



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: September 11, 2026

Re: Recommendations for the September 17, 2026 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the August 20, 2026.

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 August 20, 2026 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SUBDIVISION

- A. The request of **Alea LLC (Owner)**, for property located at **238 Austin Street** requesting. Preliminary and Final Subdivision Approval to subdivide one lot into two lots and demolition of the existing structures to construct a single-family dwelling on each lot.

Planning Department Recommendation

Vote to determine that Item A is complete according to the Subdivision Ordinance, (contingent on the granting of any required waivers under Section III of the agenda) and to accept the application for consideration.

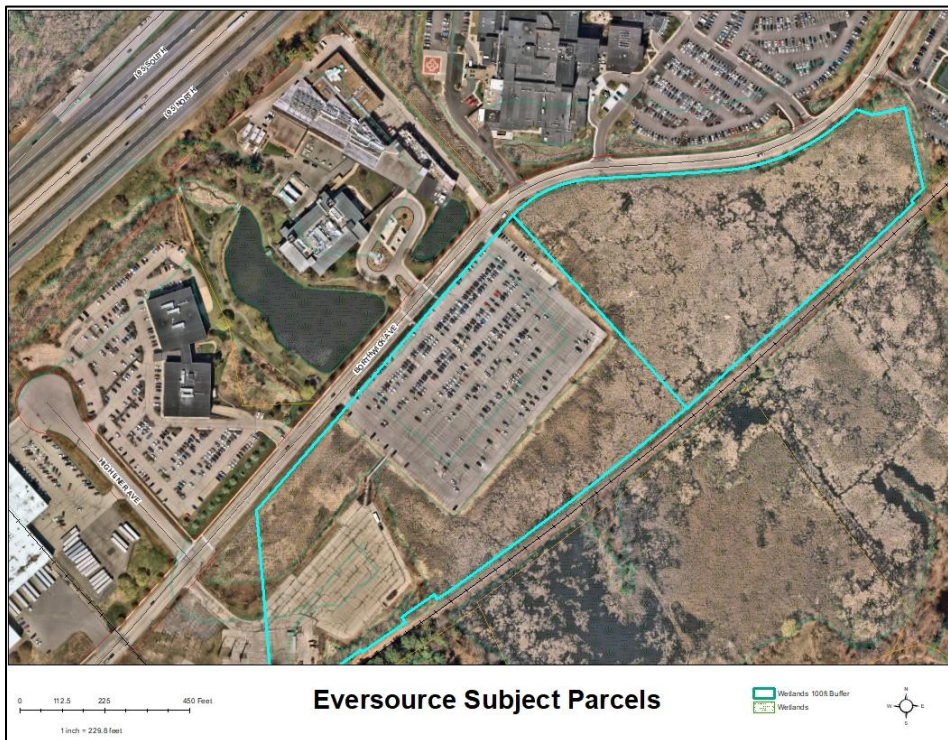
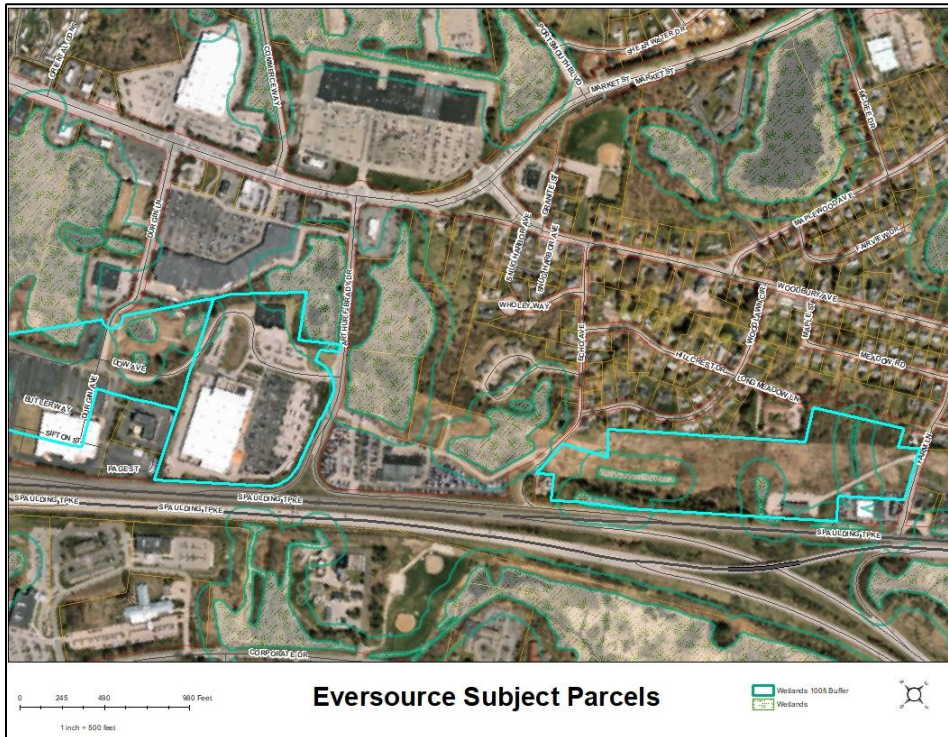
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

III. PUBLIC HEARINGS – NEW BUSINESS

- A. The request of **Public Service of New Hampshire d/b/a Eversource Energy, (Owner)**, for property located at **400 Gosling Rd/Schiller Substation E194 Utility ROW** requesting a Wetland Conditional Use Permit from Section 10.1017.60 for the replacement of 12 wooden structures with new steel structures which includes 45,531 square feet of temporary wetland buffer impacts and 37,390 square feet of temporary wetland impacts. Said property is located on Assessor's Map 239 Lots 16, 18; Map 238 Lot 20; Map 237 Lot 56; Map 236 Lot 34; Map 240 Lot 2-1, 2-2001, 3 and lies within the Gateway Neighborhood Corridor (G1), Office Research (OR), Municipal (M), and General Business (GB) Districts.

Project Background

The application is for the replacement of twelve existing transmission line structures within the E194 115-kV transmission corridor extending from the Schiller Substation through portions of Portsmouth. The work is part of Eversource's Asset Condition Replacement Program and involves replacing existing wood structures with weathering steel structures to maintain the reliability of the regional electrical transmission system. The applicant has been before the Board twice over the last few years with similar applications.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.60 the applicant must satisfy the following conditions for approval of this project.

1. The proposed project is in the public interest.

The project is necessary to maintain the existing electrical corridor and the project will provide upgrades to the support infrastructure.

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.

The applicant has stated that wooden timber matting will be used to minimize the soil disturbance of wetlands and sensitive areas. The applicant has committed to temporary impacts only and will no longer be utilizing permanent gravel roadways, as previously proposed.

3. No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.

The applicant appears to have chosen the routes with the least amount of impact to access the replacement poles.

4. Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

The majority of vegetation is expected to return to its original configuration after the timber mats are removed.

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, [August 12, 2026](#) the Commission unanimously (7-0) to recommend approval as presented.

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 as presented.

- B. The request of Alea LLC (Owner), for property located at 238 Austin Street requesting.** Preliminary and Final Subdivision Approval to subdivide one lot into two lots and demolition of the existing structures to construct a single-family dwelling on each lot. Said property is located on Assessor Map 135 Lot 61 and lies within the General Residence C (GRC) District.

Project Background

The applicant is proposing to subdivide the existing lot into two lots. The existing lot has frontage on Austin Street and Coffins Court. The property currently contains an existing single-family dwelling and a shed on the Austin Street frontage and a deteriorated barn on the Coffins Court frontage. All structures will be demolished and construction of a single-family dwelling on each lot is proposed.



Project Review, Decisions, and Recommendations

The project was before the Board of Adjustment and the Technical Advisory Committee. See below for details.

Board of Adjustment

At their regular meeting of Tuesday, [February 18, 2026](#), the Board of Adjustment considered the variance request to subdivide the property resulting in the need for the following variances: Proposed Austin Street Lot: allow a 49.75' of frontage where 70' is required. Proposed Coffins Court Lot: allow a 2,884 sf of lot area and lot area per dwelling where 3,500 sf is required for each; allow a 5.5' side yard where 10' is required; and to allow an 18' rear yard where 20' is required. The Board voted unanimously (7-0) to grant the requested variances as presented.

Technical Advisory Committee

At their regularly scheduled meeting of Tuesday, [August 4, 2026](#) meeting TAC voted to recommend that the Planning Board approve the subdivision with the following conditions:

1. *Clarify existing and proposed utilities.*
2. *Show all existing utility connections and clearly call them out for abandonment if applicable.*
3. *Show water and sewer service separation, with 5' between water and sewer services. All utilities entering structures shall be no closer than 3' from each other.*
4. *Show whether gas connections are proposed for the structures and show the gas main location on both streets.*
5. *Show spot grades in the gutter line and for the sidewalk crossing of Austin Street to ensure compliance with ADA rules.*
6. *Confirm whether the 24" tree in the driveway will be removed.*
7. *Show on path to the front door on the plans for Austin Street.*
8. *Tie the Austin Street house gutters directly to the storm drain.*
9. *Identify the two objects on the driveway side that are 9.1' from the property line.*
10. *Show the total width of the driveways at the property line for permitting, with a maximum width of 24' unless a zoning variance is approved.*
11. *Barn must be removed prior to recordation of the subdivision plan.*
12. *CMMP is required.*

13. *Pre-construction survey and vibration monitoring required during demolition and foundation stage of construction.*

14. *No primary power or transformer shall be located on Coffins Court, and service shall be limited to no more than 200 amps.*

15. *Show landscaping features on the plan.*

16. *Comply with applicable roadway restoration per DPW and surety requirements for any disturbance of Coffins Court.*

The conditions above have been addressed in the Planning Board submittal or added as conditions below.

Planning Department Recommendation Subdivision Waiver

Vote to grant the requested waiver from Section VI.6 Drainage Improvements of the Subdivision Ordinance.

An affirmative vote of six members of the Planning Board is required to grant a waiver. [NOTE: Motion maker must select one of the following options]:

a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

[or]

b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

Planning Department Recommendation Subdivision

1) Vote to find that the Subdivision Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Site Plan Application meets the requirements set forth in the Subdivision Rules and Regulations and to adopt the findings of fact as amended.

2) Vote to grant Preliminary and Final Subdivision Approval with the following conditions:

2.1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.2) GIS data shall be provided to the Department of Public Works in the form as required by the City.

- 2.3) Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.*
- 2.4) The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.5) Construction Management and Mitigation Plan (CMMP) is required.*
- 2.6) Pre-construction survey and vibration monitoring required during demolition and foundation stage of construction.*
- 2.7) Barn must be removed prior to recordation of the subdivision plan.*

- C. The request of **PWED2 LLC(Owner)**, for property located at **921 Islington Street** requesting a Conditional Use Permit from Section 10.0440, Use #19.50 for an accessory outdoor dining and drinking area. Said property is located on Assessor Map 172 Lot 10 and lies within the Character District 4-W (CD4-W).

Project Background

The applicant is requesting approval of a Conditional Use Permit (CUP) for outdoor dining and drinking area associated with the redevelopment of 921 Islington Street. The Planning Board previously approved Site Plan Review and a Conditional Use Permit for outdoor dining on October 16, 2025. The applicant has modified the location and layout of the previously approved patio area. As a result, the applicant is seeking approval of a CUP reflecting the new outdoor dining configuration. The underlying restaurant use, approved site plan, and overall redevelopment of the property remain substantially unchanged.

The applicant states that the revised patio location moves the outdoor dining area farther from the abutting property, reducing potential impacts relating to noise, light, and air while maintaining the approved restaurant operation. Administrative approval of the associated minor site plan modifications is being processed separately.



Planning Department Recommendation
Outdoor Dining Conditional Use Permit

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as amended and read into the record.

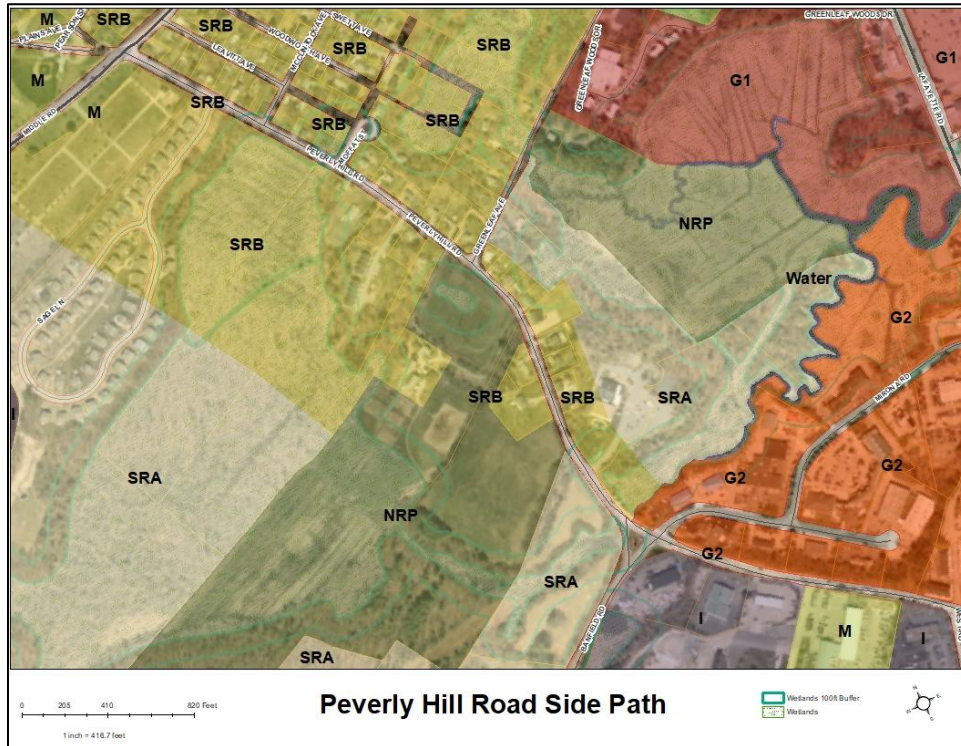
2) *Vote to approve the conditional use permit as presented.*

- D.** The request of **The City of Portsmouth, (Owner)**, for property located at **Peverly Hill Road - Side Path Project City ROW**. requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the reconstruction of approximately 1-mile section of Peverly Hill Road between West Road and Middle Road (NH Route 33). The purpose of the project is to enhance safety for all modes of travel (vehicles, bicyclists, and pedestrians) in conformance with the City of Portsmouth's Complete Street Policy adopted in 2013. The project includes 970 square feet of permanent wetland impacts, 2,488 square feet of temporary wetland impacts, 21,419 square feet of permanent wetland buffer impacts, and 7,294 square feet of temporary wetland buffer impacts on private property. The work within the City ROW is exempt. Said property is located on Assessor's Map 243 Lots 50, 52 and 53, Map 242 Lots 3 and 4, Map 244 Lots 10-A and 10-B, Map 235 Lot 7 and Map 255 Lot 2 and lies within the Municipal (M) District.

Project Background

The City of Portsmouth, through the Department of Public Works, requests a Wetland Conditional Use Permit in connection with the reconstruction of approximately one mile of Peverly Hill Road between West Road and Middle Road. The project consists of roadway improvements, upgraded drainage infrastructure, installation of new curbing, construction of a new sidewalk and shared-use path, stormwater management facilities, and associated utility and safety improvements intended to improve transportation, accessibility, and water quality along the corridor.

While improvements located within the public right-of-way are exempt from the City's Wetland Conditional Use Permit requirements, portions of the project extend onto several adjacent private properties and therefore require Planning Board approval. On private property, the project proposes approximately 970 square feet of permanent wetland impacts, 2,488 square feet of temporary wetland impacts, 21,419 square feet of permanent prime wetland buffer impacts, and 7,294 square feet of temporary prime wetland buffer impacts.



Staff Analysis – Wetland CUP

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

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

This area of roadway does not have existing stormwater treatment and has wetlands on both sides of the road. This project proposes capturing that stormwater and allowing it to infiltrate through two sediment basins and a large gravel wetland that will consist of a mix of gravel and wetland plantings, allowing for filtration and a slow release into the prime wetland system of Sagamore Creek.

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

This project aims to improve public safety and increase alternative modes of transportation (encouraging walking and cycling) in this part of Portsmouth. Other alternatives have not proven possible, and the placement of the proposed gravel wetland has been kept as far from the prime wetland edge as possible. Due to constraints such as easements and working with private property owners, the current plan is the alternative that pulls the most impacts from the wetlands and buffers along the road while allowing a public interest project to traverse through private property.

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

or surrounding properties.

This project proposes a large amount of both permanent and temporary impacts within the wetland and wetland buffer. The improvements to drainage and filtration of stormwater should help improve the water quality entering the neighboring wetland systems and the reseeding of disturbed areas should help to stabilize soils. The applicant should use native wetland and wetland buffer seed mixes in all wetland and wetland buffer disturbed areas. Applicant must demonstrate if the NHDOT slope seed mix is appropriate for a NH wetland and/or wetland buffer.

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

This project will be altering existing vegetation in some areas. The applicant proposes two different seed mixes to be utilized for replanting. In areas where appropriate, the applicant should consider the installation of native trees and shrubs in addition to the seed mixes.

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

This project proposes a large amount of both permanent and temporary impacts within the wetland and wetland buffer. The applicant is proposing that the capturing and filtration of stormwater off of Peverly Hill Road helps offset these impacts by improving the water quality of the surrounding wetland systems and buffers.

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 on all sections of the roadway therefore it is difficult to interpret the direct impacts to the 25' vegetated buffer strip. Applicant should clearly delineate this and describe mitigation proposed within those areas (if applicable).

Project Review, Decisions, and Recommendations

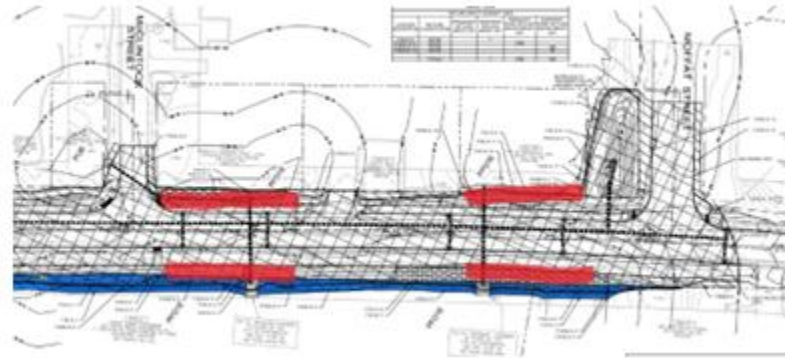
The project was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, [August 12, 2026](#) the Commission unanimously (7-0) to recommend approval with the following conditions:

- 1) *Chamfered curbing with a slope of 45 degrees or less shall be shown on plans*

and shall be installed in the stretch of the roadway along Map 243 Lot 50 and Map 243 Lot 52, and in the same stretch on the opposite side of the street. See red area in attached plan.



- 2) *The landscaped strip shall be removed along the island at the corner of Banfield and Peverly Hill Road.*
- 3) *Wetland delineation shall be stamped, signed and dated by a NH CWS.*
- 4) *Applicant shall note on plans all areas of disturbance to be reseeded shall be seeded with a native New England wildflower mix, unless private property owners say otherwise for their own individual parcels.*
- 5) *Prior to project completion: In lieu of the requirements of Section 10.1018.40 of the Zoning Ordinance to permanently install wetland boundary markers, applicant shall install an educational sign at some point along the new stretch of the sidewalk or multiuse path with a brief description of the environmental sensitivity of the area, the neighboring prime wetland and how this transportation project improved water quality entering into these systems. As part of this signage, a City of Portsmouth Wetland Boundary Placard shall be included on the signpost for education purposes.*

Planning Department Recommendation
Wetland Conditional Use Permit

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

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

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

- 2.1) *Prior to project completion: In lieu of the requirements of Section 10.1018.40 of the Zoning Ordinance to permanently install wetland boundary markers, applicant shall install an educational sign at some point along the new stretch of the sidewalk or multiuse path with a brief description of the environmental sensitivity of the area, the neighboring prime wetland and how this transportation project improved water quality entering into these systems. As part of this signage, a City of Portsmouth Wetland Boundary Placard shall be included on the signpost for education purposes.*

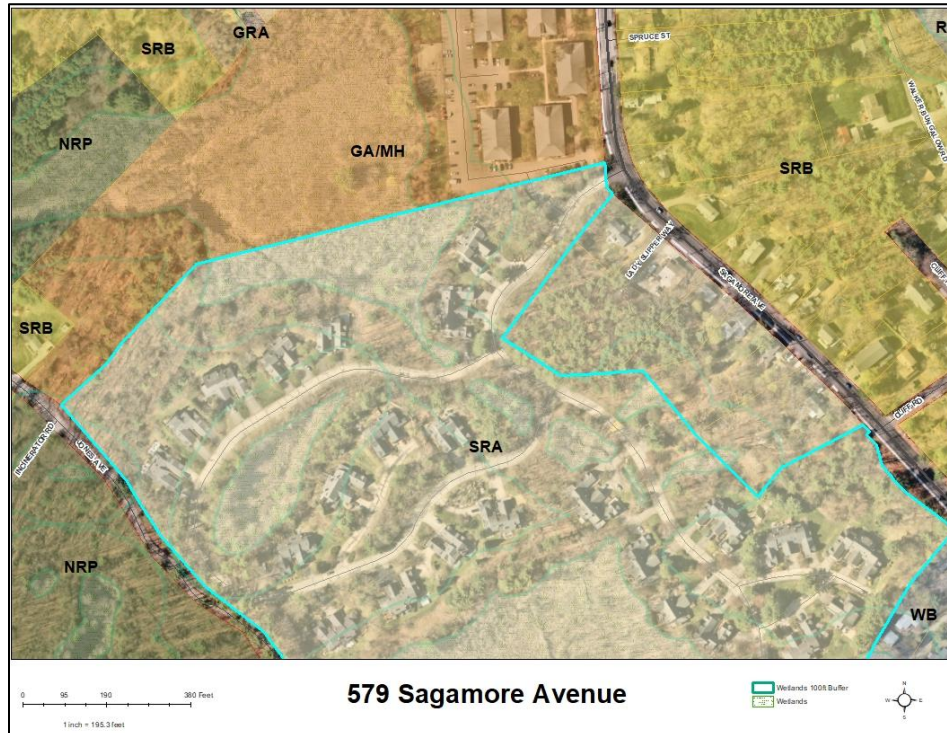
- E. The request of **Tidewatch Condominium Association, (Owner)**, for property located at **579 Sagamore Avenue** requesting an After-the-Fact Wetland Conditional Use Permit for the removal of a mature beech tree within the vegetated no-cut wetland buffer. The applicant is proposing to plant within three locations in the 25-foot buffer to stabilize the area. Said property is located on Assessor's Map 223 Lot 30 and lies within the Single Residence A (SRA) District.

Project Background

The applicant requests approval of an after-the-fact Wetland Conditional Use Permit pursuant to Article 10 of the Zoning Ordinance to mitigate the removal of a mature American Beech tree within the City's 25-foot vegetated wetland buffer. The affected area is approximately 130 square feet and the tree was reportedly diseased and in significant decline due to Beech Leaf Disease.

As mitigation, the applicant proposes restoration of the disturbed area through the planting of native vegetation, including planting of three replacement trees and approximately eight understory shrubs within the disturbed area, along with a two-year monitoring and reporting program.

This application is before the Planning Board as an after-the-fact remedy for unauthorized vegetation removal within the City's regulated 25-foot vegetated wetland buffer. The Board's review is focused not on the appropriateness of the original removal activity, which has already occurred, but on whether the proposed mitigation and restoration plan adequately restores the functions of the wetland buffer and satisfies the applicable Wetland Conditional Use Permit criteria. The proposal includes replacement plantings, wetland buffer placards, and a monitoring program intended to restore vegetation, stabilize soils, and re-establish the buffer functions lost as a result of the tree removal.



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.

The applicant has removed a mature tree within the 25' vegetated buffer. This activity is not allowed within this buffer area and the applicant now proposes to remediate their actions through replanting.

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

This is for an after-the-fact permit to mitigate the impacts of tree removal in a restricted area. Replanting of native trees and shrubs should occur close to the wetland resource, as is proposed here, in order to strengthen the wetland buffer.

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

Any time vegetation is removed from within 25' of a wetland edge, the positive impacts of a wetland buffer could diminish. The replanting of this area will help to mitigate the adverse impacts that have occurred.

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

The natural vegetative state has already been altered. This application proposes necessary mitigation to offset this alteration.

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

This proposal is intended to mitigate existing adverse impacts.

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

This proposal aims to mitigate the removal of an existing tree within the vegetated buffer strip through replanting.

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, [August 12, 2026](#) the Commission unanimously (7-0) to recommend approval with following conditions:

- 1. Applicant shall install one to two permanent wetland boundary markers along the 25-foot wetland buffer edge in the area of impact.*
- 2. Trees to be planted shall be a minimum of 2-inch caliper at the time of planting.*
- 3. Initial watering and ongoing maintenance shall be provided as needed to ensure successful establishment of vegetation.*
- 4. Applicant shall monitor the survival of the three trees and eight shrubs and submit annual reports to the Planning & Sustainability Department for the first two years after installation. If plant survival is less than 80% after two years, replacement planting shall occur.*

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 two wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department.

2.2 Trees to be planted shall be a minimum of 2-inch caliper at the time of planting.

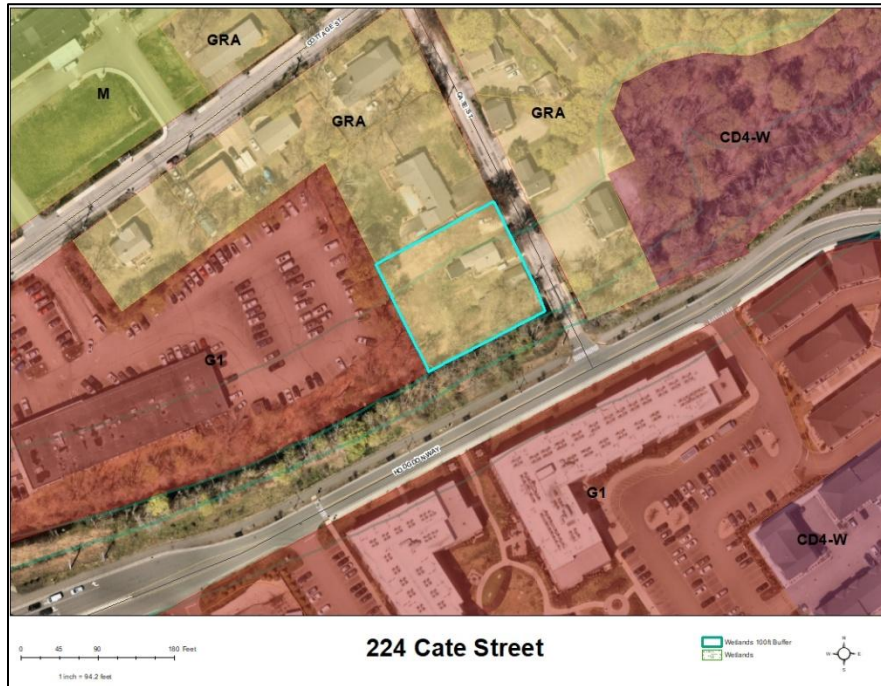
2.3 Applicant shall monitor the survival of the three trees and eight shrubs and submit annual reports to the Planning & Sustainability Department for the first two years after installation. If plant survival is less than 80% after two years, replacement planting shall occur.

- F. The request of **Rezma Shrestha & Mark Esposito (Owners)**, for property located at **224 Cate Street** requesting a Wetland Conditional Use Permit from Section 101017.50 for landscape work which includes regrading, stormwater control, soil aeration, tree removal, and new plantings. The applicant is proposing to regrade approximately 250 square feet of the wetland buffer, removal of dead ash and maple trees, and replant with a mix of native trees and shrubs. Said property is located on Assessor Map 173 Lot 3 and lies within the General Residence A (GRA) District.

Project Background

The applicant requests approval Conditional Use Permit for improvements on an existing residential property that was previously the subject of Planning Board and Conservation Commission review under a Wetland Conditional Use Permit approved in 2025 to address significant wetland buffer disturbances created by the former property owner. The previous owner undertook substantial site alteration activities associated with a proposed rear-lot development, including soil compaction, grading, deposition of construction fill within the wetland buffer, vegetation loss, and other disturbances that ultimately required wetland restoration and permitting review. The current owners purchased the property after those activities occurred and have continued restoration efforts initiated under the prior approval.

The proposal includes regrading approximately 250 square feet of lawn area located more than 80 feet from the wetland boundary to improve drainage away from the house foundation, replacement of failed arborvitae plantings, selective removal of poor-quality and dead trees, installation of additional native and wildlife-supporting vegetation, repair of localized areas containing construction debris and fill left by prior activities, and continued stabilization and restoration of buffer areas.



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 wetland buffer has previously been disturbed and just recently has had an area of the buffer planted for restoration. The applicant has noted how some areas of soil on the property are unhealthy, along with some existing plants, which makes further restoration and careful landscape planning critical to maintaining a healthy wetland buffer.

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

A majority of this property is within the wetland buffer of Hodgson Brook and much of the landscaped area falls within the City's 'no-cut' vegetated buffer which is 40' from the edge of the wetland in this case. This landscaping work should add additional vegetation to this vegetated buffer and further help to stabilize the bank and protect the brook.

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

This proposal hopes to increase the functional values of the site through increasing the health of the wetland buffer and soils through replanting and soil remediation work.

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

Alteration of the natural vegetative state will occur through removal of trees, regrading, stormwater upgrades and soil remediation. The applicant is proposing to offset these alterations by introducing new plantings and improving soil health.

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

This proposal does include areas of temporary impact from soil disruption and tree removal, but the applicant is proposing to offset those impacts through replanting and improving soil health.

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

The applicant is proposing new plantings and spot repairs of existing soil within the 40' vegetated buffer strip. This should enhance the natural state of this buffer.

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, [August 12, 2026](#) the Commission unanimously (7-0) to recommend approval with following conditions:

- 1. No excavation shall occur below the top of the bank of Hodgson Brook as part of this work.*
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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 No excavation shall occur below the top of the bank of Hodgson Brook as part of this work.*
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- G. **POSTPONED** The request of **124 Group Inc (Owner)**, for property located at **124 Heritage Avenue** requesting a Wetland Conditional Use Permit from Section 10.1017.50 and Amended Site Plan Approval for minor site improvements including stormwater conveyance modifications, a garden, ADA accessible ramp, parking lot re-striping, lighting, and landscaping. Said property is located on Assessor's Map 284 Lot 8 and lies within the Industrial (I) District. **POSTONED**

H. Site Plan Review Regulation Amendments to Article 1, 2, 3, 4, and 5 of the Site Plan Review Regulations

The proposed amendments to the Site Plan Regulations (SPR) simplify the parking regulations while retaining the standards necessary for effective site plan review. The current draft replaces the prior use-specific parking table with a smaller number of broad use types, simplifying the parking table while preserving a useable framework for determining parking requirements.

The amendments eliminate several detailed provisions carried over from the Zoning Ordinance, including the shared parking occupancy and associated percentage reduction tables. These have been replaced with performance-based standards that allow parking reductions, shared parking arrangements, and other parking modifications when the applicant demonstrates that anticipated parking demand can be met.

In addition, loading area requirements have been simplified by replacing use-specific standards with review criteria based on the scale and operation of the proposed use. The amendments consolidate parking reductions, shared parking, off-site parking, reserve parking, and parking demand analysis provisions into a single Parking Flexibility section. The amendments retain parking stall dimensions, aisle widths, accessible parking requirements, pedestrian circulation requirements, and other parking facility design standards.

Staff recommends that any Planning Board adoption of the proposed Site Plan Review Regulation amendments be conditioned upon and become effective concurrently with the City Council's adoption of the corresponding zoning amendments. This approach ensures continuity of parking regulation and avoids any period during which parking requirements would be governed by neither the Zoning Ordinance nor the Site Plan Review Regulations.

Planning Department Recommendation on Site Plan Regulation Amendments

Vote to adopt the proposed Site Plan Review Regulation amendments, (as presented/as amended), with an effective date concurrent with the effective date of the corresponding parking-related zoning amendments currently before the City Council.

I. Subdivision Ordinance Amendments to Section II Definitions of the Subdivision Ordinance

The current definition of “abutter” in the Subdivision Ordinance is below:

Abutter: Any person who owns land within two hundred (200) of the boundaries of the land under consideration.

Based on the recent change to NH State law and to be consistent with recent zoning amendments the Board forwarded to City Council, staff recommends the following change to the definition of abutter in the Subdivision Ordinance:

Abutter: A person or entity meeting the definition of "abutter" contained in RSA 672:3, as amended.

Planning Department Recommendation on Subdivision Ordinance Amendments

Vote to amend the Subdivision Ordinance as presented.

IV. CITY COUNCIL REFERRALS

A. 0 Elm Street

Background

The City Council has referred a request concerning 0 Elm Street to the Planning Board for review and comment pursuant to RSA 674:41, I(d). The applicant seeks authorization from the City Council to allow the issuance of a building permit for the construction of a single-family dwelling on property located at 0 Elm Street (Tax Map 210, Lot 15), which is proposed to be accessed via an existing private driveway located within the Forrest Street right-of-way.

The property is located at the corner of the paper streets known as Elm Street and Forrest Street. According to the applicant, Elm Street has never been constructed and Forrest Street has only been improved through a privately maintained driveway serving nearby properties. The subject lot is identified on historic subdivision plans recorded in 1902 and revised in 1919. The applicant asserts that, rather than pursuing a determination regarding the status of the paper streets, the request should proceed under RSA 674:41, I(d), which allows the local governing body, after review and comment by the Planning Board, to authorize issuance of building permits on a private road under certain conditions.

The applicant indicates that development of the lot would require additional approvals, including relief from the Zoning Board of Adjustment and one or more Conditional Use Permits from the Planning Board. Authorization under RSA 674:41, I(d) would not constitute land use approval for the proposed dwelling but would allow the applicant to proceed with the permitting process and seek any required approvals from applicable boards.

The Planning Board's role at this stage is limited to providing review and comment to the City Council regarding the request under RSA 674:41, I(d). The City Council will ultimately determine whether to authorize the issuance of a building permit subject to the statutory requirements, including acknowledgement that the City assumes no responsibility for maintenance of the private access or liability resulting from its use. A memo from Deputy City Attorney McCourt will be provided separately outlining potential actions for the Board to consider.

B. 361 Hanover Street – Landscape and Pole license over City property

The applicant requests a license agreement allowing the maintenance and landscaping of a portion of City-owned property and the location of a transformer. The proposed license area is located on City-owned land that abuts the approved redevelopment project at 361 Hanover Street. The City Charter requires Planning Board review of "[a]ny acquisition or disposition of municipal real property, including fee transfers, easements and licenses" prior to final action by the City Council. The Planning Board's role is advisory and intended to ensure that municipal land use decisions are considered within the context of the City's comprehensive planning objectives.

ARTICLE VI: REFERRALS TO PLANNING BOARD (Added 12/21/2009)

Section 11.601: INTENT

The intent of this Article is to ensure that proposed municipal actions relating to land acquisition, disposition or use, and to the laying out, construction or discontinuance of public streets, are considered in the context of the City's comprehensive planning.

Section 11.602: REFERRAL AND REPORT

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
 - (1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
 - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.
- C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

Planning Department Recommendation

Vote to recommend that the City Council approve a landscape license and pole license subject to review by the Legal Department.

C. Housing Action Plan

Background

The City Council, at their August 3, 2026 meeting, referred the Housing Action Plan (HAP) for review and comment. The plan builds upon more than a decade of housing studies, public engagement, zoning updates, and policy initiatives, and is intended to provide a practical framework for increasing housing opportunities, improving affordability, and supporting implementation of the City's ongoing Master Plan update. The HAP was developed by staff and the Housing Committee and referred to the City Council. Two public meetings will be held, September 23rd and September 28th.

Planning Department Recommendation

Vote to recommend the City Council accept the Housing Action Plan as presented/amended following the public input meetings.

D. Heritage Commission

At the July 13, 2026 City Council meeting, the Council voted to request the Planning Board review the potential establishment of a Heritage Commission and report back to City Council by September 28, 2026. Below is the excerpt from the Council meeting minutes where this was discussed:

Discussion followed about historic homes, concerns with losing valuable heritage buildings and historical information. A Heritage Commission would help provide additional review processes and preservation of naturally occurring affordable housing, apply for grants and education around preservation.

At the August 20, 2026 Planning Board meeting, the Board discussed several approaches to historic preservation outside of the Historic District. Discussion focused on the respective roles of creating a Heritage Commission, the Historic District Commission (HDC), and the existing Demolition Review Ordinance (DRO). The Board also discussed whether additional preservation tools could be developed to address demolition of historically significant structures located outside of the Historic District.

As discussed at the August meeting, a Heritage Commission would serve primarily in an advisory capacity. Potential functions could include conducting historic resource surveys, maintaining inventories of significant historic properties, advising land use boards, applying for grants, promoting public education, and making recommendations regarding preservation policies. While a Heritage Commission may review and comment on projects affecting historic resources, it would not generally possess independent regulatory authority to deny a demolition request.

The Board also discussed the City's existing regulatory tools. Portsmouth currently maintains both the Historic District Commission and the Demolition Review Ordinance. The HDC exercises regulatory authority within the Historic District, while the DRO provides a path for public notice, review, and possible delay of demolitions outside of the Historic District. The Demolition Review Committee has met only three times during the past nine years, suggesting either relatively limited use of the ordinance or limited objection-triggered reviews.

During its August 20 discussion, the Planning Board also considered whether RSA 674:21 (Innovative Land Use Controls) could provide an alternative framework for historic resource protection. The statute authorizes municipalities to adopt innovative land use regulations and designate a board responsible for administering those regulations. This authority could potentially support development of preservation-oriented design standards, demolition review requirements, neighborhood conservation districts, or other regulations intended to protect historic resources outside the Historic District. Unlike a Heritage Commission, which would generally serve in an advisory capacity,

regulations adopted pursuant to RSA 674:21 could provide direct regulatory authority to the Planning Board. This would require developing standards, review criteria, and findings in order to properly review and act on proposals.

The City Council's objectives should guide the next steps. The draft motions below are offered for the Board's consideration in advising the Council on this referral.

Planning Department Recommendation

Option 1: Establish a Heritage Commission

Vote to recommend the City Council establish a Heritage Commission pursuant to RSA 674:44-a and 44-b to assist with historic resource inventories, preservation planning, public education, grant opportunities, and advisory review of matters affecting historic and cultural resources throughout the City.

Option 2: Recommend Further Study

Vote to recommend the City Council further evaluate the scope, responsibilities, membership, staffing requirements, and relationship to existing boards and commissions before establishing a Heritage Commission, and direct staff to prepare additional information for consideration.

Option 3: Innovative Land Use

Vote to recommend the City Council evaluate the use of Innovative Land Use Controls pursuant to RSA 674:21 as a means of protecting historic resources and neighborhood character outside of the Historic District, including, but not limited to demolition review standards, neighborhood conservation/preservation districts, and design review standards.

E. Preapproved Plans for Accessory Dwelling Units

Background

At the June 22, 2026 meeting, the City Council voted to request the Planning & Sustainability Department, in collaboration with the Housing Committee and Planning Board, review already preapproved ADU plans used by other communities to determine whether the City of Portsmouth can adopt existing plans to be approved for use. Below is the discussion from the meeting minutes related to this request.

Councilor Cook explained her reason for this recommendation. She would like for the City to stay ahead of the trend. She explained that the Housing Blue Ribbon Committee is currently working on their Housing Action Plan and is asking for this to be included in that process and that the Planning & Sustainability and Legal Departments look at this in conjunction with the Housing Committee and the Planning Board. Councilor Moreau suggested we ask for a report back from the Legal Department regarding the use of other communities' preapproved plans. Councilor Tabor would like more explanation about how the plans fall within historic district guidelines. Outside the Historic District, the process and cost of approving an ADU is beneficial. Councilor Bagley mentioned this would make things more available by right of home ownership. The more things we can allow our residents to do by right, the easier it may be for them to stay in their homes. In addition to reaching out to other communities with established ADU plans, he mentioned reaching out to Cole Peterson from Portland, Oregon, a guru regarding ADUs for the past 20 years.

Several states and municipalities have recently implemented programs that provide homeowners with standardized ADU designs that have undergone advance review for code compliance. These programs are intended to reduce architectural design costs, shorten permitting timelines, and simplify the process of constructing an ADU. While site-specific review for zoning compliance, utilities, drainage, and other local requirements is typically still required, the building design itself has already been reviewed and approved.

In 2026, the Massachusetts Executive Office of Housing and Livable Communities launched an [ADU Design Challenge](#) and now maintains a library of free downloadable ADU designs. The program was established to make ADUs easier and more affordable by providing ready-to-use plans that can reduce design costs and streamline permitting. The designs were specifically developed to address New England building conditions and housing needs.

The State of Vermont is currently developing the "[802 Homes](#)" catalog through its Homes for All initiative. The program will provide community-tested, construction-ready plans, including ADUs and other small-scale housing types, that municipalities may adopt to streamline development review and reduce housing development costs. The

initiative focuses on context-sensitive designs compatible with Vermont's existing communities and village centers.

The City could consider developing a Portsmouth-specific catalog of preapproved ADU designs through its own local ADU Design Challenge seeking submissions from architects, builders, and designers. The designs could be tailored to local zoning requirements, neighborhood context, and the Historic District along with compliance with the building code. Issues that may arise from using other municipalities' plans include licensing, ownership rights, compatibility with New Hampshire building codes, and other local regulations.

The Housing Committee has not discussed this topic yet, but if there are comments or ideas the Planning Board would want the Housing Committee to know, staff can communicate that when they discuss this at their October meeting.

V. OTHER BUSINESS

A. 1-15 Congress Street – Coliving Conditional Use Permit Extension Request

Background

The applicant is requesting a one-year extension on the Conditional Use Permit granted on September 18, 2025 for coliving use at the above address. The applicant has yet to obtain a building permit and is requesting an extension at this time.

Planning Department Recommendation

Vote to grant a one-year extension of the Conditional Use permit to September 18, 2027.

B. Board Discussion of Regulatory Amendments and Other Matters

i. Article 10 Amendments

A majority of the Conservation Commission members could not attend a work session for September 17, 2026. Staff would request the Planning Board identify a couple dates to offer to the Conservation Commission to hold a work session.

C. Chairman's Updates and Discussion Items

VI. ADJOURNMENT