only be stored in tanks designed for the particular waste type.
3. Containers will be constructed with rust and impact resistant materials and will be equipped with tight-fitting covers. Containers shall have an appropriate child safe design and be secure from unauthorized access after business hours (locked). The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-free condition.
4. All containers for regulated substances shall meet all applicable federal, state, and local standards.

Section 9.3 Location and Disposal

1. The owner of a property shall insure that the contents of all waste containers are to be emptied or removed for disposal as necessary to prevent nuisance odors and public safety hazards.
2. An appropriate location shall be provided for permanent placement of waste and recycling containers.
3. An appropriate location for temporary placement of waste and recycling containers for collection purposes shall be indicated on all site plans. Such locations shall provide for the safe, accessible and convenient placement of storage containers that do not interfere or impede daily operations and uses on the site or neighboring properties. Such locations shall provide adequate accommodation for access by waste collection and disposal vehicles so as not to damage sidewalks or other City property.

4. Dumpsters and other large exterior waste containers shall be located at service entrances and at the rear of buildings.
5. Dumpster or other waste container pads shall be a minimum of 20 feet from any property line or yard.
6. Dumpster or other waste container pads shall be a minimum of 20 feet from any inlet for stormwater collection.
7. The effluent from any stormwater pipe that drains the area where a dumpster or other waste storage container is located shall traverse a minimum of 50 feet of vegetated area before reaching the banks of the watercourse itself.
8. When a dumpster or other waste storage container pad is adjacent to a watercourse, a minimum landscaped area of 50 feet shall be maintained between the pad and the bank of the watercourse.
9. Recycling shall comply with the City's Solid Waste, Yard Waste and Recycling Ordinance.
10. Permanent and temporary storage locations for all waste and recycling containers shall provide access for waste removal vehicles without damage to sidewalks or other City property.

Section 9.4 Flammable and Combustible Liquids.

All flammable and combustible liquids shall be contained and stored in accordance with the National Fire Protection Association's standards and the International Fire Code. Location of all flammable, combustible and hazardous material storage shall be provided to the Fire Department along with a copy of all required Material Safety Data Sheets (MSDS) prior to Fire Department approval.

Section 9.5 Screening

Screening of on-site waste storage and disposal equipment shall be provided as required in Article 6, of these regulations.

Article 10 Outdoor Lighting

Section 10.1 General Provisions

All projects submitted for Site Plan Review shall provide dark sky friendly outdoor lighting according to these regulations in order to:

- (a) Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce;
- (b) Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- (c) Conserve energy and resources to the greatest extent possible.

Section 10.2 Compliance with Zoning Ordinance

All projects shall comply with the outdoor lighting dark sky friendly standards provided in the Zoning Ordinance.

Section 10.3 Lighting Plan

1. When a proposed project includes outdoor lighting, the Site Plan shall include a lighting plan which shall show:
 - (a) The location on the site where outdoor lighting fixtures (both pole and mounted) will be installed.
 - (b) Scaled plans indicating the location of outdoor lighting fixtures on the site, the height of each fixture, the types of outdoor lighting proposed, and the level of wattage and initial lumens for all light sources.
 - (c) A description of the outdoor lighting fixtures including but not limited to manufacturer's catalog descriptions and drawings. The required plans and descriptions shall be sufficiently complete to enable the Planning Board to readily determine compliance with the requirements of this regulation.
 - (d) A photometric (iso-lux) plan indicating levels of illumination, in foot candles, at ground level.
2. The maintained horizontal illuminance standards set by the Illuminating Engineering Society of North America (IESNA) shall be observed.

3. Should any outdoor light fixture, or the type of light source therein, be changed after the building permit has been issued an amended site plan approval shall be required.

Section 10.4 Lamps

1. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer.
2. Lamps with a color rendering index lower than 50 are not permitted. This requirement shall not apply to decorative lighting which may include colored lamps, such as holiday lighting.
3. Commercial lighting shall meet minimum IESNA illumination levels while not exceeding IESNA uniformity ratios and average illuminance recommendations.

Article 11 Radio Communications Standards

Section 11.1 Site Survey

1. When necessary to provide emergency response communication to the site and at the request of the police or fire department, the applicant shall have a site survey conducted by a radio communications carrier approved by the City's Communications Division. The radio communications carrier must be familiar and conversant with the police and fire radio configuration.
2. If the site survey indicates that it is necessary to install a signal repeater either on or near the proposed project, those costs shall be the responsibility of the property owner.
3. The property owner shall be responsible to pay for the site survey whether or not the survey indicates a repeater is necessary.
4. The owner shall coordinate with the supervisor of radio communications for the City.

Attachment A: Digital As-Built Plan Requirements

1. The digital plan must show the same features as the hardcopy plan, including, but not limited to, structures, utilities, property lines, and survey monuments. Text items, such as titles and dimensions, are allowed but not required.
2. The file format must be either AutoCAD DWG, AutoCAD DXF, or an ESRI format. The plan must be in a single digital file with no external reference ("XREF").
3. The plan must be created in model space, with drawing units of U.S. survey feet. The north rotation must be 0°. New Hampshire state plane coordinates, NAD83 (1996), are preferred.
4. The features must be in the CAD layers and a list of layers shall be provided. Features that do not have a layer specified in this list must be in a separate, unique layer and identified in accompanying documentation. The City will provide a template CAD file upon request.
5. When creating line features that would represent polygons in a GIS, such as property lines and building footprints, the CAD user must snap end points of lines together and must make sure polygons close. All line features must be of a continuous line-type, such that each individual line/pipe feature (i.e. each segment) is only broken at the ends where a node/structure is located. Straight lines must be represented by only the beginning and ending x- and y-coordinate points.
6. All point features shall be entered using standard point/node symbols.
7. When choosing reference features, the applicant must begin at the top of the list. For example, manhole covers may only be used if no hydrants or valves are available. The reference features should be as far from each other as practical. If suitable features are not available within 750 feet (by survey traverse) of the project area, then the applicant shall, at the discretion of the Planning Director, either use alternative features or omit the features. The following reference features are allowed: survey control monuments with horizontal accuracy of at least FGDC Second Order, Class II, including City monuments; fire hydrant spindles, water main valves, and sewer force main valves; sewer or drain manhole cover centers; catch basin centers.
8. The digital plan must be accompanied by electronic documentation, such as a text file, containing the following information: the name of the applicant and the preparer of the plan; the name and version of the CAD software used to create the plan; the project address and/or parcel number.

Attachment B: Topsoil Specifications

1. The City of Portsmouth recommends a mixture of $\frac{3}{4}$ loam, and $\frac{1}{4}$ compost for all topsoil areas. This includes but is not limited to planting beds, turf areas and the green strip between the sidewalk and roadway.
2. The City requires a chemical and composition soil test for this mixture before applying to any areas.
3. The soil mixture shall be applied at a minimum depth of 6".
4. Loam should consist of 40% sand, 40% silt, and 20% clay.
5. Compost shall meet all of the following criteria and a soil test shall be provided from the compost distributor:
 - a. Product shall be manufactured through the controlled aerobic, biological decomposition of biodegradable materials;
 - b. Product shall have undergone mesophilic and thermophilic temperatures in order to reduce the viability of pathogens and weed seeds, and stabilize the carbon such that it is beneficial to plant growth;
 - c. Product sanitization through the generation of thermophilic heat shall meet the standards of the Processes to Further Reduce Pathogens (PFRP), as defined by the Code of Federal Regulations Title 40, Part 503, Appendix B, Section B;
 - d. Product shall bear little physical resemblance to the raw material from which it originated;
 - e. Product shall be an organic matter source that has the unique ability to improve the chemical, physical, and biological characteristics of soils or growing media.

Article 10 Environmental Protection Standards

Section 10.1010 Wetlands Protection

Section 10.1020 Earth Products Removal and Placement

Section 10.1010 Wetlands Protection

10.1011 Purpose

The purposes of this Section are:

- (1) To maintain, and where possible improve, the quality of surface waters and ground water by controlling the rate and volume of stormwater runoff and preserving the ability of **wetlands** to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen.
- (2) To prevent the destruction of, or significant changes to, **wetlands**, related water bodies and adjoining land which provide **flood** protection, and to protect **persons** and property against the hazards of **flood** inundation by assuring the continuation of the natural or existing flow patterns of streams and other water courses within the City.
- (3) To protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.
- (4) To protect, and where possible improve, wildlife habitats and maintain ecological balance.
- (5) To protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.
- (6) To protect, and where possible improve, shellfish and fisheries.
- (7) To prevent the expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of **wetlands**.
- (8) To require the use of **best management practices** and **low impact development** in and **adjacent** to **wetland** areas.

10.1012 Relationship to Other Regulations

- 10.1012.10 The provisions and criteria set forth in this Section are in addition to the provisions of applicable state and federal laws and regulations, other sections of this Zoning Ordinance, and other local ordinances and regulations.

- 10.1012.20 Where any provision of this Section conflicts with a state or federal law or regulation, another section of this Zoning Ordinance, or another local ordinance or regulation, the more restrictive provision shall apply.
- 10.1012.30 Nothing in this Section shall permit a **use** or activity which is contrary to any other provision of the Zoning Ordinance.
- 10.1012.40 Notwithstanding any other provisions of the Zoning Ordinance, the City of Portsmouth and its administrative and operating agencies and instrumentalities shall comply with the provisions of this Section.

10.1013 Jurisdictional Areas

The provisions of this Section 10.1010 apply to the following jurisdictional areas:

- 10.1013.10 Any **inland wetland**, other than a **vernal pool**, that is 10,000 square feet or more in area;
- 10.1013.20 Any **vernal pool** regardless of area.
- 10.1013.30 Any non-tidal perennial river or stream.
- 10.1013.40 The **tidal wetlands** of Sagamore Creek, Little Harbour, North Mill Pond, South Mill Pond and part of the Piscataqua River, defined as follows:
- (a) Sagamore Creek: Bounded by the easterly side of Peverly Hill Road and the southerly side of Greenleaf Avenue as these cross Sagamore Creek, and extending along the Creek to Little Harbour.
 - (b) Little Harbour: Extending along the Little Harbour shoreline from the municipal line with the Town of Rye to the southerly side of New Castle Avenue, and including Goose Island, Belle Island, Pest Island and that portion of Shapleigh Island lying south of New Castle Avenue.
 - (c) North Mill Pond: Extending along the entire shoreline of North Mill Pond between Bartlett Street and Market Street.
 - (d) South Mill Pond: Extending along the entire shoreline of South Mill Pond west of the tide gate at Pleasant Street.
 - (e) Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.

10.1014 Identification and Delineation of Wetlands and Wetland Buffers

10.1014.10 Wetlands

- 10.1014.11 Jurisdictional wWetlands shall be identified by use of the methodologies in the most current edition(s) of the Federal Manual and/or **Field Indicators**, as may be amended and supplemented from time to time and shall be delineated by on-site inspection of soil types.

~~vegetation, and hydrology~~ by a **certified wetland scientist** at a time when conditions are favorable for such determination. Such identified wetlands shall constitute a wetland delineation of any jurisdictional wetland under this section.

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10.1014.12 A **created wetland** shall be considered a **wetland** for the purposes of this section.

10.1014.13 Any area which may have been a **wetland** but was filled prior to January 1, 1970 or pursuant to properly issued federal, state and local permits granted prior to the adoption of this Ordinance shall be judged according to the conditions existing at the time an application for a **building permit** or subdivision is filed or submitted.

10.1014.20 Wetland Buffers

10.1014.21 The purpose of a **wetland buffer** is to reduce erosion and sedimentation into the **adjacent wetland, vernal pool** or water body, to aid in the control of nonpoint source pollution, to provide a vegetative cover for filtration of runoff, to protect wildlife habitat, and to help preserve ecological balance.

10.1014.22 The ~~required wetland buffer is for a jurisdictional wetland or water body shall be~~ defined as all land within 100 feet of ~~the any~~ jurisdictional ~~area wetland or water body~~.

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10.1014.23 **Wetland buffers**, including **vegetated buffer strips** and limited cut areas, shall be parallel to and measured from the **reference line** for the applicable jurisdictional area on a horizontal plane.

- (1) **Inland wetland buffers** shall be measured from the edges of **inland wetlands** and surface water bodies.
- (2) **Tidal wetland buffers** shall be measured from the edges of **tidal wetlands** and **highest observable tide lines**.

10.1015 Notification to Planning Director

Notice shall be provided to the Planning Director prior to any construction, **demolition**, tree cutting, vegetation removal, or other **alteration** in a **wetland** or **wetland buffer**.

10.1016 Permitted Uses

10.1016.10 The following **uses**, activities and **alterations** are permitted in **wetlands** and **wetland buffers**:

- (1) Any **use** that does not involve the erection or construction of any **structure** or **impervious surface**, will not alter the natural surface configuration by the addition of fill or by dredging, will not result in site **alterations**, and is otherwise permitted by the Zoning Ordinance. Examples of such **uses** include forestry and tree farming,

wildlife refuges, parks and recreational **uses**, conservation and

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nature trails, and **open spaces** as permitted or required by the Zoning Ordinance or Subdivision Regulations.

- (2) Improvements to existing public rights-of-way and **sidewalks**.
- (3) The construction of piers or docks, provided that all required local, state and federal approvals have been granted.
- (4) The construction of an addition or extension to a **one-family** or **two-family dwelling** that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:
 - (a) The **footprint** area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the **footprint** of the principal heated **structure** existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar **buildings** or **structures**);
 - (b) The addition or extension shall be no closer to a **wetland** or water body than the existing principal **structure**; and
 - (c) The addition or extension shall conform with all other provisions of the Zoning Ordinance and with all other applicable ordinances and regulations of the City of Portsmouth.
- (5) The use of motor vehicles, except for all-terrain vehicles, when necessary for any purpose permitted by this Ordinance.
- (6) Emergency power generator outside the **wetland** and **vegetated buffer strip**, provided that the total **coverage** by equipment and any mounting pad shall not exceed 10 square feet.
- (7) **Uses**, activities and **alterations** that are consistent with a Wetland Protection Plan that has been approved by the Planning Board through the grant of a conditional use permit.
- (8) Construction of fences outside the **vegetated buffer strip**, provided that any posts are no wider than 3" in any dimension, and that there are no footings and no ground disturbance beyond the installation of the posts.

10.1016.20 Any **use**, activity or **alteration** not specifically permitted by Section 10.1016.10 above is prohibited unless authorized by the Planning Board through the grant of a conditional use permit.

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- 10.1016.30 When the Planning Director reasonably believes that an existing or proposed **use**, activity or **alteration** that is not specifically permitted by Section 10.1016.10 is located in a **wetland** or **wetland buffer**, and a conditional use permit has not been granted for such **use**, activity or **alteration**, the Planning Director may require a **wetland** delineation complying with Section 10.1014 in order to verify the location or absence of **wetlands** and determine whether the **use**, activity or **alteration** requires a conditional use permit.

10.1017 Conditional Uses

10.1017.10 General

The Planning Board is authorized to grant a conditional use permit for any **use** not specifically permitted in Section 10.1016.10, subject to the procedures and findings set forth herein.

10.1017.20 Application Requirements

- 10.1017.21 The application shall be in a form prescribed by the Planning Board, and shall include the following information:

- (1) Location and area of **lot** and proposed **development** activities and **uses**;
- (2) Location and area of all jurisdictional areas (**vernal pool**, **inland wetland**, **tidal wetland**, river or stream) on the **lot** and, to the extents practical, within 250 feet of the **lot**;
- (3) Location and area of **wetland buffers** on the **lot**;
- (4) Description of all proposed construction, **demolition**, fill, excavation, or any other **alteration** of the **wetland** or **wetland buffer**;
- (5) **Setbacks** of proposed **alterations** from property lines, jurisdictional areas and **wetland buffers**;
- (6) Location and area of **wetland** impact, new **impervious surface**, previously disturbed **upland**;
- (7) Location and description of existing trees to be removed, other **landscaping**, grade changes, fill extensions, rip rap, culverts, utilities;
- (8) Dimensions and **uses** of existing and proposed **buildings** and **Structures**;
- (9) Locations of any particular site features or constraints that provide support for the proposed **development** activities including, without limitation, bedrock, significant grades, contaminated soils or waters; other development that may exist between the proposed **development** activity and the

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wetland or wetland buffer; and any other elements specific to the proposed development which provide a basis for a conditional use permit under this section.

(10) A Wetlands Protection Plan;

(11) Information as required by this Article, based on the amount of alteration proposed; and,

(9)(12) Any other information necessary to describe the proposed ~~construction~~ development activity or alteration.

10.1017.22 Where the proposed development activity project will involve the temporary or permanent alteration of more than 250 sq. ft. of **wetland** and/or **wetland buffer**, the

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application shall provide **the following** information about the affected **wetland** and **wetland buffer** as follows:

- ~~(1) More than 250 sq. ft. and less than 1,000 sq. ft. of alteration to the wetland buffer (regardless of the amount of alteration to the wetland): (a) a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed; and, (b) :~~
- ~~(1) Up to 1,000 sq. ft. of alteration to the wetland: a~~ **wetland** characterization that describes the type of **wetland** (e.g., emergent, scrub-shrub, forested), the percent of invasive species, and whether the **wetland** is seasonally flooded.
- ~~(2) (1) More than 250 sq. ft. of alteration to the wetland buffer (regardless of the amount of alteration to the wetland): a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed.~~
- ~~(2) (2) For 1,000 sq. ft. or more than 1,000 sq. ft. of alteration to the wetland: a functions and values assessment equivalent to the model set forth in Appendix A of The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach, NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.~~

10.1017.23 The application shall describe the impact of the proposed project with specific reference to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way), and shall demonstrate that the proposed site **alteration** is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Ordinance.

10.1017.24 Where feasible, the application shall include removal of **existing impervious surfaces** **in an amount** at least equal in area to the area of **any new impervious surface area** impact. ~~The intent of this provision is that the project will not result in a net loss of pervious surface within a jurisdictional wetland buffer. If~~

- ~~(1) If it is not feasible to remove existing impervious surfaces from the wetland buffer in an amount at least equal in area to the area of new impervious surface impact, the application shall include a wetland buffer enhancement plan that describes how the wetland functions and values will be enhanced to offset the proposed impact.~~
- ~~(2) The intent of this provision is that the approval of the project will not reduce the amount of pervious surface within a jurisdictional wetland buffer.~~

10.1017.25 A **wetland buffer** enhancement plan shall be designed to enhance the functions of the jurisdictional **wetland** and/or **wetland buffer** on the lot, and to offset the impact of the proposed project.

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- (1) The **wetland buffer** enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, improved site hydrology, or protective easements provided offsite.
- (2) Where the vegetated buffer strip contains grass or non-native plantings, or is otherwise not intact, the first priority of the **wetland buffer** enhancement plan shall be to include revegetation of the vegetated buffer strip with native, low-maintenance shrubs and other woody vegetation.

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(2) 10.1017.26 Where the proposed **development project activity** involves a use, activity or alteration in a **tidal wetland** or **tidal wetland buffer**, the application shall include a **living shoreline** strategy to preserve the existing natural shoreline and/or encourage establishment of a **living shoreline** through restoration, as applicable. Said **living shoreline** strategy shall be implemented unless the Planning Board determines that it is not feasible.

10.1017.30 Application Review Procedure

- 10.1017.31 The application for a conditional use permit shall be submitted to the Planning Director.
- 10.1017.32 The Planning Director shall refer the application to the Conservation Commission for review and comment.
- 10.1017.33 In addition to the wetlands mapping required for every application under this section, the Planning Board or the Planning Director may require the findings of an independent New Hampshire **certified wetland scientist** or other additional special investigative studies, and may assess the owner reasonable fees to cover the costs of such studies and for the review of documents required by application.
- 10.1017.34 The Planning Board shall hold a public hearing on the application within 90 days of the initial submittal to the Planning Board, and shall issue a letter of decision within 10 days of the public hearing, or within 10 days of a later meeting if the matter is continued. The time requirements stated herein may be waived by the applicant.
- 10.1017.35 Public notice for public hearings shall be made in accordance with State law.
- 10.1017.36 The application process pursuant to this section may proceed prior to and/or run concurrent with the State and Federal permit processes, but the conditional use permit shall not become effective until the State and Federal permits are received.

10.1017.40 Conditional Use Approval

- 10.1017.41 The Planning Board shall grant a conditional use permit provided that it finds that all other restrictions of this Ordinance are met and that proposed **development** meets all the criteria set forth in section 10.1017.50 or 10.1017.60, as applicable.
- 10.1017.42 The Planning Board shall evaluate an application for a conditional use permit in accordance with *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.
- 10.1017.43 The burden of proof that the criteria required for approval of the conditional use permit exist or are met shall be the responsibility of the applicant.

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- 10.1017.44 Economic considerations alone are not sufficient reason for granting a conditional use permit.
- 10.1017.45 Where new **impervious surface** is proposed in a **wetland** or **wetland buffer**, the submission of a plan to compensate for such new **impervious surface** does not guarantee that a conditional use permit will be granted.

10.1017.50 Criteria for Approval

Any proposed **development**, ~~other than~~ except: (1) **development proposals which propose to improve existing conditions of a previously developed site by reducing existing wetlands or wetlands buffer impacts or improving environmental quality;** or (2) installation of utilities within a right-of-way, shall comply with all of the following criteria:

- (1) The land is reasonably suited to the **use**, activity or **alteration**.
- (2) There is no alternative location outside the **wetland buffer** that is feasible and reasonable for the proposed **use**, activity or **alteration**.
- (3) There will be no adverse impact on the **wetland** functional values of the site or surrounding properties;
- (4) **Alteration** of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals; and
- (5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section.
- (6) Any area within the **vegetated buffer strip** will be returned to a natural state to the extent feasible.

10.1017.51 Improvements to Existing Conditions on Previously Developed Sites

A development proposal that proposes to **reduce existing wetlands or wetlands buffer impacts** or to **improve environmental quality using state of the practice methods for such improvements on a previously developed site** may be considered by the Planning Board based on the conditions of the site or sites under consideration, and the following provisions instead of those set forth in section 10.1017.50:

- a) The prior history of the use of the site and adjacent properties if relevant to consideration;
- b) If applicable, current environmental degradation that will be mitigated, corrected, or improved by the **development proposal**;
- c) Demonstration by the applicant that there will be a demonstrable improvement to overall environmental conditions if the conditional use permit is granted to allow the **development** proposed; and
- d) The recommendations and proposed conditions, if any, from the Conservation Commission.

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The Planning Board may require additional information, including from independent experts, under this section to allow consideration of the development proposal.

The Planning Board may grant a conditional use permit under 10.1017.51 if the Planning Board determines and overall improvement to existing conditions will be achieved by the **development** proposal.
(6)

10.1017.60 Public and Private Utilities within Rights-of-Way in Wetlands and Wetland Buffers

The installation of utilities (including power lines and pipelines) within a right-of-way in an **inland wetland** or **wetland buffer** shall comply with all of the following criteria instead of the criteria set forth in section 10.1017.50:

- (1) The proposed construction is in the public interest;
- (2) Design, construction, and maintenance methods will utilize **best management practices** to minimize any detrimental impact of such **use** upon the **wetland** and will include restoration of the site as nearly as possible to its original grade, condition and vegetated state;
- (3) No alternative feasible route exists which does not cross or alter a **wetland** or have a less detrimental impact on a **wetland**; and
- (4) **Alterations** of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

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10.1017.70 Expiration and Extension

- 10.1017.71 A conditional use permit shall expire one year after the date of approval by the Planning Board unless a **building permit** is issued prior to that date.
- 10.1017.72 The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date. Any other extension may be granted only after a new public hearing on the reconsideration of the application.

10.1017.80 Wetland Protection Plan

10.1017.81 General

10.1017.810 A Wetland Protection Plan shall be required for all **developments** containing a commercial use, or propose to redevelop a site that previously contained a commercial use that propose to impact **wetland** or **wetland buffer**.

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10.1017.811 The owner of a parcel that contains more than 5 acres and more than 5 residential **structures** may apply for a conditional use permit for pre-approval of multiple individual projects over a multi-year time frame by submitting a Wetland Protection Plan conforming to the requirements of this section.

10.1017.82 Submission Requirements and Procedures

10.1017.821 Plan Contents: A Wetland Protection Plan shall include the following information:

- (1) **Wetland** delineation, **wetland buffers** (100 feet), limited cut areas (50 feet) and **vegetated buffer strips** (25 feet).
- (2) Existing **buildings, structures, streets, driveways** and other site improvements.
- (3) Calculations of existing **impervious surface** areas (total and within the **wetland buffer**). For a **manufactured housing park** these calculations shall be provided for each dwelling site and for the park as a whole.
- (4) Proposed protective measures (e.g., rain gardens, tree plantings, shrub plantings).
- (5) Calculations of areas of protective measures and proposed or potential future **impervious surfaces**.

10.1017.822 Initial Submission, Review and Approval Procedures: The initial Wetland Protection Plan shall be submitted to the Planning Department and shall be processed following the procedures for an application for a conditional use permit under Section 10.1017.30 and 10.1017.40.

10.1017.823 Effect of Plan Approval: The grant of a conditional use

permit for a Wetland Protection Plan represents an overall pre-approval of impacts within the **wetland buffer** as

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described on the Plan, subject to the submission of individual site plans in connection with application for a **building permit** that represents a change or increase in **impervious surface** within the **wetland buffer**.

10.1017.824 Permit Site Plans:

- (1) Following the approval of a Wetland Protection Plan, each application for a **building permit** that proposes a relocation of or increase in **impervious surface** within the **wetland buffer** shall be accompanied by a permit site plan showing the specific **impervious surface** changes and the specific protective measures proposed as compensation. Said protective measures shall be completed prior to or concurrently with the proposed **impervious surface** impact for which they provide compensation.
- (2) The Planning Director may approve a permit site plan that is consistent with an approved Wetland Protection Plan.
- (3) If the Planning Director determines that a permit site plan proposes a significant change from the approved Wetland Protection Plan, the owner shall submit an application to the Conservation Commission and Planning Board for an amendment to the conditional use permit.

10.1017.825 Plan Updates: After every 10 **building permits** have been issued under an approved Wetland Protection Plan, whether authorized administratively or by conditional use permit, the owner shall submit an updated Wetland Protection Plan showing the new existing site conditions and including updated calculations. The updated Plan shall also serve as an application for administrative site plan approval for all site changes that have been made since the previously approved Plan or Plan amendment.

10.1017.83 Wetland Protection Plan Standards

10.1017.831 Except as otherwise provided in this Article, No net increase in **impervious surface** within the **wetland buffer**: **Buildings, structures** or other **impervious surfaces** may be constructed, expanded or relocated within the **wetland buffer** provided that (1) no new **impervious surface** shall be within 25 feet of the **wetland** boundary, and (2) any new area converted to **impervious surface** shall be compensated for at a 1:1 ratio by the conversion of existing **impervious surface** within the **wetland buffer** to vegetated **open space** (lawn or planted areas). Such

compensatory **open space** does not need to be shown on the approved Wetland Protection Plan, but shall be shown on the permit site plan submitted with the **building permit** application.

- 10.1017.832 Net increase in **impervious surface** within the **wetland buffer** with compensation: **Buildings, structures** or other **impervious surfaces** may be constructed, expanded or relocated within the **wetland buffer** provided that (1) no new **impervious surface** shall be within 25 feet of the **wetland** boundary, and (2) the net increase in **impervious surface** shall be compensated for by protective measures that are shown on the approved Wetland Protection Plan at the following ratios:

Protective Measure	Ratio of protective measure area to <u>net impervious surface area</u>	
	25'-50' from wetland	50'-100' from wetland
Rain garden	3.0:1	2.0:1
Tree plantings	3.0:1	2.0:1
Shrub plantings	3.0:1	2.0:1

- 10.1017.833 Any increase in permanent **impervious surface** permitted through the provision of compensating protective measures shall also permit a temporary impact within the **wetland buffer** equal to two times the area of the permanent impact.

10.1017.834 Any increase in permanent impervious surface, wetlands impacts or wetlands buffer impacts for development proposals containing or redeveloping a site with a commercial use shall be allowed only if approved by conditional use permit pursuant to section 10.1017.51.

10.1018 Performance Standards

10.1018.10 Stormwater Management

All construction activities and **uses of buildings, structures**, and land within **wetlands** and **wetland buffers** shall be carried out so as to minimize the volume and rate of stormwater runoff, the amount of erosion, and the export of sediment from the site. All such activities shall be conducted in accordance with **Best Management Practices** for stormwater management including but not limited to:

1. *New Hampshire Stormwater Manual*, NHDES, current version.
2. *Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials*, NHDES, January 2004.

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10.1018.20 Vegetation Management

- 10.1018.21 The required **wetland buffer** includes two smaller areas where additional standards and criteria apply: a **vegetated buffer strip** and a limited cut

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area. The width of these areas shall be based on the type of jurisdictional area, as follows:

Jurisdictional Area	Vegetated Buffer Strip	Limited Cut Area
Vernal pool	0' - 50'	50' - 75'
Inland wetland , other than vernal pool	0' - 25'	25' - 50'
Non-tidal perennial stream or river	0' - 25'	25' - 75'
Inter-tidal area or tidal wetland as specified in section 10.1013.40	0' - 25'	25' - 50'

- 10.1018.22 If the **vegetated buffer strip** specified in Section 10.1018.21 contains an area that has a slope of 10% or more for at least 10 feet in a direction perpendicular to the edge of the jurisdictional area, the required width of the **vegetated buffer strip** shall be increased to 55 feet from the edge of a **vernal pool** and to 40 feet from the edge of any other **wetland**.

- 10.1018.23 Removal or cutting of vegetation:

- (1) Chemical control of vegetation is prohibited in all areas of a **wetland** or **wetland buffer**.
- (2) The removal or cutting of vegetation is prohibited in a **wetland** or **vegetated buffer strip**, except that non-chemical control of plants designated by the State of New Hampshire as "New Hampshire Prohibited Invasive Species" is permitted.
- (3) The removal of more than 50% of trees greater than 6" diameter at breast height (dbh) is prohibited in the limited cut area.

- 10.1018.24 Fertilizers:

- (1) The use of any fertilizer is prohibited in a **wetland**, **vegetated buffer strip** or limited cut area.
- (2) The use of fertilizers other than low phosphate and slow release nitrogen fertilizers is prohibited in any part of a **wetland buffer**.

- 10.1018.25 Pesticides and herbicides:

The use of pesticides or herbicides is prohibited in a **wetland** or **wetland buffer**, except that application of pesticides by a public agency for public health purposes is permitted.